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ACTS

OF THE

PARLIAMENT OF THE UNITED KINGDOM

OF

GREAT BRITAIN AND IRELAND

PASSED IN THE SESSION HELD IN THE

57TH AND 58TH YEARS OF THE REIGN OF HER MAJESTY

QUEEN VICTORIA

BEING THE THIRD SESSION OF THE TWENTY-FIFTH PARLIAMENT OF THE
UNITED KINGDOM



OTTAWA

PRINTED BY SAMUEL EDWARD DAWSON

LAW PRINTER (FOR CANADA) TO THE QUEEN'S MOST EXCELLENT MAJESTY

ANNO DOMINI 1895

Merchant Shipping Act, 1894.

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57-58 VICTORIA.

CHAP. 60.

An Act to consolidate Enactments relating to Merchant Shipping. A.D. 1894.

[25th August, 1894.]

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:—

PART I.

REGISTRY.

Qualification for owning British Ships.

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

Qualification for owing British ship.

- (a.) Natural-born British subjects :
- (b.) Persons naturalized by or in pursuance of an Act of Parliament of the United Kingdom, or by or in pursuance of an Act or ordinance of the proper legislative authority in a British possession :
- (c.) Persons made denizens by letters of denization ; and
- (d.) Bodies corporate established under and subject to the laws of some part of Her Majesty's dominions, and having their principal place of business in those dominions :

Provided that any person who either—

- (i.) being a natural-born British subject has taken the oath of allegiance to a foreign sovereign or state or has otherwise become a citizen or subject of a foreign state ; or
 - (ii.) has been naturalized or made a denizen as aforesaid ;
- shall not be qualified to be owner of a British ship unless, after taking the said oath, or becoming a citizen or subject of a foreign state, or on or after being naturalized or made denizen as aforesaid, he has taken the oath of allegiance to Her Majesty the Queen, and is during the

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time he is owner of the ship either resident in Her Majesty's dominions, or partner in a firm actually carrying on business in Her Majesty's dominions.

Obligation to register British Ships.

Obligation to register British ships.

2.—(1.) Every British ship shall, unless exempted from registry, be registered under this Act.

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

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

Exemptions from registry.

3. The following ships are exempted from registry under this Act:—

(1.) 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 the ships are resident :

(2.) 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 portions of the coasts of Canada as lie bordering on that gulf.

Procedure for Registration.

Registrars of British ships.

4.—(1.) The following persons shall be registrars of British ships:—

(a.) At any port in the United Kingdom, or Isle of Man, approved by the Commissioners of Customs for the registry of ships, the chief officer of customs :

(b.) In Guernsey and Jersey, the chief officers of customs together with the governor :

(c.) In Malta and Gibraltar, the governor :

(d.) At Calcutta, Madras, and Bombay, the port officer :

(e.) At any other port in any British possession approved by the governor of the possession for the registry of ships, the chief officer of customs, or, if there is no such officer there resident, the governor of the possession in which the port is situate, or any officer appointed for the purpose by the governor :

(f.) At a port of registry established by Order in Council under this Act, persons of the description in that behalf declared by the Order :

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(2.) Notwithstanding anything in this section Her Majesty may by Order in Council declare, with respect to any British possession named in the Order, not being the Channel Islands or the Isle of Man, the description of persons who are to be registrars of British ships in that possession.

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

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

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

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

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

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

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

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

7.—(1.) Every British ship shall before registry be marked permanently and conspicuously to the satisfaction of the Board of Trade as follows :—

(a.) Her name shall be marked on each of her bows, and her name and the name of her port of registry must be marked

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on her stern, on a dark ground in white or yellow letters, or on a light ground in black letters, such letters to be of a length not less than four inches, and of proportionate breadth;

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

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

(2.) The Board of Trade may exempt any class of ships from all or any of the requirements of this section, and a fishing boat entered in the fishing boat register, and lettered and numbered in pursuance of the Fourth Part of this Act, need not have her name and port of registry marked under this section;

(3.) If the scale of feet showing the ship's draught of water is in any respect inaccurate, so as to be likely to mislead, the owner of the ship shall be liable to a fine not exceeding one hundred pounds;

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

(5.) If an owner or master of a British ship neglects to cause his ship to be marked as required by this section, or to keep her so marked, or if any person 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, that owner, master, or person shall for each offence be liable to a fine not exceeding one hundred pounds, and on a certificate from a surveyor of ships, or Board of Trade inspector under this Act, that a ship is insufficiently or inaccurately marked the ship may be detained until the insufficiency or inaccuracy has been remedied.

Application
for registry.

8. An application for registry of a ship shall be made in the case of individuals by the person requiring to be registered as owner, or by some one or more of the persons so requiring if more than one, or by his or their agent, and in the case of corporations by their agent, and the authority of the agent shall be testified by writing, if appointed by individuals, under the hands of the appointors, and, if appointed by a corporation, under the common seal of that corporation.

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

Declaration of ownership on registry.

- (i.) A statement of his qualification to own a British ship, or in the case of a corporation, of such circumstances of the constitution and business thereof as prove it to be qualified to own a British ship :
- (ii.) A statement of the time when and the place where the ship was built, or, if the ship is foreign built, and the time and place of building unknown, a statement that she is foreign built, and that the declarant does not know the time or place of her building ; and, in addition thereto, in the case of a foreign ship, a statement of her foreign name, or, in the case of a ship condemned, a statement of the time, place and court at and by which she was condemned :
- (iii.) A statement of the name of the master :
- (iv.) A statement of the number of shares in the ship of which he or the corporation, as the case may be, is entitled to be registered as owner.
- (v.) A declaration that, to the best of his knowledge and belief, no unqualified person or body of persons is entitled as owner to any legal or beneficial interest in the ship or any share therein.

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

Evidence on first registry.

- (a.) in the case of a British-built ship, a builder's certificate, that is to say, a certificate signed by the builder of the ship, and containing a true account of the proper denomination and of the tonnage of the ship, as estimated by him, and of the time when and the place where she was built, and of the name of the person (if any) on whose account the ship was built, and if there has been any sale, the bill of sale under which the ship, or a share therein, has become vested in the applicant for registry :
- (b.) in the case of a foreign-built ship, the same evidence as in the case of a British-built ship, unless the declarant who makes the declaration of ownership declares that the time and place of her building are unknown to him, or that the builder's certificate cannot be procured, in which case there shall be required only the bill of sale under which the ship, or a share therein, became vested in the applicant for registry :

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

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

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

Entry of particulars in register book.

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

- (a.) the name of the ship and the name of the port to which she belongs:
- (b.) the details comprised in the surveyor's certificate:
- (c.) the particulars respecting her origin stated in the declaration of ownership: and
- (d.) the name and description of her registered owner or owners, and if there are more owners than one, the proportions in which they are interested in her.

Documents to be retained by registrar.

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

Port of registry.

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

Certificate of Registry.

Certificate of registry.

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

Custody of certificate.

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

(2.) If any person, whether interested in the ship or not, refuses on request to deliver up the certificate of registry when

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

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

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

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

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

(2.) If the port (having a British registrar or consular officer) at which the ship is at the time of the event, or first arrives after the event—

(a.) is not in the United Kingdom, where the ship is registered in the United Kingdom; or,

(b.) is not in the British possession in which the ship is registered; or,

(c.) where the ship is registered at a port of registry established by Order in Council under this Act, is not that port; then the master of the ship, or some other person having knowledge of the facts of the case, shall make a declaration stating the facts of the case, and the names and descriptions of

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the registered owners of such ship to the best of the declarant's knowledge and belief, and the registrar or consular officer, as the case may be, shall thereupon grant a provisional certificate, containing a statement of the circumstances under which it is granted.

(3.) The provisional certificate shall within ten days after the first subsequent arrival of the ship at her port of discharge in the United Kingdom, where she is registered in the United Kingdom, or in the British possession in which she is registered, or where she is registered at a port of registry established by Order in Council under this Act at that port, be delivered up to the registrar of her port of registry, and the registrar shall thereupon grant the new certificate of registry; and if the master without reasonable cause fails to deliver up the provisional certificate within the ten days aforesaid, he shall be liable to a fine not exceeding fifty pounds.

Endorsement
of change of
master on cer-
tificate.

19. Where the master of a registered British ship is changed, each of the following persons, that is to say—

- (a.) if the change is made in consequence of the sentence of a naval court, the presiding officer of that court; and
- (b.) if the change is made in consequence of the removal of the master by a court under Part VI. of this Act, the proper officer of that court; and
- (c.) if the change occurs from any other cause, the registrar, or if there is none the British consular officer, at the port where the change occurs,

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

Endorsement
of change of
ownership on
certificate.

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

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

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

(4.) If the master fails to deliver to the registrar the certificate of registry as required by this section he shall, for each offence, be liable to a fine not exceeding one hundred pounds.

21.—(1.) In the event of a registered ship being either actually or constructively lost, taken by the enemy, burnt, or broken up, or ceasing by reason of a transfer to persons not qualified to be owners of British ships or otherwise, to be a British ship, every owner of the ship or any share in the ship shall, immediately on obtaining knowledge of the event, if no notice thereof has already been given to the registrar, give notice thereof to the registrar at her port of registry, and that registrar shall make an entry thereof in the register book.

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

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

(3.) If any such owner or master fails, without reasonable cause, to comply with this section, he shall for each offence be liable to a fine not exceeding one hundred pounds.

22.—(1.) If at a port not within Her Majesty's dominions and not being a port of registry established by Order in Council under this Act, a ship becomes the property of persons qualified to own a British ship, the British consular officer there may grant to her master, on his application, a provisional certificate, stating:—

Provisional certificate for ships becoming British-owned abroad.

(a.) the name of the ship;

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

(c.) the name of her master; and

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

and shall forward a copy of the certificate at the first convenient opportunity to the Registrar General of Shipping and Seamen.

(2.) Such a provisional certificate shall have the effect of a certificate of registry until the expiration of six months from

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its date, or until the ship's arrival at a port where there is a registrar (whichever first happens), and on either of those events happening shall cease to have effect.

Temporary passes in lieu of certificates of registry.

23. Where it appears to the Commissioners of Customs, or to the governor of a 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 any port in Her Majesty's dominions to any other port within Her Majesty's dominions, the commissioners or the governor may grant a pass accordingly, and that pass shall, for the time and within the limits therein mentioned, have the same effect as a certificate of registry.

Transfers and Transmissions.

Transfer of ships or shares.

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

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

Declaration of transfer.

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

- (a.) a statement of the qualification of the transferee to own a British ship, or if the transferee is a corporation, of such circumstances of the constitution and business thereof as prove it to be qualified to own a British ship; and
- (b.) a declaration that, to the best of his knowledge and belief, no unqualified person or body of persons is entitled as owner to any legal or beneficial interest in the ship or any share therein.

Registry of transfer.

26.—(1.) Every bill of sale for the transfer of a registered ship or of a share therein, when duly executed, shall be produced to the registrar of her port of registry, with the declaration of transfer, and the registrar shall thereupon enter in the register book the name of the transferee as

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owner of the ship or share, and shall endorse on the bill of sale the fact of that entry having been made, with the day and hour thereof.

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

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

Transmission of property in ship on death, bankruptcy, marriage, &c.

- (a.) That person shall authenticate the transmission by making and signing a declaration (in this Act called a declaration of transmission) identifying the ship and containing the several statements hereinbefore required to be contained in a declaration of transfer, or as near thereto as circumstances admit, and also a statement of the manner in which and the person to whom the property has been transmitted.
- (b.) If the transmission takes place by virtue of marriage, the declaration shall be accompanied by a copy of the register of the marriage or other legal evidence of the celebration thereof, and shall declare the identity of the female owner.
- (c.) If the transmission is consequent on bankruptcy, the declaration of transmission shall be accompanied by such evidence as is for the time being receivable in courts of justice as proof of the title of persons claiming under a bankruptcy.
- (d.) If the transmission is consequent on death, the declaration of transmission shall be accompanied by the instrument of representation, or an official extract therefrom.

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

28.—(1.) Where the property in a registered ship or share therein is transmitted on marriage, death, bankruptcy, or otherwise to a person not qualified to own a British ship, then—

Order for sale on transmission to unqualified person.

if the ship is registered in England or Ireland, the High Court; or

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if the ship is registered in Scotland, the Court of Session ;
or

if the ship is registered in any British possession, the court
having the principal civil jurisdiction in that possession ; or

if the ship is registered in a port of registry established by
Order in Council under this Act, the British court having
the principal civil jurisdiction there ;

may on application by or on behalf of the unqualified person,
order a sale of the property so transmitted, and direct that the
proceeds of the sale, after deducting the expenses thereof, be
paid to the person entitled under such transmission or other-
wise as the court direct.

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

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

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

Transfer of
ship or sale by
order of court.

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

Power of
court to pro-
hibit transfer.

30. Each of the following courts, namely :—
(a.) in England or Ireland the High Court,
(b.) in Scotland the Court of Session,
(c.) in any British possession the court having the principal
civil jurisdiction in that possession ; and
(d.) in the case of a port of registry established by Order
in Council under this Act, the British court having the
principal civil jurisdiction there,
may, if the court think fit (without prejudice to the exercise
of any other power of the court), on the application of any

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

Mortgages.

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

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

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

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

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

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Mortgagee to have power of sale.

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

Mortgage not affected by bankruptcy.

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

Transfer of mortgages.

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

Transmission of interest in mortgage by death, bankruptcy, marriage, &c.

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

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

Certificates of Mortgage and Sale.

Powers of mortgage and sale may be conferred by certificate.

39. A registered owner, if desirous of disposing by way of mortgage or sale of the ship or share in respect of which he is registered at any place out of the country in which the port of

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registry of the ship is situate, may apply to the registrar, and the registrar shall thereupon enable him to do so by granting a certificate of mortgage or a certificate of sale.

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

Requisites for certificates of mortgage and sale.

- (i.) the name of the person by whom the power mentioned in the certificate is to be exercised, and in the case of a mortgage the maximum amount of charge to be created, if it is intended to fix any such maximum, and in the case of a sale the minimum price at which a sale is to be made, if it is intended to fix any such minimum:
- (ii.) the place where the power is to be exercised, or if no place is specified, a declaration that it may be exercised anywhere, subject to the provisions of this Act:
- (iii.) the limit of time within which the power may be exercised.

41. A certificate of mortgage or sale shall not be granted so as to authorize any mortgage or sale to be made—

Restrictions on certificates of mortgage and sale.

- If the port of registry of the ship is situate in the United Kingdom, at any place within the United Kingdom; or
 If the port of registry is situate within a British possession, at any place within the same British possession; or
 If the port of registry is established by Order in Council under this Act, at that port, or within such adjoining area as is specified in the order; or
 By any person not named in the certificate.

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

Contents of certificates of mortgage and sale.

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

Rules as to certificates of mortgage.

- (1.) The power shall be exercised in conformity with the directions contained in the certificate:
- (2.) Every mortgage made thereunder shall be registered by the endorsement of a record thereof on the certificate by a registrar or a British consular officer:
- (3.) A mortgage made in good faith thereunder shall not be impeached by reason of the person by whom the power was given dying before the making of the mortgage:

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- (4.) Whenever the certificate contains a specification of the place at which, and a limit of time not exceeding twelve months within which, the power is to be exercised, a mortgage made in good faith to a mortgagee without notice shall not be impeached by reason of the bankruptcy of the person by whom the power was given :
- (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 register book ; and, if there are more mortgages than one so registered, the respective mortgagees claiming thereunder shall, notwithstanding any express, implied, or constructive notice, be entitled one before the other according to the date at which each mortgage is registered on the certificate, and not according to the date of the mortgage :
- (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 endorsed on the certificate by any registrar or British consular officer, on the production of such evidence as is by this Act required to be produced to the registrar on the entry of the discharge of a mortgage in the register book ; and on that endorsement being made, the interest, if any, which passed to the mortgagee shall vest in the same person or persons in whom it would (having regard to intervening acts and circumstances, if any,) have vested, if the mortgage had not been made :
- (8.) On the delivery of any certificate of mortgage to the registrar by whom it was granted he shall, after recording in the register book, in such manner as to preserve its priority, any unsatisfied mortgage registered thereon, cancel the certificate, and enter the fact of the cancellation in the register book ; and every certificate so cancelled shall be void to all intents.

Rules as to
certificates of
sale.

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

- (1.) A certificate of sale shall not 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 :

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- (3.) A sale made in good faith thereunder to a purchaser for valuable consideration shall not be impeached by reason of the person by whom the power was given dying before the making of such sale :
- (4.) Whenever the certificate contains a specification of the place at which, and a limit of time not exceeding twelve months within which, the power is to be exercised, a sale made in good faith to a purchaser for valuable consideration without notice shall not be impeached by reason of the bankruptcy of the person by whom the power was given :
- (5.) A transfer made to a person qualified to be the owner of a British ship shall be by a bill of sale in accordance with this Act :
- (6.) If the ship is sold to a person qualified to be the owner of a British ship the ship shall be registered anew ; but notice of all mortgages enumerated on the certificate of sale shall be entered in the register book :
- (7.) Before 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.) The last-mentioned registrar shall retain the certificates of sale and registry, and after having endorsed on both of those instruments an entry of the fact of a sale having taken place, shall forward them to the registrar of the port appearing thereon to be the former port of registry of the ship, and the last-mentioned registrar shall thereupon make a memorandum of the sale in his register book, and the registry of the ship in that book shall be considered as closed, except as far as relates to any unsatisfied mortgages or existing certificates of mortgage entered therein :
- (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 transferee :
- (10.) If the ship is sold to a person not qualified to be the owner of a British ship, the bill of sale by which the ship is transferred, the certificate of sale, and the certificate of registry shall be produced to a registrar or British consular officer, and that registrar or officer shall retain the certificates of sale and registry, and, having endorsed thereon the fact of that ship having been sold to a person not qualified to be the owner of a British ship, shall forward the certificates to the registrar of the port appearing on the certificate of registry to be the port of registry of

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that ship; and that registrar shall thereupon make a memorandum of the sale in his register book, and the registry of the ship in that book shall be considered as closed, except so far as relates to any unsatisfied mortgages or existing certificates of mortgage entered therein :

- (11.) If, on a sale being made to a person not qualified to be the owner of a British ship, default is made in the production of such certificates as are mentioned in the last rule, that person shall be considered by British law as having acquired no title to or interest in the ship; and further, the person upon whose application the certificate of sale was granted, and the person exercising the power, shall each be liable to a fine not exceeding one hundred pounds :
- (12.) If no sale is made in conformity with the certificate of sale, that certificate shall be delivered to the registrar by whom the same was granted; and he shall thereupon cancel it and enter the fact of the cancellation in the register book; and every certificate so cancelled shall be void for all intents and purposes.

Power of Commissioners of Customs in case of loss of certificate of mortgage or sale.

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

Revocation of certificates of mortgage and sale.

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

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

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

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(4.) A registrar or British consular officer on recording any such notice shall state to the registrar by whom the certificate was granted whether any previous exercise of the power to which such certificate refers has taken place.

Name of Ship.

47.—(1.) A ship shall not be described by any name other than that by which she is for the time being registered. Rules as to name of ship.

(2.) A change shall not be made in the name of a ship without the previous written permission of the Board of Trade.

(3.) Application for that permission shall be in writing, and if the Board are of opinion that the application is reasonable they may entertain it, and thereupon require notice thereof to be published in such form and manner as they think fit.

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

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

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

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

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

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

Registry of alterations.

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

(2.) On failure to register anew a ship or to register an alteration of a ship so altered as aforesaid, that ship shall be deemed not duly registered, and shall not be recognized as a British ship.

Regulations for registry of alteration.

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

(2.) The particulars of the alterations so made, and the fact of the new certificate having been granted, or endorsement having been made, shall be entered by the registrar of the ship's port of registry in his register book; and for that purpose the registrar to whom the application for the registry of the alteration has been made (if he is not the registrar of the ship's port of registry), shall forthwith report to the last-mentioned registrar the particulars and facts as aforesaid, accompanied, where a new certificate of registry has been granted, by the old certificate of registry.

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

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

(2.) Every such provisional certificate, or certificate provisionally endorsed, shall, 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 she is registered in a British possession, at her port of discharge in that British possession, or, if she is registered at a port of registry established by Order in Council under this Act, at

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that port, be delivered up to the registrar thereof, and that registrar shall cause the ship to be registered anew.

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

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

Registry anew
on change of
ownership.

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

Procedure for
registry anew.

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

53.—(1.) The registry of any ship may be transferred from one port to another on the application to the registrar of the existing port of registry of the ship made by declaration in writing of all persons appearing on the register to be interested therein as owners or mortgagees, but that transfer shall not in any way affect the rights of those persons or any of them, and those rights shall in all respects continue in the same manner as if no such transfer had been effected.

Transfer of
registry.

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

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

(4.) On the receipt of the above documents the registrar of the intended port of registry shall enter in his register book all

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the particulars and names so transmitted as aforesaid, and grant a fresh certificate of registry, and thenceforth such ship shall be considered as registered at the new port of registry, and the name of the ship's new port of registry shall be substituted for the name of her former port of registry on the ship's stern.

Restrictions on re-registration of abandoned ships.

54. 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, the ship shall not be re-registered until she has, at the expense of the applicant for registration, been surveyed by a surveyor of ships and certified by him to be seaworthy.

Incapacitated Persons.

Provision for cases of infancy or other incapacity.

55.—(1.) Where by reason of infancy, lunacy, or any other cause any person interested in any ship, or any share therein, is incapable of making any declaration or doing anything required or permitted by this Act to be made or done in connection with the registry of the ship or share, the guardian or committee, if any, of that person, or, if there is none, any person appointed on application made on behalf of the incapable person, or of any other person interested, by any court or judge having jurisdiction in respect of the property of incapable persons, may make such declaration, or a declaration as nearly corresponding thereto as circumstances permit, and do such act or thing in the name and on behalf of the incapable person; and all acts done by the substitute shall be as effectual as if done by the person for whom he is substituted.

(2.) The Trustee Act, 1850, and the Acts amending the same, shall, so far as regards the court exercising jurisdiction in lunacy in Ireland, apply to shares in ships registered under this Act as if they were stock as defined by that Act.

Trusts and Equitable Rights.

Notice of trusts not received.

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

Equities not excluded by Act.

57. The expression "beneficial interest," where used in this part of this Act, includes interests arising under contract

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

Liability of Beneficial Owner.

58. Where any person is beneficially interested, otherwise than by way of mortgage, in any ship or share in a ship registered in the name of some other person as owner, the person so interested shall, as well as the registered owner, be subject to all the pecuniary penalties imposed by this or any other Act on the owners of ships or shares therein, so nevertheless that proceedings may be taken for the enforcement of any such penalties against both or either of the aforesaid parties, with or without joining the other of them.

Liability of owners.

Managing Owner.

59.—(1.) The name and address of the managing owner for the time being of every ship registered at a port in the United Kingdom shall be registered at the custom-house of that port.

Ship's managing owner or manager to be registered.

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

(3.) If default is made in complying with this section the owner shall be liable, or if there are more owners than one each owner shall be liable in proportion to his interest in the ship, to a fine not exceeding in the whole one hundred pounds each time the ship leaves any port in the United Kingdom.

Declarations, Inspection of Register, and Fees.

60. When, under this part of this Act, any person is required to make a declaration on behalf of himself or of any corporation, or any evidence is required to be produced to the

Power of registrar to dispense with declarations and other evidence

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registrar, and it is shown to the satisfaction of the registrar that from any reasonable cause that person is unable to make the declaration, or that the evidence cannot be produced, the registrar may, with the approval of the Commissioners of Customs, and on the production of such other evidence, and subject to such terms as they may think fit, dispense with the declaration or evidence.

Mode of making declarations.

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

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

Application of fees.

62. All fees authorized to be taken under this part of this Act, shall, except where otherwise in this Act provided, if taken in any part of the United Kingdom, be applied in payment of the general expenses of carrying into effect this part of this Act, or otherwise as the Treasury may direct; if taken in a British possession, be disposed of in such way as the Executive Government of the possession direct; and if taken at any port of registry established by Order in Council under this Act, be disposed of as Her Majesty in Council directs.

Returns, Evidence and Forms.

Returns to be made by registrars.

63.—(1.) Every registrar in the United Kingdom shall at the expiration of every month, and every other registrar at such times as may be fixed by the Registrar General of Shipping and Seamen, transmit to him a full return, in such form as the said Registrar General may direct, of all registries, transfers, transmissions, mortgages, and other dealings with ships which have been registered by or communicated to him in his character of registrar, and of the names of the persons concerned in the same, and of such other particulars as may be directed by the said Registrar General.

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

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

64.—(1.) A person, on payment of a fee not exceeding one shilling, to be fixed by the Commissioners of Customs, may on application to the registrar at a reasonable time during the hours of his official attendance, inspect any register book.

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

- (a.) Any register book under this part of this Act on its production from the custody of the registrar or other person having the lawful custody thereof ;
 - (b.) A certificate of registry under this Act purporting to be signed by the registrar or other proper officer ;
 - (c.) An endorsement on a certificate of registry purporting to be signed by the registrar or other proper officer ;
 - (d.) Every declaration made in pursuance of this part of this Act in respect of a British ship.
- (3.) A copy or transcript of the register of British ships kept by the Registrar General of Shipping and Seamen under the direction of the Board of Trade shall be admissible in evidence in manner provided by this Act, and have the same effect to all intents as the original register of which it is a copy or transcript.

65.—(1.) The several instruments and documents specified in the second part of the first schedule to this Act shall be in the form prescribed by the Commissioners of Customs, with the consent of the Board of Trade, or as near thereto as circumstances permit; and the Commissioners of Customs may, with the consent of the Board of Trade, make such alterations in the forms so prescribed, and also in the forms set out in the first part of the said schedule, as they may deem requisite.

Forms of documents, and instructions as to registry.

(2.) A registrar shall not be required without the special direction of the Commissioners of Customs to receive and enter in the register book any bill of sale, mortgage, or other instrument for the disposal or transfer of any ship or share, or any interest therein, which is made in any form other than that for the time being required under this part of this Act, or which contains any particulars other than those contained in such form; but the said commissioners shall, before altering the forms, give such public notice thereof as may be necessary in order to prevent inconvenience.

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

(4.) The Commissioners of Customs, with the consent of the Board of Trade, may also, for carrying into effect this part of this Act, give such instructions to their officers as to the manner of making entries in the register book, as to the execution and attestation of powers of attorney, as to any evidence required for identifying any person, as to the referring to themselves of any question involving doubt or difficulty, and generally as to any act or thing to be done in pursuance of this part of this Act, as they think fit.

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Forgery and False Declarations.

Forgery of documents.

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

False declarations.

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

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

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

he shall in respect of each offence be guilty of a misdemeanour.

(2.) If any person wilfully makes a false declaration touching the qualification of himself or of any other person or of any corporation to own a British ship or any share therein, he shall for each offence be guilty of a misdemeanour, and that ship or share shall be subject to forfeiture under this Act, to the extent of the interest therein of the declarant, and also, unless it is proved that the declaration was made without authority, of any person or corporation on behalf of whom the declaration is made.

National Character and Flag.

National character of ship to be declared before clearance.

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

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

Penalty for unduly assuming British character.

69.—(1.) If a person uses the British flag and assumes the British national character on board a ship owned in whole or in part by any persons not qualified to own a British ship, for the purpose of making the ship appear to be a British ship,

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the ship shall be subject to forfeiture under this Act, unless the assumption has been made for the purpose of escaping capture by an enemy or by a foreign ship of war in the exercise of some belligerent right.

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

70. If the master or owner of a British ship does anything or permits anything to be done, or carries or permits to be carried any papers or documents, with intent to conceal the British character of the ship from any person entitled by British law to inquire into the same, or with intent to assume a foreign character, or with intent to deceive any person so entitled as aforesaid, the ship shall be subject to forfeiture under this Act; and the master, if he commits or is privy to the commission of the offence, shall in respect of each offence be guilty of a misdemeanour.

Penalty for concealment of British or assumption of foreign character.

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

Penalty for acquiring ownership if unqualified.

72. Where it is declared by this Act that a British ship shall not be recognized as a British ship, that ship shall not be entitled to any benefits, privileges, advantages, or protection usually enjoyed by British ships, nor to use the British flag or assume the British national character, but so far as regards the payment of dues, the liability to fines and forfeiture, and the punishment of offences committed on board such ship, or by any persons belonging to her, such ship shall be dealt with in the same manner in all respects as if she were a recognized British ship.

Liabilities of ships not recognized as British.

73.—(1.) The red ensign usually worn by merchant ships, without any defacement or modification whatsoever, is hereby declared to be the proper national colours for all ships and boats belonging to any British subject, except in the case of Her Majesty's ships or boats, or in the case of any other ship or boat for the time being allowed to wear any other national colours in pursuance of a warrant from Her Majesty or from the Admiralty.

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

(2.) If any distinctive national colours, except such red ensign or except the Union Jack with a white border, or if any colours usually worn by Her Majesty's ships or resembling

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those of Her Majesty, or if the pendant usually carried by Her Majesty's ships or any pendant resembling that pendant, are or is hoisted on board any ship or boat belonging to any British subject without warrant from Her Majesty or from the Admiralty, the master of the ship or boat, or the owner thereof, if on board the same, and every other person hoisting the colours or pendant, shall for each offence incur a fine not exceeding five hundred pounds.

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

(4.) A fine under this section may be recovered with costs in the High Court in England or Ireland, or in the Court of Session in Scotland, or in any Colonial Court of Admiralty or Vice-Admiralty Court within Her Majesty's dominions.

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

- (a.) where any such offence is prosecuted summarily, the court imposing the fine shall not impose a higher fine than one hundred pounds; and
- (b.) nothing in this section shall authorize the imposition of more than one fine in respect of the same offence.

Penalty on
ship not show-
ing colours.

74.—(1.) A ship belonging to a British subject shall hoist the proper national colours—

- (a.) on a signal being made to her by one of Her Majesty's ships (including any vessel under command of an officer of Her Majesty's navy on full pay), and
- (b.) on entering or leaving any foreign port, and
- (c.) if of fifty tons gross tonnage or upwards, on entering or leaving any British port.

(2.) If default is made on board any such ship in complying with this section, the master of the ship shall for each offence be liable to a fine not exceeding one hundred pounds.

(3.) This section shall not apply to a fishing boat duly entered in the fishing boat register and lettered and numbered as required by the fourth part of this Act.

Saving for
Admiralty.

75. The provisions of this Act with respect to colours worn by merchant ships shall not affect any other power of the Admiralty in relation thereto.

*Merchant Shipping Act, 1894.**Forfeiture of Ship.*

76.—(1.) Where any ship has either wholly or as to any share therein become subject to forfeiture under this part of this Act, Proceedings on forfeiture of ship.

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

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

(c.) any British consular officer,

may seize and detain the ship, and bring her for adjudication before the High Court in England or Ireland, or before the Court of Session in Scotland, and elsewhere before any Colonial Court of Admiralty or Vice-Admiralty Court in Her Majesty's dominions, and the court may thereupon adjudge the ship with her tackle, apparel, and furniture to be forfeited to Her Majesty, and make such order in the case as to the court seems just, and may award to the officer bringing in the ship for adjudication such portion of the proceeds of the sale of the ship, or any share therein, as the court think fit.

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

Measurement of Ship and Tonnage.

77.—(1.) The tonnage of every ship to be registered, with the exceptions hereinafter mentioned, shall, previously to her being registered, be ascertained by Rule I. in the second schedule to this Act, and the tonnage of every ship to which that Rule I. can be applied, whether she is about to be registered or not, shall be ascertained by the same rule. Rules for ascertaining register tonnage.

(2.) Ships which, requiring to be measured for any purpose other than registry, have cargo on board, and ships which, requiring to be measured for the purpose of registry, cannot be measured by Rule I., shall be measured by Rule II. in the said schedule, and the owner of any ship measured under Rule II. may at any subsequent period apply to the Board of Trade to have the ship remeasured under Rule I., and the Board may thereupon, upon payment of such fee not exceeding seven shillings and sixpence for each transverse section as they may

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authorize, direct the ship to be remeasured accordingly, and the number denoting the register tonnage shall be altered accordingly.

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

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

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

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

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

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

Allowance for
engine-room
space in steam-
ships.

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

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

(b.) As regards all other ships, the deduction shall, if the Board of Trade and the owner both agree thereto, be

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estimated in the same manner; but either they or he may, in their or his discretion, require the space to be measured and the deduction estimated accordingly; and whenever the measurement is so required, the deduction shall consist of the tonnage of the space actually occupied by or required to be 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 the space; and in the case of ships propelled by screws, the contents of the shaft trunk shall be added to and deemed to form part of the space; and the measurement of the space shall be governed by Rule III. in the second schedule to this Act.

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

(a.) that portion is first concluded in the measurement of the gross tonnage; and

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

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

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

Deductions
for ascertain-
ing tonnage.

(a.) in the case of any ship,

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

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

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- (iii.) the space occupied by the donkey engine and boiler, if connected with the main pumps of the ship; and
 (b.) in the case of a ship wholly propelled by sails, any space set apart and used exclusively for the storage of sails :

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

- (a.) the space deducted must be certified by a surveyor of ships as reasonable in extent and properly and efficiently constructed for the purpose for which it is intended ;
 (b.) there must be permanently marked in or over every such space a notice stating the purpose to which it is to be applied, and that whilst so applied it is to be deducted from the tonnage of the ship ;
 (c.) the deduction on account of space for storage of sails must not exceed two and a half per cent of the tonnage of the ship.

Provisions as to deductions in case of certain steamships.

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

Measurement of ships with double bottoms for water ballast.

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

Tonnage once ascertained to be the tonnage of ship.

82. Whenever the tonnage of any ship has been ascertained and registered in accordance with the tonnage regulations of this Act, the same shall thenceforth be deemed to be the tonnage of the ship, and shall be repeated in every subsequent

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registry thereof, unless any alteration is made in the form or capacity of the ship, or unless it is discovered that the tonnage of the ship has been erroneously computed; and in either of those cases the ship shall be remeasured, and her tonnage determined and registered according to the tonnage regulations of this Act.

83. Such fees as the Board of Trade determine shall be paid in respect of the measurement of a ship's tonnage not exceeding those specified in the third schedule to this Act, and those fees shall be paid into the Mercantile Marine Fund.

Fees for measurement.

84.—(1.) Whenever it appears to Her Majesty the Queen in Council that the tonnage regulations of this Act have been adopted by any foreign country, and are in force there, Her Majesty in Council may order that the ships of that country shall, without being remeasured in Her Majesty's dominions, be deemed to be of the tonnage denoted in their certificates of registry or other national papers, in the same manner, to the same extent, and for the same purposes as the tonnage denoted in the certificate of registry of a British ship is deemed to be the tonnage of that ship.

Tonnage of ships of foreign countries adopting tonnage regulations.

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

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

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

Space occupied by deck cargo to be liable to dues.

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

(3.) The tonnage of the space shall be ascertained by an officer of the Board of Trade or of Customs in manner directed

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as to the measurement of poops or other closed-in spaces by Rule I. in the second schedule to this Act, and when so ascertained shall be entered by him in the ship's official log-book, and also in a memorandum which he shall deliver to the master, and the master shall, when the said dues are demanded, produce that memorandum in like manner as if it were the certificate of registry, or, in the case of a foreign ship, the document equivalent to a certificate of registry, and in default shall be liable to the same penalty as if he had failed to produce the said certificate or document.

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

Surveyors and regulations for measurement of ships.

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

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

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

Ports of Registry in Place under Foreign Jurisdiction Act.

Foreign ports of registry. 53-54 V., c. 37.

88. Where, in accordance with the Foreign Jurisdiction Act, 1890, Her Majesty exercises jurisdiction within any port, it shall be lawful for Her Majesty, by Order in Council, to declare that port a port of registry, and by the same or any subsequent Order in Council to declare the description of persons who are to be registrars of British ships at that port of registry, and to make regulations with respect to the registry of British ships thereat.

Registry in Colonies.

Powers of Governors in colonies.

89. In every British possession the governor of the possession shall occupy the place of the Commissioners of Customs with regard to the performance of anything relating to the registry of a ship or of any interest in a ship registered in that possession, and shall have power to approve a port within the possession for the registry of ships.

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90.—(1.) The governor of a British possession may, with the approval of a Secretary of State, make regulations providing that, on an application for the registry under this Act in that possession of any ship which does not exceed sixty tons burden, the registrar may grant, in lieu of a certificate of registry as required by this Act, a certificate of registry to be terminable at the end of six months or any longer period from the granting thereof, and all certificates of registry granted under any such regulations shall be in such form and have effect subject to such conditions as the regulations provide.

Terminable certificates of registry for small ships in colonies.

(2.) Any ship to which a certificate is granted under any such regulations shall, while that certificate is in force, and in relation to all things done or omitted during that period, be deemed to be a registered British ship.

Application of Part I.

91. This part of this Act shall apply to the whole of Her Majesty's dominions, and to all places where Her Majesty has jurisdiction.

Application of Part I.

PART II.

MASTERS AND SEAMEN.

Certificates of Competency.

92.—(1.) Every British foreign-going ship and every British home-trade passenger ship, when going to sea from any place in the United Kingdom, and every foreign steamship carrying passengers between places in the United Kingdom, shall be provided with officers duly certificated under this Act according to the following scale:—

Certificates of competency to be held by officers of ships.

(a.) In any case with a duly certificated master :

(b.) If the ship is of one hundred tons burden or upwards, with at least one officer besides the master holding a certificate not lower than that of only mate in the case of a foreign-going ship, or of mate in the case of a home-trade passenger ship :

(c.) If the ship is a foreign-going ship, and carries more than one mate, with at least the first and second mate duly certificated :

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

(e.) If the ship is a foreign-going steamship of less than one hundred nominal horse-power, or a sea-going home-trade passenger steamship, with at least one engineer who is a first-class or second-class engineer duly certificated.

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(2.) If any person—

(a.) having been engaged as one of the above-mentioned officers goes to sea as such officer without being duly certificated ; or

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

that person shall be liable for each offence to a fine not exceeding fifty pounds :

(3.) An officer shall not be deemed duly certificated, within the meaning of this section, unless he is the holder for the time being of a valid certificate of competency under this Act of a grade appropriate to his station in the ship, or of a higher grade.

Grades of certificates of competency.

93.—(1.) Certificates of competency shall be granted, in accordance with this Act, for each of the following grades ; that is to say,

Master of a foreign-going ship :

First mate of a foreign-going ship :

Second mate of a foreign-going ship :

Only mate of a foreign-going ship :

Master of a home-trade passenger ship :

Mate of a home-trade passenger ship :

First-class engineer :

Second-class engineer.

(2.) A certificate of competency for a foreign-going ship shall be deemed to be of a higher grade than the corresponding certificate for a home-trade passenger ship, and shall entitle the lawful holder thereof to go to sea in the corresponding grade in the last-mentioned ship ; but a certificate for a home-trade passenger ship shall not entitle the holder to go to sea as master or mate of a foreign-going ship.

Examination for certificates of competency.

94.—(1.) For the purpose of granting certificates of competency as masters, or mates, to persons desirous of obtaining the same, examinations shall be held by local marine boards at their respective ports.

(2.) The Board of Trade may make rules which shall be strictly adhered to by the examiners for—

(a.) the conduct of the examinations ; and

(b.) the qualification of the applicants :

and may depute any of their officers to attend and assist at any examination.

(3.) The approval of the Board of Trade shall be necessary so far as regards the number and the remuneration of the examiners, and an examiner shall not be appointed, unless he holds a certificate of qualification to be from time to time granted or renewed by the Board of Trade.

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(4.) The Board of Trade may, if it appears to them that the examination for two or more ports can be held without inconvenience by the same examiners, provide that the examination be so held, and require the local marine boards of those ports to act as one board for the purpose of the examination.

(5.) Subject to the powers of the Board of Trade under this section the local marine board may appoint, remove, and reappoint examiners, and regulate the conduct of the examinations, and any member of the local marine board may be present at and assist at the examinations held by that Board.

95. Where the business of a mercantile marine office is conducted otherwise than under a local marine board, the Board of Trade may exercise all such powers and make all such provisions for the holding of examinations as may be exercised and made by a local marine board.

Examinations by Board of Trade in certain cases.

96.—(1.) For the purpose of granting certificates of competency as engineers to persons desirous of obtaining the same, examinations shall be held at such places as the Board of Trade direct.

Engineers' certificates of competency.

(2.) The Board of Trade may appoint times for the examinations, and may appoint, remove, and reappoint examiners to conduct the same, and determine the remuneration of those examiners, and may regulate the conduct of the examinations and the qualification of the applicants and may do all such acts and things as they think expedient for the purpose of the examinations.

97. An applicant for examination, whether as master, mate, or engineer, shall pay such fees, not exceeding those specified in the fourth schedule to this Act, as the Board of Trade direct, and the fees shall be paid to such persons as the Board appoint and carried to the Mercantile Marine Fund.

Fees on examination.

98.—(1.) The Board of Trade shall, subject as hereinafter mentioned, deliver to every applicant who is duly reported by the examiners to have passed the examination satisfactorily, and to have given satisfactory evidence of his sobriety, experience, ability, and general good conduct on board ship, such a certificate of competency as the case requires.

Grant of certificates on passing examination.

(2.) The Board of Trade may in any case in which a report appears to them to have been unduly made, remit the case either to the examiners who made the report or to any other examiners, and may require a re-examination of the applicant, or a further inquiry into his testimonials and character, before granting him a certificate.

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Certificates of service for naval officers.

99.—(1.) A person who has attained the rank of lieutenant, sub-lieutenant, navigating lieutenant, or navigating sub-lieutenant in Her Majesty's Navy, or of lieutenant in Her Majesty's Indian Marine Service, shall be entitled to a certificate of service as master of a foreign-going ship without examination.

(2.) A person who has attained the rank of engineer or assistant engineer in Her Majesty's Navy or Indian Marine Service, shall be entitled without examination, if an engineer, to a certificate of service as first-class engineer, and if an assistant engineer to a certificate of service as second-class engineer.

(3.) A certificate of service shall differ in form from a certificate of competency, and shall contain the name and rank of the person to whom it is delivered, and the Board of Trade shall deliver a certificate of service to any person who proves himself to be entitled thereto.

(4.) The provisions of this Act (including the penal provisions) shall apply in the case of a certificate of service as they apply in the case of a certificate of competency, except that the provisions allowing a holder of a certificate of competency as master of a foreign-going ship to go to sea as master or mate of a home-trade passenger ship shall not apply.

Form and record of certificate.

100.—(1.) All certificates of competency shall be made in duplicate, one part to be delivered to the person entitled to the certificate, and one to be preserved.

(2.) Such last-mentioned part of the certificate shall be preserved, and a record of certificates of competency and the suspending, cancelling, or altering of the certificates and any other matter affecting them shall be kept, in such manner as the Board of Trade direct, by the Registrar General of Shipping and Seamen or by such other person as the Board of Trade direct.

(3.) Any such certificate and any record under this section shall be admissible in evidence in manner provided by this Act.

Loss of certificate.

101. If a master, mate, or engineer proves to the satisfaction of the Board of Trade that he has, without fault on his part, lost or been deprived of a certificate already granted to him, the Board of Trade shall, and in any other case may, upon payment of such fee (if any) as they direct, cause a copy of the certificate to which, by the record kept in pursuance of this Act, he appears to be entitled, to be certified by the Registrar General of Shipping and Seamen, or other person directed to keep the record, and to be delivered to him; and a copy purporting to be so certified shall have all the effect of the original.

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102. 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 ships, and the Board of Trade report to Her Majesty that they are satisfied that the examinations are so conducted as to be equally efficient with the examinations for the same purpose in the United Kingdom under this Act, and that the certificates are granted on such principles as to show the like qualifications and competency as those granted under this Act, and are liable to be forfeited for the like reasons and in the like manner, Her Majesty may by Order in Council,—

Colonial certificates of competency.

- (i.) declare that the said certificates shall be of the same force as if they had been granted under this Act : and
- (ii.) declare that all or any of the provisions of this Act, which relate to certificates of competency granted under this Act, shall apply to the certificates referred to in the Order : and
- (iii.) impose such conditions and make such regulations with respect to the certificates, and to the use, issue, delivery, cancellation, and suspension thereof, as Her Majesty may think fit, and impose fines not exceeding fifty pounds for the breach of those conditions and regulations.

103.—(1.) The master of a foreign-going ship—

Production of certificates of competency to superintendent.

- (a.) on signing the agreement with the crew before a superintendent shall produce to him the certificates of competency which the master, mates, and engineers of the ship are by this Act required to hold : and
 - (b.) in the case of a running agreement shall also, before the second and every subsequent voyage, produce to the superintendent the certificate of competency of any mate or engineer then first engaged by him who is required by this Act to hold a certificate.
- (2.) The master or owner of every home-trade passenger ship of more than eighty tons burden shall produce to some superintendent within twenty-one days after the thirtieth of June, and the thirty-first of December in every year the certificates of competency which the master, mates, and engineers of the ship are by this Act required to hold.
- (3.) Upon the production of the certificates of competency, the superintendent shall, if the certificates are such as the master, mates, and engineers of the ship ought to hold, give to the master a certificate to the effect that the proper certificates of competency have been so produced.
- (4.) The master shall, before proceeding to sea, produce the superintendent's certificate to the chief officer of customs, and the ship may be detained until the certificate is produced.

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Forgery, &c.,
of certificate
of competency

104. If any person—

- (a.) forges or fraudulently alters, or assists in forging or fraudulently altering, or procures to be forged or fraudulently altered, any certificate of competency, or an official copy of any such certificate; or
 - (b.) makes, assists in making, or procures to be made, any false representation for the purpose of procuring either for himself or for any other person a certificate of competency; or
 - (c.) fraudulently uses a certificate or copy of a certificate of competency which has been forged, altered, cancelled or suspended, or to which he is not entitled; or
 - (d.) fraudulently lends his certificate of competency or allows it to be used by any other person,
- that person shall in respect of each offence be guilty of a misdemeanour.

Apprenticeship to the Sea Service.

Assistance
given by super-
intendents
as to appren-
ticeship.

105. All superintendents shall give to persons desirous of apprenticing boys to or requiring apprentices for the sea service, such assistance as may be in their power, and may receive from those persons such fees as the Board of Trade fix, with the concurrence, so far as relates to pauper apprentices in England, of the Local Government Board, and so far as relates to pauper apprentices in Ireland, of the Local Government Board for Ireland.

Apprentice-
ships of pau-
pers in Great
Britain and
Ireland.

106. Subject to the special provisions of this Act, apprenticeships to the sea service made by a board of guardians or persons having the authority of a board of guardians shall, if made in Great Britain, be made in the same manner and be subject to the same laws and regulations as other apprenticeships made by such boards or persons; and if made in Ireland, be subject to the following regulations:—

- (a.) The board of guardians or other persons in any poor law union may put out and bind as apprentice to the sea service any boy who, or whose parent, is receiving relief in the union, and who has attained the age of twelve years, and is of sufficient health and strength, and consents to be bound:
- (b.) If the cost of relieving the boy is chargeable to an electoral division of a poor law union, then (except where paid officers act in place of guardians) he shall not be so bound unless the consent in writing of the guardians of that division, or of a majority of them, if more than one, is first obtained, and that consent shall, if possible, be endorsed on the indenture:

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- (c.) The expenses incurred in the binding and outfit of any such apprentice shall be charged to the poor law union or electoral division, as the case may be, to which the boy or his parent is chargeable at the time of his being apprenticed :
- (d.) All indentures made in a poor law union may be sued on by the board of guardians of the union, or persons having the authority of such board, by their name of office; and actions so brought shall not abate by reason of any death or change in the persons holding office, but such an action shall not be commenced without the consent of the Local Government Board for Ireland :
- (e.) The amount of the costs incurred in any such action, and not recovered from the defendant, may be charged as the expenses incurred in binding out the apprentice.

107. Every indenture of apprenticeship to the sea service made in the United Kingdom by a board of guardians, or persons having the authority of a board of guardians, shall be executed by the boy and the person to whom he is bound in the presence of and shall be attested by two justices of the peace, and those justices shall ascertain that the boy has consented to be bound and has attained the age of twelve years and is of sufficient health and strength, and that the person to whom the boy is bound is a proper person for the purpose.

Attestation of pauper apprenticeship.

108.—(1.) Every indenture of apprenticeship to the sea service shall be executed in duplicate and shall be exempt from stamp duty.

Special provisions as to apprenticeship to the sea service.

(2.) Every indenture of apprenticeship to the sea service, made in the United Kingdom, and every assignment or cancellation thereof, and, where the apprentice bound dies or deserts, the fact of the death or desertion, shall be recorded.

(3.) For the purpose of the record—

(a.) a person to whom an apprentice to the sea service is bound shall within seven days of the execution of the indenture take or transmit to the Registrar General of Shipping and Seamen, or to a superintendent, the indenture executed in duplicate, and the Registrar General or superintendent shall keep and record the one indenture and endorse on the other the fact that it has been recorded and re-deliver it to the master of the apprentice ;

(b.) the master shall notify any assignment or cancellation of the indenture, or the death or desertion of the apprentice, to the Registrar General of Shipping and Seamen, or to a superintendent, within seven days of the occurrence, if it occurs within the United Kingdom ; or, as soon as circumstances permit, if it occurs elsewhere.

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(4.) If any person fails to comply with any requirement of this section, he shall for each offence be liable to a fine not exceeding ten pounds.

Production of indentures to superintendent before voyage in foreign-going ship.

109.—(1.) The master of a foreign-going ship shall, before carrying an apprentice to sea from a port in the United Kingdom, cause the apprentice to appear before the superintendent before whom the crew are engaged, and shall produce to the superintendent the indenture by which the apprentice is bound, and every assignment thereof.

(2.) The name of the apprentice, with the date of the indenture and of the assignments thereof, if any, and the names of the ports at which the same have been registered, shall be entered on the agreement with the crew.

(3.) If the master fails without reasonable cause to comply with any requirement of this section he shall for each offence be liable to a fine not exceeding five pounds.

Licenses to Supply Seamen.

License for supply of seamen.

110. The Board of Trade may grant to such persons as the Board think fit licenses to engage or supply seamen or apprentices for merchant ships in the United Kingdom, and any such license shall continue for such period, and may be granted and revoked on such terms and conditions as the Board think proper.

Penalty for engaging seamen without license.

111.—(1.) A person shall not engage or supply a seaman or apprentice to be entered on board any ship in the United Kingdom, unless that person either holds a license from the Board of Trade for the purpose, or is the owner or master or mate of the ship, or is bona fide the servant and in the constant employment of the owner, or is a superintendent.

(2.) A person shall not employ for the purpose of engaging or supplying a seaman or apprentice to be entered on board any ship in the United Kingdom any person, unless that person either holds a license from the Board of Trade for the purpose, or is the owner or master or mate of the ship, or is bona fide the servant and in the constant employment of the owner, or is a superintendent.

(3.) A person shall not receive or accept to be entered on board any ship any seaman or apprentice, if that person knows that the seaman or apprentice has been engaged or supplied in contravention of this section.

(4.) If a person acts in contravention of this section, he shall for each seaman or apprentice in respect of whom an offence is committed, be liable to a fine not exceeding twenty pounds, and, if a licensed person, shall forfeit his license.

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112.—(1.) A person shall not demand or receive directly or indirectly from a seaman or apprentice to the sea service, or from a person seeking employment as a seaman or apprentice to the sea service, or from a person on his behalf, any remuneration whatever for providing him with employment other than any fees authorized by this Act.

Penalty for receiving remuneration from seamen for engagement.

(2.) If a person acts in contravention of this section, he shall for each offence be liable to a fine not exceeding five pounds.

Engagement of Seamen.

113.—(1.) The master of every ship, except ships of less than eighty tons registered tonnage exclusively employed in trading between different ports on the coasts of the United Kingdom, shall enter into an agreement (in this Act called the agreement with the crew) in accordance with this Act with every seaman whom he carries to sea as one of his crew from any port in the United Kingdom.

Agreements with crew.

(2.) If a master of a ship carries any seaman to sea without entering into an agreement with him in accordance with this Act, the master in the case of a foreign-going ship, and the master or owner in the case of a home-trade ship, shall for each offence be liable to a fine not exceeding five pounds.

114.—(1.) An agreement with the crew shall be in a form approved by the Board of Trade, and shall be dated at the time of the first signature thereof, and shall be signed by the master before a seaman signs the same.

Form, period, and conditions of agreements with crew.

(2.) The agreement with the crew shall contain as terms thereof the following particulars :—

- (a.) either the nature, and, as far as practicable, the duration of the intended voyage or engagement, or the maximum period of the voyage or engagement and the places or parts of the world, if any, to which the voyage or engagement is not to extend :
- (b.) the number and description of the crew, specifying how many are engaged as sailors :
- (c.) the time at which each seaman is to be on board or to begin work :
- (d.) the capacity in which each seaman is to serve :
- (e.) the amount of wages which each seaman is to receive :
- (f.) a scale of the provisions which are to be furnished to each seaman :
- (g.) any regulations as to conduct on board, and as to fines, short allowance of provisions, or other lawful punishment for misconduct which have been approved by the Board of Trade as regulations proper to be adopted, and which the parties agree to adopt.

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(3.) The agreement with the crew shall be so framed as to admit of such stipulations, to be adopted at the will of the master and seaman in each case, whether respecting the advance and allotment of wages or otherwise, as are not contrary to law.

(4.) If the master of a ship registered at a port out of the United Kingdom has an agreement with the crew made in due form according to the law of that port or of the port in which her crew were engaged, and engages single seamen in the United Kingdom, those seamen may sign the agreement so made, and it shall not then be necessary for them to sign an agreement in the form approved by the Board of Trade.

Special provisions as to agreements with crew of foreign-going ships.

115. The following provisions shall have effect with respect to the agreements with the crew made in the United Kingdom in the case of foreign-going ships registered either within or without the United Kingdom :—

- (1.) The agreement shall (subject to the provisions of this Act as to substitutes) be signed by each seaman in the presence of a superintendent :
- (2.) The superintendent shall cause the agreement to be read over and explained to each seaman, or otherwise ascertain that each seaman understands the same before he signs it, and shall attest each signature :
- (3.) When the crew is first engaged the agreement shall be signed in duplicate, and one part shall be retained by the superintendent, and the other shall be delivered to the master, and shall contain a special place or form for the descriptions and signatures of substitutes or persons engaged subsequently to the first departure of the ship :
- (4.) Where a substitute is engaged in the place of a seaman who duly signed the agreement, and whose services are within twenty-four hours of the ship's putting to sea lost by death, desertion, or other unforeseen cause, the engagement shall, when practicable, be made before a superintendent, and, when not practicable, the master shall, before the ship puts to sea, if practicable, and if not, as soon afterwards as possible, cause the agreement to be read over and explained to the substitute, and the substitute shall thereupon sign the same in the presence of a witness, and the witness shall attest the signature :
- (5.) The agreements may be made for a voyage, or if the voyages of the ship average less than six months in duration may be made to extend over two or more voyages, and agreements so made to extend over two or more voyages are in this Act referred to as running agreements :
- (6.) Running agreements shall not extend beyond the next following thirtieth day of June or thirty-first day of December, or the first arrival of the ship at her port of

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destination in the United Kingdom after that date, or the discharge of cargo consequent on that arrival :

- (7.) On every return to a port in the United Kingdom before the final termination of a running agreement, the master shall make on the agreement an endorsement as to the engagement or discharge of seamen, either that no engagements or discharges have been made, or are intended to be made before the ship leaves port, or that all those made have been made as required by law, and if a master wilfully makes a false statement in any such endorsement, he shall for each offence be liable to a fine not exceeding twenty pounds :
- (8.) The master shall deliver the running agreement so endorsed to the superintendent, and the superintendent shall, if the provisions of this Act relating to agreements have been complied with, sign the endorsement and return the agreement to the master :
- (9.) The duplicate running agreement retained by the superintendent on the first engagement of the crew shall either be transmitted to the Registrar General of Shipping and Seamen immediately, or kept by the superintendent until the expiration of the agreement, as the Board of Trade direct.

116. The following provisions shall have effect with respect to the agreements with the crew of home-trade ships for which an agreement with the crew is required under this Act :—

Special provisions as to agreements with crew of home-trade ships.

- (1.) Agreements may be made either for service in a particular ship or for service in two or more ships belonging to the same owner, but in the latter case the names of the ships and the nature of the service shall be specified in the agreement.
- (2.) Crews or single seamen may, if the master think fit, be engaged before a superintendent in the same manner as they are required to be engaged for foreign-going ships, but if the engagement is not so made, the master shall, before the ship puts to sea, if practicable, and if not, as soon after as possible, cause the agreement to be read and explained to each seaman, and the seaman shall thereupon sign the same in the presence of a witness, and the witness shall attest the signature
- (3.) An agreement for service in two or more ships belonging to the same owner may be made by the owner instead of by the master ; and the provisions of this Act with respect to the making of the agreement shall apply accordingly.

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(4.) Agreements shall not, in the case of ships of more than eighty tons burden, extend beyond the next following thirtieth day of June or thirty-first day of December or the first arrival of the ship at her final port of destination in the United Kingdom after that date or the discharge of cargo consequent on that arrival: Provided that the owner or his agent may enter into time agreements in forms sanctioned by the Board of Trade with individual seamen to serve in any one or more ships belonging to such owner, and those agreements need not expire on the thirtieth day of June or the thirty-first day of December, and a duplicate of every such agreement shall be forwarded to the Registrar General of Shipping and Seamen within forty-eight hours after it has been entered into.

Changes in crew of foreign-going ship to be reported.

117.—(1.) The master of every foreign-going ship whose crew has been engaged before a superintendent shall, before finally leaving the United Kingdom, sign, and send to the nearest superintendent, a full and accurate statement, in a form approved by the Board of Trade, of every change which takes place in his crew before finally leaving the United Kingdom, and that statement shall be admissible in evidence in manner provided by this Act.

(2.) If a master fails without reasonable cause to comply with this section, he shall for each offence be liable to a fine not exceeding five pounds.

Certificate as to agreements with crew of foreign-going ships.

118.—(1.) In the case of a foreign-going ship, on the due execution of an agreement with the crew in accordance with this Act, and also, where the agreement is a running agreement, on compliance by the master, before the second and every subsequent voyage made after the first commencement of the agreement, with the provisions of this Act respecting that agreement, the superintendent shall grant the master of the ship a certificate to that effect.

(2.) The master of every foreign-going ship shall, before proceeding to sea, produce to the officer of customs that certificate, and any such ship may be detained until the certificate is produced.

(3.) The master of every foreign-going ship shall, within forty-eight hours after the ship's arrival at her final port of destination in the United Kingdom or upon the discharge of the crew, whichever first happens, deliver his agreement with the crew to the superintendent, and the superintendent shall give the master a certificate of that delivery; and an officer of customs shall not clear the ship inwards until the certificate of delivery is produced, and if the master fails without reasonable cause so to deliver the agreement with the crew, he shall for each offence be liable to a fine not exceeding five pounds.

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119.—(1.) The master or owner of a home-trade ship of more than eighty tons burden shall within twenty-one days after the thirtieth day of June and the thirty-first day of December in every year deliver or transmit to a superintendent in the United Kingdom every agreement with the crew made for the ship within six months next preceding those days respectively.

Certificate as to agreements with crew of home-trade ships.

(2.) The superintendent on receiving the agreement shall give the master or owner of the ship a certificate to that effect, and the ship shall be detained unless the certificate is produced to the proper officer of customs.

(3.) If the master or owner fails without reasonable cause to comply with this section, he shall for each offence be liable to a fine not exceeding five pounds.

120.—(1.) The master shall at the commencement of every voyage or engagement cause a legible copy of the agreement with the crew (omitting the signatures), to be posted up in some part of the ship which is accessible to the crew.

Copy of agreement to be made accessible to crew.

(2.) If the master fails without reasonable cause to comply with this section, he shall for each offence be liable to a fine not exceeding five pounds.

121. If any person fraudulently alters, makes any false entry in, or delivers a false copy of, any agreement with the crew, that person shall in respect of each offence be guilty of a misdemeanour, and if any person assists in committing or procures to be committed any such offence, he shall likewise in respect of each offence be guilty of a misdemeanour.

Forgery, &c., of agreements with crew.

122. Every erasure, interlineation, or alteration in any agreement with the crew (except additions made for the purpose of shipping substitutes or persons engaged after the first departure of the ship) shall be wholly inoperative, unless proved to have been made with the consent of all the persons interested in the erasure, interlineation, or alteration, by the written attestation (if in Her Majesty's dominions) of some superintendent, justice, officer of customs, or other public functionary, or elsewhere, of a British consular officer, or where there is no such officer, of two respectable British merchants.

Alterations in agreements with crew.

123. In any legal or other proceeding a seaman may bring forward evidence to prove the contents of any agreement with the crew or otherwise to support his case, without producing, or giving notice to produce the agreement or any copy thereof.

Seamen not to be bound to produce agreement.

124.—(1.) With respect to the engagement of seamen abroad, the following provisions shall have effect:—

Engagement of seamen in colonial and foreign ports.

Where the master of a ship engages a seaman in any British possession other than that in which the ship is registered or at

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a port in which there is a British consular officer, the provisions of this Act respecting agreements with the crew made in the United Kingdom shall apply subject to the following modifications :—

- (a.) in any such British possession the master shall engage the seaman before some officer being either a superintendent or, if there is no such superintendent, an officer of customs ;
 - (b.) at any such port having a British consular officer, the master shall, before carrying the seaman to sea, procure the sanction of the consular officer, and shall engage the seaman before that officer ;
 - (c.) the officer shall endorse upon the agreement an attestation to the effect that the agreement has been signed in his presence and otherwise made as required by this Act, and also, if the officer is a British consular officer, that it has his sanction, and if the attestation is not made the burden of proving that the engagement was made as required by this Act shall lie upon the master.
- (2.) If a master fails to comply with this section he shall be liable for each offence to a fine not exceeding five pounds.

Agreements with Lascars.

Agreements
with lascars.

125.—(1.) The master or owner of any ship, or his agent, may enter into an agreement with a lascar, or any native of India, binding him to proceed either as a seaman or as a passenger :—

- (a.) to any port in the United Kingdom, and there to enter into a further agreement to serve as a seaman in any ship which may happen to be there, and to be bound to any port in British India ; or
- (b.) to any port in the Australian colonies, and there to enter into a further agreement to serve as a seaman in any ship which may happen to be there, and to be bound to the United Kingdom or to any other part of Her Majesty's dominions.

(2.) The original agreement shall be made in such form, and contain such provisions, and be executed in such manner, and contain such conditions for securing the return of the lascar or native to his own country and for other purposes, as the Governor General of India in Council or the Governor in Council of any Indian Presidency in which the agreement is made may direct.

(3.) Where any lascar or native bound by the original agreement is, on arriving in the United Kingdom or one of the said colonies, as the case may be, required to enter into such further agreement as aforesaid, some officer appointed for the purpose in the United Kingdom by a Secretary of State in Council of

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India, or in any such colony by the governor of the colony, may, on the payment of such fee not exceeding ten shillings, as a Secretary of State in Council of India or the governor may direct, certify,—

- (a.) that the further agreement is a proper agreement in all respects for the lascar or native to make, and is in accordance with the original agreement; and
- (b.) that the ship to which the further agreement relates is in all respects a proper ship for the lascar or native to serve in and also where the ship is in one of the said Australian colonies, that it is properly supplied with provisions; and
- (c.) that there is not, in his opinion, any objection to the full performance of the original agreement;

and thereupon the lascar or native shall be deemed to be engaged under the further agreement and to be for all purposes one of the crew of the ship to which it relates, and the lascar or native shall, notwithstanding a refusal to enter into the further agreement, be liable to the same consequences, and be dealt with in all respects in the same manner, as if he had voluntarily entered into the same.

(4.) The master of every ship arriving at a port in the United Kingdom, which has or during any part of her voyage has had on board a lascar or any native of India either as one of her crew or otherwise shall exhibit to the officer of customs, or to such person as the Board of Trade may authorize in that behalf, a statement containing a list and description of all lascars or natives of India who are, or have been, so on board, and an account of what has become of any lascar or native of India who at any time during the voyage has been, but is not then, on board, and the ship shall not be cleared inwards until the statement is exhibited, and if the master fails to exhibit such statement he and the owner of the ship shall be liable jointly and severally to a fine not exceeding ten pounds for every lascar or native of India in respect of whom the failure takes place.

(5.) Nothing in this section shall effect any provisions which are unrepealed of the Act of the fourth year of the reign of King George the Fourth, chapter eighty, intituled, "An Act to consolidate and amend the several laws now in force with respect to trade within the limits of the charter of the East India Company, and to make further provision with respect to such trade." 4 Geo. 4, c. 80.

Rating of Seamen.

126.—(1.) A seaman shall not be entitled to the rating of A.B., that is to say, of an able-bodied seaman, unless he has served at sea for four years before the mast, but the employ- Rating of seamen.

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ment of fishermen in decked fishing vessels registered under the first part of this Act shall only count as sea service up to the period of three years of that employment; and the rating of A.B. shall only be granted after at least one year's sea service in a trading vessel in addition to three or more years sea service on board of decked fishing vessels so registered.

(2.) The service may be proved by certificates of discharge, by a certificate of service from the Registrar General of Shipping and Seamen (granted by the registrar on payment of a fee not exceeding sixpence), specifying in each case whether the service was rendered in whole or in part in steamship or in sailing ship, or by other satisfactory proof.

Discharge of Seamen.

Discharge before superintendent.

127.—(1.) When a seaman serving in a British foreign-going ship, whether registered within or without the United Kingdom, is on the termination of his engagement discharged in the United Kingdom, he shall, whether the agreement with the crew be an agreement for the voyage or a running agreement, be discharged in manner provided by this Act in the presence of a superintendent.

(2.) If the master or owner of a ship acts in contravention of this section, he shall for each offence be liable to a fine not exceeding ten pounds.

(3.) If the master or owner of a home-trade ship so desire, the seamen of that ship may be discharged in the same manner as seamen discharged from a foreign-going ship.

Certificate of discharge and return of certificate to officer on discharge.

128.—(1.) The master shall sign and give to a seaman discharged from his ship, either on his discharge or on payment of his wages, a certificate of his discharge in a form approved by the Board of Trade, specifying the period of his service and the time and place of his discharge, and if the master fails so to do he shall for each offence be liable to a fine not exceeding ten pounds.

(2.) The master shall also, upon the discharge of every certificated officer whose certificate of competency has been delivered to and retained by him, return the certificate to the officer, and if without reasonable cause he fails so to do he shall for each offence be liable to a fine not exceeding twenty pounds.

Reports of seaman's character.

129.—(1.) Where a seaman is discharged before a superintendent, the master shall make and sign, in a form approved by the Board of Trade, a report of the conduct, character, and qualifications of the seaman discharged, or may state in the said form that he declines to give any opinion upon such particulars, or upon any of them, and the superintendent before whom the discharge is made shall, if the

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seaman desires, give to him or endorse on his certificate of discharge a copy of such report (in this Act referred to as the report of character).

(2.) The superintendent shall transmit the reports to the Registrar-General of Shipping and Seamen, or to such other person as the Board of Trade may direct, to be recorded.

130. If any person—

(a.) makes a false report of character under this Act, knowing the same to be false; or

(b.) forges or fraudulently alters any certificate of discharge or report of character or copy of a report of character; or

(c.) assists in committing, or procures to be committed, any of such offences as aforesaid; or

(d.) fraudulently uses any certificate of discharge or report of character or copy of a report of character which is forged or altered or does not belong to him,

he shall in respect of each offence be guilty of a misdemeanour.

False or forged certificate of discharge or report of character.

Payment of Wages.

131.—(1.) Where a seaman is discharged before a superintendent in the United Kingdom, he shall receive his wages through or in the presence of the superintendent, unless a competent court otherwise direct, and if in such a case the master or owner of a ship pays his wages within the United Kingdom in any other manner, he shall for each offence be liable to a fine not exceeding ten pounds.

Payment of wages before superintendent.

(2.) If the master or owner of a home-trade ship so desires, the seamen of that ship may receive their wages in the same manner as seamen discharged from a foreign-going ship.

132.—(1.) The master of every ship shall before paying off or discharging a seaman deliver at the time and in the manner provided by this Act a full and true account, in a form approved by the Board of Trade, of the seaman's wages, and of all deductions to be made therefrom on any account whatever.

Master to deliver account of wages.

(2.) The said account shall be delivered—

(a.) where the seaman is not to be discharged before a superintendent, to the seaman himself not less than twenty-four hours before his discharge or payment off; and

(b.) where the seaman is to be discharged before a superintendent, either to the seaman himself at or before the time of his leaving the ship, or to the superintendent not less than twenty-four hours before the discharge or payment off.

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(3.) If the master of a ship fails without reasonable cause to comply with this section, he shall for each offence be liable to a fine not exceeding five pounds.

Deductions from wages of seamen.

133.—(1.) A deduction from the wages of a seaman shall not be allowed unless it is included in the account delivered in pursuance of the last preceding section, except in respect of a matter happening after the delivery.

(2.) The master shall during the voyage enter the various matters in respect of which the deductions are made, with the amounts of the respective deductions, as they occur, in a book to be kept for that purpose, and shall, if required, produce the book at the time of the payment of wages, and also upon the hearing before any competent authority of any complaint or question relating to that payment.

Time of payment of wages for foreign-going ships.

134. In the case of foreign-going ships (other than ships employed on voyages for which seamen by the terms of their agreement are wholly compensated by a share in the profits of the adventure)—

- (a.) The owner or master of the ship shall pay to each seaman on account, at the time when he lawfully leaves the ship at the end of his engagement, two pounds, or one-fourth of the balance of wages due to him, whichever is least; and shall pay him the remainder of his wages within two clear days (exclusive of any Sunday, fast day in Scotland, or bank holiday) after he so leaves the ship :
- (b.) If the seaman consents, the final settlement of his wages may be left to a superintendent under regulations of the Board of Trade, and the receipt of the superintendent shall in that case operate as if it were a release given by the seaman in accordance with this part of this Act :
- (c.) In the event of the seaman's wages or any part thereof not being paid or settled as in this section mentioned, then, unless the delay is due to the act or default of the seaman, or to any reasonable dispute as to liability, or to any other cause not being the wrongful act or default of the owner or master, the seaman's wages shall continue to run and be payable until the time of the final settlement thereof.

Time of payment of wages for home-trade ships.

135.—(1.) The master or owner of every home-trade ship shall pay to every seaman his wages within two days after the termination of the agreement with the crew, or at the time when the seaman is discharged, whichever first happens.

(2.) If a master or owner fails without reasonable cause to make payment at that time, he shall pay to the seaman a sum not exceeding the amount of two days' pay for each of the days during which payment is delayed beyond that time, but the sum payable shall not exceed ten days' double pay.

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(3.) Any sum payable under this section may be recovered as wages.

136.—(1.) Where a seaman is discharged, and the settlement of his wages completed, before a superintendent, he shall sign in the presence of the superintendent a release, in a form approved by the Board of Trade, of all claims in respect of the past voyage or engagement; and the release shall also be signed by the master or owner of the ship, and attested by the superintendent. Settlement of wages.

(2.) The release, so signed and attested, shall operate as a mutual discharge and settlement of all demands between the parties thereto in respect of the past voyage or engagement.

(3.) The release shall be retained by the superintendent, and on production from his custody shall be admissible in evidence in manner provided by this Act.

(4.) Where the settlement of a seaman's wages is by this Act required to be completed through or in the presence of a superintendent, no payment, receipt, or settlement, made otherwise than in accordance with this Act shall operate as or be admitted as evidence of the release or satisfaction of any claim.

(5.) Upon any payment being made by a master before a superintendent, the superintendent shall, if required, sign and give to the master a statement of the whole amount so paid; and the statement shall as between the master and his employer be admissible as evidence that the master has made the payments therein mentioned.

137.—(1.) Where in the case of a foreign-going ship a question as to wages is raised before a superintendent between the master or owner of the ship and a seaman or apprentice, and the amount in question does not exceed five pounds, the superintendent may, on the application of either party, adjudicate, and the decision of the superintendent in the matter shall be final; but if the superintendent is of opinion that the question is one which ought to be decided by a court of law, he may refuse to decide it. Decision of questions by superintendents.

(2.) Where any question, of whatever nature and whatever the amount in dispute, between a master or owner and any of his crew is raised before a superintendent, and both parties agree in writing to submit the same to him, the superintendent shall hear and decide the question so submitted; and an award made by him upon the submission shall be conclusive as to the rights of the parties, and the submission or award shall not require a stamp; and a document purporting to be the submission or award shall be admissible as evidence thereof.

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Power of superintendent to require production of ship's papers.

138.—(1.) In any proceeding under this Act before a superintendent relating to the wages, claims, or discharge of a seaman, the superintendent may require the owner, or his agent, or the master, or any mate or other member of the crew, to produce any log books, papers, or other documents in his possession or power relating to a matter in question in the proceeding, and may require the attendance of and examine any of those persons, being then at or near the place, on the matter.

(2.) If any person so required fails, without reasonable cause, to comply with the requisition, he shall for each offence be liable to a fine not exceeding five pounds.

Rule as to payment of British seamen in foreign money.

139. Where a seaman has agreed with the master of a British ship for payment of his wages in British sterling or any other money, any payment of, or on account of, his wages if made in any other currency than that stated in the agreement, shall, notwithstanding anything in the agreement, be made at the rate of exchange for the money stated in the agreement, for the time being current at the place where the payment is made.

Advance and Allotment of Wages.

Advance-notes restricted.

140.—(1.)—(a.) Where an agreement with the crew is required to be made in a form approved by the Board of Trade, the agreement may contain a stipulation for payment to or on behalf of the seaman, conditionally on his going to sea in pursuance of the agreement, of a sum not exceeding the amount of one month's wages payable to the seaman under the agreement; and

(b.) Stipulations for the allotment of a seaman's wages may be made in accordance with this Act.

(2.) Save as aforesaid an agreement by or on behalf of the employer of a seaman for the payment of money to or on behalf of the seaman conditionally on his going to sea from any port in the United Kingdom shall be void, and any money paid in satisfaction or in respect of any such agreement shall not be deducted from the seaman's wages, and a person shall not have any right of action, suit, or set-off against the seaman or his assignee in respect of any money so paid or purporting to have been so paid.

Regulations as to allotment notes.

141.—(1.) Any stipulation made by a seaman at the commencement of a voyage for the allotment of any part of his wages during his absence shall be inserted in the agreement with the crew, and shall state the amounts and times of the payments to be made.

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(2.) Where the agreement is required to be made in a form approved by the Board of Trade, the seaman may require that a stipulation be inserted in the agreement for the allotment by means of an allotment note, of any part (not exceeding one-half) of his wages in favour either of a near relative or of a savings bank.

(3.) Allotment notes shall be in a form approved by the Board of Trade.

(4.) For the purposes of the provisions of this Act with respect to allotment notes—

(a.) the expression “near relative” means one of the following persons, namely, the wife, father, mother, grandfather, grandmother, child, grandchild, brother, or sister of the seaman.

(b.) the expression “savings bank” means a seamen’s savings bank under this Act, or a trustee savings bank, or a post office savings bank.

142.—(1.) An allotment in favour of a savings bank shall be made in favour of such persons and carried into effect in such manner as may be prescribed by regulations of the Board of Trade

Allotments through savings banks.

(2.) The sum received by a savings bank in pursuance of an allotment, shall be paid out only on an application made, through a superintendent or the Board of Trade, by the seaman himself, or, in case of his death, by some person to whom his property, if under one hundred pounds in value, may be paid under this Act.

143.—(1.) The person in whose favour an allotment note under this Act is made may, unless the seaman is shown, in manner in this Act specified, to have forfeited or ceased to be entitled to the wages out of which the allotment is to be paid, recover the sums allotted, when and as the same are made payable, with costs from the owner of the ship with respect to which the engagement was made, or from any agent of the owner who has authorized the allotment, in the same court and manner in which wages of seamen not exceeding fifty pounds may be recovered under this Act; provided that the wife of a seaman, if she deserts her children, or so misconducts herself as to be undeserving of support from her husband, shall forfeit all right to further payments under any allotment made in her favour.

Right of suing on allotment notes.

(2.) In any proceeding for such recovery it shall be sufficient for the claimant to prove that he is the person mentioned in the note, and that the note was given by the owner or by the master or some other authorized agent; and the seaman shall be presumed to be duly earning his wages, unless the contrary is shown to the satisfaction of the court, either—

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- (a.) by the official statement of the change in the crew caused by his absence, made and signed by the master, as by this Act is required, or
- (b.) by a certified copy of some entry in the official log book to the effect that he has left the ship, or
- (c.) by a credible letter from the master of the ship to the same effect, or
- (d.) by such other evidence as the court in their absolute discretion consider sufficient to show satisfactorily that the seaman has ceased to be entitled to the wages out of which the allotment is to be paid.

Time for payment of allotment note.

144. A payment under an allotment note shall begin at the expiration of one month, or, if the allotment is in favour of a savings bank, of three months, from the date of the agreement with the crew, or at such later date as may be fixed by the agreement, and shall be paid at the expiration of every subsequent month, or of such other periods as may be fixed by the agreement, and shall be paid only in respect of wages earned before the date of payment.

Seamen's Money Orders and Savings Banks.

Remittance of seamen's wages, &c., by seamen's money orders.

145.—(1.) Facilities shall be given for remitting the wages and other money of seamen and apprentices to the sea service to their relatives or other persons by means of seamen's money orders, issued by superintendents in accordance with this Act.

(2.) The Board of Trade may make regulations concerning seamen's money orders, and in particular may specify in those regulations the time and mode of payment, and the persons by or to whom the same are to be paid; and all such regulations, while in force, shall be binding upon all persons interested or claiming to be interested in the orders as well as upon the officers employed in issuing or paying the same.

Power to pay when order is lost.

146. The Board of Trade may, if they think fit, cause the amount of any seaman's money order to be paid to the person to whom or in whose favour the same has been granted, or to the personal representative, or any legatee, or next-of-kin of such person, notwithstanding that the order may not be in his possession; and, from and after the payment, the Board of Trade, and every superintendent and officer of the Board of Trade shall be freed from all liability in respect of the money order.

Penalty for issuing money orders with fraudulent intent.

147. If any superintendent or officer grants or issues a seaman's money order with a fraudulent intent he shall be guilty of felony, and shall for each offence be liable to penal servitude for a term not exceeding five and not less than three years.

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148.—(1.) The Board of Trade may maintain a central seamen's savings bank in London, and may establish and maintain branch seamen's savings banks at such ports and places in the United Kingdom as they think expedient, and may receive at those banks deposits from or on account of seamen (whether of the Royal Navy, merchant service or other sea service) or the wives, widows, and children of such seamen, so that the aggregate amount of deposits standing at any one time in the name of any one depositor do not exceed two hundred pounds.

Power for Board of Trade to establish savings banks.

(2.) The Board of Trade may constitute any mercantile marine office a branch savings bank for seamen, and, if so required, any superintendent of that office shall act as agent of the Board of Trade in executing the provisions of this Act relative to savings banks.

(3.) The Board of Trade may make regulations with respect to the persons entitled to become depositors in seamen's savings banks, the making and withdrawal of deposits, the amount of deposits, the rate and payment of interest, the rights, claims, and obligations of depositors, and all other matters incidental to carrying into execution the provisions of this Act with respect to seamen's savings banks, and those regulations while in force shall have effect as if enacted in this Act.

149.—(1.) The National Debt Commissioners, on the request of the Board of Trade, may receive from and repay to the account of the Board the money paid as deposits in seamen's savings banks.

National Debt Commissioners to receive deposits, &c.

(2.) The commissioners shall invest money so received in the like manner as money received from trustee savings banks, and shall pay to the account of the Board of Trade, interest on the money while in their hands, at the same rate as on the money received from trustee savings banks.

150. All sums due from the Board of Trade to the estate of any deceased person on account of any deposit in a seamen's savings bank shall be paid and applied by the Board of Trade as if they were the property of a deceased seaman received by the Board under this Act, and the provisions of this Act respecting that property shall apply accordingly.

Application of deposits of deceased depositor.

151. The Board of Trade may, out of the interest received by them from the National Debt Commissioners under this Act, pay any expenses incurred by them in relation to seamen's savings banks.

Expenses of savings banks.

152. An annual account of all deposits received and repaid on account of seamen's savings banks by the Board of Trade under this Act, and of the interest thereon, and a copy of all

Accounts and copy of regulations to be laid before Parliament.

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regulations made by the Board of Trade with respect to seamen's savings banks shall be laid before both Houses of Parliament.

Public officers to be exempt from legal proceedings except in case of wilful default.

153. Legal proceedings shall not be instituted against the Board of Trade, or against any superintendent or officer employed in or about any seamen's savings bank or about any seamen's money order, on account of any regulations made by the Board of Trade with reference to those banks or orders, or on account of any act done or left undone in pursuance thereof, or on account of any refusal, neglect, or omission to pay any order or any deposit or interest thereon, unless that refusal, neglect, or omission arises from fraud or wilful misconduct on the part of the person against whom proceedings are instituted.

Forgery of documents, &c., for purpose of obtaining money in seamen's savings bank.

154. If any person, for the purpose of obtaining, either for himself or for any other person, any money deposited in a seamen's savings bank or any interest thereon—

- (a.) forges or fraudulently alters, assists in forging or fraudulently altering, or procures to be forged or fraudulently altered, any document purporting to show or assist in showing any right to any such money or interest; or
 - (b.) makes use of any document which has been so forged or fraudulently altered as aforesaid; or
 - (c.) gives, assists in giving, or procures to be given, any false evidence, knowing the same to be false; or
 - (d.) makes, assists in making, or procures to be made, any false representation, knowing the same to be false; or
 - (e.) assists in procuring any false evidence or representation to be given or made, knowing the same to be false;
- that person shall for each offence be liable to penal servitude for a term not exceeding five years, or to imprisonment for any term not exceeding two years with or without hard labour, or on summary conviction to imprisonment with or without hard labour for any period not exceeding six months.

Rights of Seamen in respect of Wages.

Right to wages, &c., when to begin.

155. A seaman's right to wages and provisions shall be taken to begin either at the time at which he commences work or at the time specified in the agreement for his commencement of work or presence on board, whichever first happens.

Right to recover wages, and salvage not to be forfeited.

156.—(1.) A seaman shall not by any agreement forfeit his lien on the ship, or be deprived of any remedy for the recovery of his wages, to which in the absence of the agreement he would be entitled, and shall not by any agreement abandon his right to wages in case of the loss of the ship, or abandon any

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right that he may have or obtain in the nature of salvage; and every stipulation in any agreement inconsistent with any provision of this Act shall be void.

(2.) Nothing in this section shall apply to a stipulation made by the seamen belonging to any ship, which according to the terms of the agreement is to be employed on salvage service, with respect to the remuneration to be paid to them for salvage services to be rendered by that ship to any other ship.

157.—(1.) The right to wages shall not depend on the earning of freight; and every seaman and apprentice who would be entitled to demand and recover any wages, if the ship in which he has served had earned freight, shall, subject to all other rules of law and conditions applicable to the case, be entitled to demand and recover the same, notwithstanding that freight has not been earned; but in all cases of wreck or loss of the ship, proof that the seaman has not exerted himself to the utmost to save the ship, cargo, and stores, shall bar his claim to wages.

Wages not to depend on freight.

(2.) Where a seaman or apprentice who would, but for death, be entitled by virtue of this section to demand and recover any wages, dies before the wages are paid, they shall be paid and applied in manner provided by this Act with respect to the wages of a seaman who dies during a voyage.

158. Where the service of a seaman terminates before the date contemplated in the agreement, by reason of the wreck or loss of the ship, or of his being left on shore at any place abroad under a certificate granted as provided by this Act of his unfitness or inability to proceed on the voyage, he shall be entitled to wages up to the time of such termination, but not for any longer period.

Wages on termination of service by wreck or illness.

159. A seaman or apprentice shall not be entitled to wages for any time during which he unlawfully refuses or neglects to work, when required, whether before or after the time fixed by the agreement for his commencement of such work, nor, unless the court hearing the case otherwise directs, for any period during which he is lawfully imprisoned for any offence committed by him.

Wages not to accrue during refusal to work or imprisonment.

160. Where a seaman is by reason of illness incapable of performing his duty, and it is proved that the illness has been caused by his own wilful act or default, he shall not be entitled to wages for the time during which he is by reason of the illness incapable of performing his duty.

Forfeiture of wages, &c., of seaman when illness caused by his own default.

161. Whenever in any proceeding relating to seamen's wages it is shown that a seaman or apprentice has in the course of the

Costs of procuring punishment may be

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deducted from wages.

voyage been convicted of an offence by a competent tribunal, and rightfully punished for that offence by imprisonment or otherwise, the court hearing the case may direct any part of the wages due to the seaman, not exceeding three pounds, to be applied in reimbursing any costs properly incurred by the master in procuring the conviction and punishment.

Compensation to seamen improperly discharged.

162. If a seaman, having signed an agreement, is discharged otherwise than in accordance with the terms thereof before the commencement of the voyage, or before one month's wages are earned, without fault on his part justifying that discharge, and without his consent, he shall be entitled to receive from the master or owner, in addition to any wages he may have earned, due compensation for the damage caused to him by the discharge not exceeding one month's wages, and may recover that compensation as if it were wages duly earned.

Restriction on sale of, and charge upon, wages.

163.—(1.) As respects wages due or accruing to a seaman or apprentice to the sea service—

- (a.) they shall not be subject to attachment or arrestment from any court;
- (b.) an assignment or sale thereof made prior to the accruing thereof shall not bind the person making the same;
- (c.) a power of attorney or authority for the receipt thereof shall not be irrevocable; and
- (d.) a payment of wages to the seaman or apprentice shall be valid in law, notwithstanding any previous sale or assignment of those wages, or any attachment, encumbrance, or arrestment thereof.

(2.) Nothing in this section shall affect the provisions of this Act with respect to allotment notes.

Mode of recovering Wages.

Summary proceedings for wages.

164. A seaman or apprentice to the sea service, or a person duly authorized on his behalf, may as soon as any wages due to him, not exceeding fifty pounds, become payable, sue for the same before a court of summary jurisdiction in or near the place at which his service has terminated, or at which he has been discharged, or at which any person on whom the claim is made is or resides, and the order made by the court in the matter shall be final.

Restrictions on suits for wages.

165. A proceeding for the recovery of wages not exceeding fifty pounds shall not be instituted by or on behalf of any seaman or apprentice to the sea service in any superior court of record in Her Majesty's dominions, nor as an Admiralty proceeding in any court having Admiralty jurisdiction in those dominions, except :

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- (i.) where the owner of the ship is adjudged bankrupt; or
- (ii.) where the ship is under arrest or is sold by the authority of any such court as aforesaid; or
- (iii.) where a court of summary jurisdiction acting under the authority of this Act, refers the claim to any such court; or
- (iv.) where neither the owner nor the master of the ship is or resides within twenty miles of the place where the seaman or apprentice is discharged or put ashore.

166.—(1.) Where a seaman is engaged for a voyage or engagement which is to terminate in the United Kingdom, he shall not be entitled to sue in any court abroad for wages, unless he is discharged with such sanction as is required by this Act, and with the written consent of the master, or proves such ill-usage on the part or by authority of the master, as to warrant reasonable apprehension of danger to his life if he were to remain on board.

Wages not recoverable abroad in certain cases.

(2.) If a seaman on his return to the United Kingdom proves that the master or owner has been guilty of any conduct or default which but for this section would have entitled the seaman to sue for wages before the termination of the voyage or engagement, he shall be entitled to recover in addition to his wages such compensation not exceeding twenty pounds as the court hearing the case thinks reasonable.

167.—(1.) The master of a ship shall, so far as the case permits, have the same rights, liens, and remedies for the recovery of his wages as a seaman has under this Act, or by any law or custom.

Remedies of master for wages, disbursements, &c.

(2.) The master of a ship, and every person lawfully acting as master of a ship, by reason of the decease or incapacity from illness of the master of the ship, shall, so far as the case permits, have the same rights, liens, and remedies for the recovery of disbursements or liabilities properly made or incurred by him on account of the ship as a master has for the recovery of his wages.

(3.) If in any Admiralty proceeding in any court having Admiralty jurisdiction touching the claim of a master in respect of wages, or of such disbursements, or liabilities as aforesaid, any right of set-off or counter-claim is set up, the court may enter into and adjudicate upon all questions, and settle all accounts then arising or outstanding and unsettled between the parties to the proceeding, and may direct payment of any balance found to be due.

Power of Courts to rescind Contracts.

168. Where a proceeding is instituted in or before any court in relation to any dispute between an owner or master

Power of court to re-

Merchant Shipping Act, 1894.

scind contract
between
owner or mas-
ter and sea-
man or ap-
prentice.

of a ship and a seaman or apprentice to the sea service, arising out of or incidental to their relation as such, or is instituted for the purpose of this section, the court, if, having regard to all the circumstances of the case they think it just to do so, may rescind any contract between the owner or master and the seaman or apprentice, or any contract of apprenticeship, upon such terms as the court may think just, and this power shall be in addition to any other jurisdiction which the court can exercise independently of this section.

Property of Deceased Seamen.

Property of
seamen who
die during
voyage.

169.—(1.) If any seaman or apprentice to the sea service belonging to a British ship the voyage of which is to terminate in the United Kingdom, whether a foreign-going or a home-trade ship, dies during that voyage, the master of the ship shall take charge of any money or effects belonging to the seaman or apprentice which are on board the ship.

(2.) The master may, if he think fit, cause any of the effects to be sold by auction at the mast or otherwise by public auction.

(3.) The master shall enter in the official log book the following particulars:—

(a.) a statement of the amount of the money and a description of the effects:

(b.) in case of a sale, a description of each article sold, and the sum received for each:

(c.) a statement of the sum due to the deceased for wages and the amount of deductions (if any) to be made from the wages.

(4.) The entry shall be signed by the master and attested by a mate and some other member of the crew.

(5.) The said money, effects, proceeds of sale of effects, and balance of wages, are in this Act referred to as the property of the seaman or apprentice.

Dealing with
and account of
property of
seamen who
die during
voyage.

170.—(1.) Where a seaman or apprentice dies as aforesaid and the ship before coming to a port in the United Kingdom touches and remains for forty-eight hours at some port elsewhere, the master shall report the case to the British consular officer at such port, or if the port is in a British possession, to the officer of customs there, and shall give to the officer any information he requires as to the destination of the ship and probable length of the voyage.

(2.) That officer may, if he thinks it expedient, require the property to be delivered and paid to him, and shall thereupon give to the master a receipt thereof, and endorse under his hand upon the agreement with the crew such particulars with respect thereto as the Board of Trade require.

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(3.) The receipt shall be produced by the master to a superintendent within forty-eight hours after his arrival at his port of destination in the United Kingdom.

(4.) Where a seaman or apprentice dies as aforesaid and the ship proceeds at once to a port in the United Kingdom without touching and remaining as aforesaid at a port elsewhere, or the consular officer or officer of customs does not require the delivery and payment of the property as aforesaid, the master shall, within forty-eight hours after his arrival at his port of destination in the United Kingdom, deliver and pay the property to the superintendent at that port.

(5.) In all cases where a seaman or apprentice dies during the progress of a voyage or engagement, the master shall give to the Board of Trade, or to the superintendent or officer to whom delivery and payment is made as aforesaid, such account in such form as they respectively require of the property of the deceased.

(6.) A deduction claimed by the master in such account shall not be allowed unless verified, if an official log book is required to be kept, by an entry in that book made and attested as required by this Act, and also by such other vouchers (if any) as may reasonably be required by the Board of Trade or by the superintendent or officer to whom the account is given.

(7.) A superintendent in the United Kingdom shall grant to a master, upon due compliance with such provisions of this section as relate to acts to be done at the port of destination, a certificate to that effect; and an officer of customs shall not clear inwards a foreign-going ship without the production of that certificate.

171.—(1.) If the master of the ship fails to comply with the provisions of this Act with respect to taking charge of the property of a deceased seaman or apprentice, or to making in the official log book the proper entries relating thereto, or to procuring the proper attestation of those entries as required by this Act, or to the payment or delivery of the property, he shall be accountable for the property to the Board of Trade, and shall pay and deliver the same accordingly, and shall in addition for each offence be liable to a fine not exceeding treble the value of the property not accounted for, or if such value is not ascertained not exceeding fifty pounds.

Penalty for non-compliance with provisions as to property of deceased seamen.

(2.) If any such property is not duly paid, delivered, or accounted for by the master, the owner of the ship shall pay, deliver and account for the same, and such property shall be recoverable from him accordingly, and if he fails to account for and deliver or pay the same, he shall in addition to his liability for the same be liable to a fine not exceeding treble the value

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of the property not accounted for, delivered, or paid over, or, if such value be not ascertained, not exceeding fifty pounds.

(3.) The property may be recovered in the same court and manner in which the wages of seamen may be recovered under this Act.

Property of deceased seamen left abroad but not on board ship.

172. If any seaman or apprentice to the sea service belonging to a British ship the voyage of which is to terminate in the United Kingdom, or who has within six months preceding his death belonged to any such ship, dies at any place out of the United Kingdom, leaving any money or effects not on board the ship to which he belonged at the time of his death or to which he last belonged before his death, the chief officer of customs in the case of a British possession, and in other cases the British consular officer at or near the place, shall claim and take charge of such money and effects, and such money and effects shall be deemed to be property of a deceased seaman or apprentice within the meaning of this part of this Act.

Dealing with property of deceased seamen by officers abroad.

173.—(1.) A chief officer of customs in a British possession and a British consular officer may, as he thinks fit, sell any of the property of a deceased seaman or apprentice delivered to him or of which he takes charge under this Act, and the proceeds of any such sale shall be deemed to form part of the said property.

(2.) Every such officer shall quarterly, or at such times as the Board of Trade require, remit the property in such manner, and shall render such accounts in respect thereof as the Board of Trade require.

Recovery of wages, &c., of seamen lost with their ship.

174.—(1.) Where a seaman or apprentice is lost with the ship to which he belongs the Board of Trade may recover the wages due to him from the owner of the ship, in the same court and in the same manner in which seamen's wages are recoverable, and shall deal with those wages in the same manner as with the wages of other deceased seamen and apprentices under this Act.

(2.) In any proceeding for the recovery of the wages, if it is shown by some official return produced out of the custody of the Registrar General of Shipping and Seamen, or by other evidence, that the ship has twelve months or upwards before the institution of the proceeding left a port of departure, she shall, unless it is shown that she has been heard of within twelve months after that departure, be deemed to have been lost with all hands on board, either immediately after the time she was last heard of, or at such later time as the court hearing the case may think probable.

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(3.) Any duplicate agreement or list of the crew made out, or statement of a change of the crew delivered, under this Act, at the time of the last departure of the ship from the United Kingdom, or a certificate purporting to be a certificate from consular or other public officer at any port out of the United Kingdom, stating that certain seamen and apprentices were shipped in the ship from the said port, shall, if produced out of the custody of the Registrar General of Shipping and Seamen, or of the Board of Trade, be, in the absence of proof to the contrary, sufficient proof that the seamen and apprentices therein named as belonging to the ship were on board at the time of the loss.

175. If a seaman or apprentice to the sea service dies in the United Kingdom, and is at the time of his death entitled to claim from the master or owner of a ship in which he has served any effects or unpaid wages, the master or owner shall pay and deliver or account for such property to the superintendent at the port where the seaman or apprentice was discharged or was to have been discharged, or to the Board of Trade, or as that Board direct.

Property of seamen dying at home.

176.—(1.) Where any property of a deceased seaman or apprentice comes into the hands of the Board of Trade, or any agent of that Board, the Board of Trade, after deducting for expenses incurred in respect of that seaman or apprentice or of his property such sum as they think proper to allow, shall, subject to the provisions of this Act, deal with the residue as follows:

Payment over of property of deceased seamen by Board of Trade.

(a.) If the property exceeds in value one hundred pounds, they shall pay and deliver the residue to the legal personal representative of the deceased:

(b.) If the property do not exceed in value one hundred pounds, the Board may as they think fit either pay or deliver the residue to any claimant who is proved to their satisfaction to be the widow or a child of the deceased, or to be entitled to the personalty of the deceased either under his will (if any) or any statute of distribution or otherwise, or to be a person entitled to take out representation, although no such representation has been taken out, and shall be thereby discharged from all further liability in respect of the residue so paid or delivered; or

(c.) They may, if they think fit, require representation to be taken out, and pay and deliver the residue to the legal personal representative of the deceased.

(2.) Every person to whom any such residue is so paid or delivered shall apply the same in due course of administration.

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Dealing with deceased seamen's property when he leaves a will.

177.—(1.) Where a deceased seaman or apprentice has left a will the Board of Trade may refuse to pay or deliver the above mentioned residue ;

(a.) If the will was made on board ship, to any person claiming under the will, unless the will is in writing, and is signed or acknowledged by the testator in the presence of, and is attested by, the master or first or only mate of the ship, and

(b.) If the will was not made on board ship, to any person claiming under the will, and not being related to the testator by blood or marriage, unless the will is in writing, and is signed or acknowledged by the testator in the presence of, and is attested by, two witnesses, one of whom is a superintendent, or is a minister of religion officiating in the place in which the will is made, or, where there are no such persons, a justice, British consular officer, or an officer of customs.

(2.) Whenever the Board of Trade refuse under this section to pay or deliver the residue to a person claiming under a will the residue shall be dealt with as if no will had been made.

Claims by creditors.

178.—(1.) A creditor shall not be entitled to claim from the Board of Trade the property of a deceased seaman or apprentice, or any part thereof, by virtue of representation obtained as creditor.

(2.) A creditor shall not be entitled by any means whatever to obtain payment of his debt out of the property, if the debt accrued more than three years before the death of the deceased, or if the demand is not made within two years after the death.

(3.) The demand shall be made by the creditor delivering to the Board of Trade an account in writing in a form approved by the Board, stating the particulars of his demand and the place of his abode, and signed by him and verified by a statutory declaration.

(4.) If before the demand is made, any claim to the property of the deceased made by any person has been allowed, that Board shall give notice to the creditor of the allowance of the claim.

(5.) If no claim has been allowed, the Board of Trade shall investigate the creditor's account, and may for that purpose require him to prove the same, and to produce all books, accounts, vouchers, and papers relating thereto ; and if by means of them the creditor satisfies the Board of Trade of the justice of the demand, either in the whole or in part, the same shall be allowed and paid accordingly, so far as the property then in the hands of the Board of Trade will extend for that

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purpose, and the Board of Trade shall thereby be discharged from all further liability in respect of money so paid; but if the Board are not satisfied as to the claim, or if such books, accounts, vouchers, or papers as aforesaid are not produced, and sufficient reason is not given for their non-production, the demand shall be disallowed.

(6.) In any case whatever the Board of Trade may delay the investigation of any demand made by a creditor for the payment of his debt for one year from the time of the first delivery of the demand; and if in the course of that time a claim to the property of the deceased is made by any person as widow, next of kin, or legatee, and allowed by the Board of Trade under this Act, the Board of Trade may pay and deliver the same to that person.

(7.) Where the property has been paid and delivered by the Board of Trade to any person as a widow, next of kin, or legatee of the deceased, whether before or after the demand made by the creditor, the creditor shall have the same rights and remedies against that person as if he had received the property as the legal personal representative of the deceased.

179. Where no claim to the property of a deceased seaman or apprentice received by the Board or Trade is substantiated within six years after the receipt thereof the Board may in their absolute discretion, if any subsequent claim is made, either allow or refuse the claim, and, subject to the allowance of any such claim, shall apply such property in manner provided by Part Twelve of this Act (relating to the Mercantile Marine Fund).

Dealing with unclaimed property of deceased seaman.

45-46 V., c. 99.

180. If any person, for the purpose of obtaining, either for himself or for any other person, any property of any deceased seaman or apprentice to the sea service,—

Forgery of documents, &c., for purpose of obtaining property of deceased seamen.

- (a.) forges or fraudulently alters, or assists in forging or fraudulently altering, or procures to be forged or fraudulently altered any document purporting to show or assist in showing any right to such property; or
 - (b.) makes use of any document which has been so forged or fraudulently altered as aforesaid; or
 - (c.) gives or assists in giving, or procures to be given, any false evidence, knowing the same to be false; or
 - (d.) makes or assists in making, or procures to be made, any false representation, knowing the same to be false; or
 - (e.) assists in procuring any false evidence or representation to be given or made, knowing the same to be false,—
- that person shall for each offence be liable to penal servitude for a term not exceeding five years, or to imprisonment for a term not exceeding two years with or without hard labour, or

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on summary conviction to imprisonment with or without hard labour for any period not exceeding six months.

Property of
seamen dis-
charged from
Royal Navy.

181. Where a seaman invalided or discharged from any of Her Majesty's ships is sent home in a merchant ship, and dies during the voyage, the provisions of this Act respecting the property of deceased seamen shall apply, with this qualification, that the property shall be delivered, paid over, and disposed of in such manner as the Accountant General of Her Majesty's Navy directs.

Reimbursement of Relief to Seamen's Families.

Relief to sea-
men's families
to be charge-
able on a cer-
tain propor-
tion of their
wages.

182.—(1.) Whenever, during the absence of any seaman on a voyage, his wife, or any of his children or step-children, becomes chargeable to any union or parish in the United Kingdom, that union or parish shall be entitled to be reimbursed, out of the wages of the seaman earned during the voyage, any sums properly expended during his absence in the maintenance of those members of his family or any of them, so that the sums do not exceed the following proportions of his wages; (that is to say,)

(a.) if only one of those members is chargeable, one-half of the wages:

(b.) if two or more of those members are chargeable, two-thirds of the wages.

(2.) If during the absence of the seaman any sums have been paid by the owner of his ship to or on behalf of any such member as aforesaid, under an allotment note made by the seaman in favour of the member, any claim for reimbursement as aforesaid shall be limited to the excess (if any) of the proportion of the wages hereinbefore mentioned over the sums so paid.

Notice to
owner, and
enforcement
of charge.

183.—(1.) For the purpose of obtaining such reimbursement as aforesaid, the board of guardians in a poor law union in England or Ireland, and the inspector of the poor in any parish in Scotland, may give to the owner of the ship in which the seaman is serving a notice in writing stating the proportion of the seaman's wages upon which it is intended to make a claim, and requiring the owner to retain such proportion in his hands for a period to be therein mentioned, not exceeding twenty-one days from the time of the seaman's return to his port of discharge, and also requiring the owner immediately on the seaman's return to give notice in writing thereof to the board or inspector.

(2.) The owner, after receiving any such notice, shall retain the said proportion of wages, and give notice of the seaman's return accordingly, and shall likewise give to the seaman notice of the intended claim.

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(3.) The board or inspector may, upon the seaman's return, apply to a court of summary jurisdiction having jurisdiction in the union or parish for an order for reimbursement; and that court may make a summary order for the reimbursement to the whole extent claimed, or to such lesser amount as the court, under the circumstances, think fit; and the owner shall pay to the board or inspector out of the seaman's wages the amount so ordered to be paid by way of reimbursement, and shall pay the residue of the wages to the seaman.

(4.) If no order for reimbursement is obtained within the period mentioned in the notice given to the owner as aforesaid, the proportion of wages to be retained by him shall immediately on the expiration of that period and without deduction be payable to the seaman.

Destitute Seamen.

184.—(1.) If any person being a native of any country in Asia or Africa, or of any island in the South Sea or the Pacific Ocean, or of any other country not having a consular officer in the United Kingdom, is brought to the United Kingdom in a ship, British or foreign, as a seaman, and is left in the United Kingdom, and within six months of his being so left becomes chargeable upon the poor rate, or commits any act by reason whereof he is liable to be convicted as an idle and disorderly person, or any other act of vagrancy, the master or owner of the ship, or in case of a foreign ship the person who is consignee of the ship at the time of the seaman being so left as aforesaid, shall be liable to a fine not exceeding thirty pounds, unless he can show that the person left as aforesaid quitted the ship without the consent of the master, or that the master, owner, or consignee, has afforded him due means of returning to his native country, or to the country in which he was shipped.

Penalty on masters of ships leaving certain seamen in distress in the United Kingdom.

(2.) The court inflicting the fine may order the whole or any part of the fine to be applied towards the relief or sending home of the person left.

185.—(1.) It shall be the duty of the Secretary of State in Council of India to take charge of and send home or otherwise provide for all lascars or other natives of India who are found destitute in the United Kingdom.

Relief of destitute lascars.

(2.) If any such destitute person is relieved and maintained by a board of guardians in a poor law union in England or Ireland, or by the inspector of the poor in any parish in Scotland, the board or inspector may give notice thereof in writing to the Secretary of State in Council of India specifying, so far as is practicable, the following particulars; namely—

(a.) the name of the person relieved or maintained; and

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- (b.) the part of India of which he professes to be a native ; and
- (c.) the name of the ship in which he was brought to the United Kingdom ; and
- (d.) the port abroad from which the ship sailed, and the port in the United Kingdom at which the ship arrived when he was so brought to the United Kingdom, and the time of the arrival :

4 Geo., c. 80,
s. 34, 3-4 Will.
4, c. 93.

(3.) The Secretary of State in Council of India shall repay to the board of guardians or inspector out of the revenues of India all moneys duly expended by them or him in relieving or maintaining the destitute person after the time at which the notice is given, and any money so paid or otherwise paid by the said Secretary of State, on account of the relief or maintenance or passage home of the destitute person, shall be a joint and several debt due to the said Secretary of State from the master and owner of the ship by which the destitute person was brought to the United Kingdom.

(4.) This section shall apply only to such lascars or other natives of India as have been brought to the United Kingdom either as seamen, or for employment as seamen, or for employment by the owner of the ship bringing them.

Leaving Seamen Abroad.

Discharge of
seamen in
foreign coun-
tries.

186.—(1.) In the following cases, namely—

- (a.) where a British ship is transferred or disposed of at any port out of Her Majesty's dominions, and a seaman or apprentice belonging thereto does not in the presence of some British consular officer, or, if there is no such officer there, in the presence of one or more respectable British merchants residing at the port and not interested in the ship, signify his consent in writing to complete the voyage if continued, and
- (b.) where the service of any seaman or apprentice belonging to any British ship terminates at any port out of Her Majesty's dominions,

the master shall give to that seaman or apprentice a certificate of discharge in a form approved by the Board of Trade, and in the case of any certificated officer whose certificate he has retained shall return such certificate to him.

(2.) The master shall also besides paying the wages to which the seaman or apprentice is entitled, either—

- (a.) provide him with adequate employment on board some other British ship bound to the port in Her Majesty's dominions at which he was originally shipped, or to a port in the United Kingdom agreed to by the seaman, or

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- (b.) furnish the means of sending him back to some such port, or
- (c.) provide him with a passage home, or
- (d.) deposit with the consular officer or merchants as afore-said such a sum of money as is by the officer or merchants deemed sufficient to defray the expenses of his maintenance and passage home.

(3.) The consular officer or merchants shall endorse upon the agreement with the crew of the ship which the seaman or apprentice is leaving the particulars of any payment, provision, or deposit made under this section.

(4.) If the master fails, without reasonable cause, to comply with any requirement of this section, the expenses of maintenance or passage home,—

- (a.) if defrayed by the seaman or apprentice shall be recoverable as wages due to him; and
- (b.) if defrayed by the consular officer or by any other person shall (unless the seaman or apprentice has been guilty of barratry) be a charge upon the ship to which the seaman or apprentice belonged and upon the owner for the time being thereof and may be recovered against the owner, with costs, at the suit of the consular officer or other person defraying the expenses, or, in case they have been allowed to him out of public money, as a debt to the Crown, either by ordinary process of law, or in the manner in which wages can be recovered under this Act.

187. The master of, or any other person belonging to, a British ship, shall not wrongfully force on shore and leave behind, or otherwise wilfully and wrongfully leave behind, in any place on shore or at sea, in or out of Her Majesty's dominions, a seaman or apprentice to the sea service before the completion of the voyage for which he was engaged or before the return of the ship to the United Kingdom, and if he does so, he shall in respect of each offence be guilty of a misdemeanour.

Penalty for forcing seamen on shore or leaving them behind.

188.—(1.) The master of a British ship shall not discharge a seaman or apprentice to the sea service abroad, or leave him behind abroad, ashore, or at sea, unless he previously obtains, endorsed on the agreement with the crew, the sanction, or in the case of leaving behind the certificate—

Seamen not to be discharged or left abroad unless sanction or certificate obtained.

- (a.) at any place in a British possession of a superintendent (or in the absence of any such superintendent of the chief officer of customs at or near the place); and
- (b.) at any place elsewhere of the British consular officer for the place, or, in the absence of any such officer, of two merchants resident at or near the place, or, if there is only one merchant so resident, of that merchant,

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but nothing in this section shall require such sanction where the discharge is in the British possession where the seaman was shipped.

(2.) The certificate shall state in writing the fact and cause of the seaman being left behind whether the cause be unfitness or inability to proceed to sea, desertion, or disappearance.

(3.) The person to whom an application is made for a sanction or certificate under this section may, and, if not a merchant, shall, examine into the grounds on which a seaman or apprentice is to be discharged or left abroad, and for that purpose may, if he thinks fit, administer oaths, and may grant or refuse the sanction or certificate as he thinks just.

(4.) If a master acts in contravention of this section, he shall be guilty of a misdemeanour, and in any legal proceeding for the offence it shall lie on the master to prove that the sanction or certificate was obtained, or could not be obtained.

Accounts and payment of wages in case of seamen left abroad.

189.—(1.) Where a master of a British ship leaves a seaman or apprentice on shore abroad, whether within or without Her Majesty's dominions, on the ground of his unfitness or inability to proceed on the voyage, he shall deliver to the person signing the certificate above-mentioned, a full and true account of the wages due to the seaman or apprentice, and if the said person is a consular officer shall deliver the account in duplicate.

(2.) If a master fails without reasonable cause to deliver the account he shall for each offence be liable to a fine not exceeding ten pounds, and if he delivers a false account he shall for each offence be liable to a fine not exceeding twenty pounds, in addition in each case to the payment of the wages.

(3.) The master shall pay the amount of wages due to a seaman or apprentice so left abroad as aforesaid, if he is left in a British possession to the seaman or apprentice himself, and if he is left elsewhere to the British consular officer.

(4.) The payment shall be made, whenever it is practicable, in money, and, when not so practicable, by bill drawn on the owner of the ship, but if payment is made by bill—

(a.) the person signing the certificate shall certify by endorsement on the bill that the same is drawn for seamen's wages, and shall also endorse on the agreement with the crew, the amount for which the bill is drawn, and such further particulars as the Board of Trade requires;

(b.) if the bill is drawn by the master, the owner of the ship shall be liable to pay the amount to the holder or endorsee thereof; and it shall not be necessary in any proceeding against the owner upon the bill to prove that the master had authority to draw it;

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(c.) a bill purporting to be drawn and endorsed under this section, shall if produced out of the custody of the Board of Trade or of the Registrar General of Shipping and Seamen, or of any superintendent be admissible in evidence; and any endorsement on any such bill purporting to be made in pursuance of this section shall also be admissible as evidence of the facts stated in the endorsement.

(5.) If a master fails, without reasonable cause, to make such payment of wages as provided by this section, he shall for each offence be liable in addition to the payment of the wages to a fine not exceeding ten pounds.

(6.) Where payment is made to a British consular officer, that officer shall, if satisfied with the account, endorse on one of the duplicates thereof a receipt for the payment, and return it to the master, and the master shall deliver the duplicate within forty-eight hours of his return to his port of destination in the United Kingdom to the superintendent at that port.

(7.) The British consular officer shall retain the other duplicate of the account, and shall deal with the sum so paid to him in the following manner, namely—

(a.) if the seaman or apprentice subsequently obtains employment at or quits the port at which the payment has been made, he shall deduct out of the sum any expenses incurred by him in respect of the maintenance of the seaman or apprentice under this Act, except such as the owner or master is by this Act required to defray, and shall pay the remainder to the seaman or apprentice, and deliver to him an account of the sums so received and expended on his behalf;

(b.) if the seaman or apprentice dies before his ship quits the port, he shall deal with the sum as part of the property of a deceased seaman; and

(c.) if the seaman or apprentice is sent home at the public expense under this Act, he shall account for the sum to the Board of Trade; and the sum, after deducting any expenses duly incurred in respect of the seaman or apprentice, except such expenses as the master or owner of the ship is required by this Act to pay, shall be dealt with as wages of the seaman or apprentice.

Distressed Seamen.

190. The Board of Trade may make regulations with respect to the relief, maintenance and sending home of seamen and apprentices found in distress abroad, and may, by those regulations (in this Act referred to as the distressed seamen regulations) make such conditions as they think fit with regard to that relief, maintenance, and sending home, and a seaman shall not have any right to be relieved, maintained or sent

Regulations as to relief and maintenance of distressed seamen.

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home except in the cases and to the extent and on the conditions provided by those regulations.

Provisions for maintenance and relief of distressed seamen.

191.—(1.) The following authorities, that is to say, governors of British possessions, British consular officers, and other officers of Her Majesty in foreign countries shall, and, in places where there are no such officers, any two resident British merchants, or if there is only one British merchant so resident that merchant, may, in accordance with and on the conditions prescribed by the distressed seamen regulations, provide for the maintenance, until a passage home can be procured, of the following seamen and apprentices (who are in this Act included in the term distressed seamen) namely,—

- (a.) seamen and apprentices to the sea service, whether subjects of Her Majesty or not, who by reason of having been discharged or left behind abroad or shipwrecked from any British ship, or any of Her Majesty's ships, are in distress in any place abroad, and
- (b.) seamen and apprentices to the sea service, being subjects of Her Majesty, who have been engaged by any person acting either as principal or agent to serve in a ship belonging to the government or to a subject or citizen of a foreign country, and are in distress in any place abroad.

(2.) For the purpose of providing a distressed seaman with a passage home, the authority shall put him on board a British ship bound either to the United Kingdom or to the British possession to which the seaman belongs (as the case requires), which is in want of men to make up its complement; or if there is no such ship, then the authority shall provide the seaman with a passage home as soon as possible in any ship, British or foreign, bound as aforesaid.

(3.) The authority shall endorse on the agreement with the crew of the ship, if a British ship, on board of which a distressed seaman is placed, the name of every person so placed on board with any particulars directed by the distressed seamen regulations to be endorsed.

(4.) The authority shall be paid in respect of the expenses of the maintenance and conveyance of distressed seamen such sums as the Board of Trade may allow, and those sums shall, on the production of the bills of disbursements, with the proper vouchers, be paid as hereinafter provided.

Masters of ships compelled to take distressed seamen.

192.—(1.) The master of every British ship so bound as aforesaid shall receive on board his ship, and afford a passage and maintenance to all distressed seamen whom he is required under this Act to take on board his ship, not exceeding one for every fifty tons burden, and shall during the passage provide every such distressed seaman with a proper berth or sleeping place, effectually protected against sea and weather.

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(2.) On the production of a certificate, signed by the authority by whose directions any such distressed seaman was received on board, specifying the number and names of the distressed seamen and the time when each of them was received on board, and on a declaration made by the master before a justice of the peace, and verified by the Registrar General of Shipping and Seamen, stating the number of days during which each distressed seaman has received maintenance, and stating the full complement of his crew and the actual number of seamen and apprentices employed on board his ship, and every variation in that number, whilst the distressed seaman received maintenance, the master shall be entitled to be paid, in respect of the maintenance and passage of every seaman or apprentice so conveyed, maintained and provided for by him, exceeding the number (if any) wanted to make up the complement of his crew, such sum per diem as the Board of Trade allow.

(3.) If any master of a British ship fails without reasonable cause to comply with this section in the case of any seaman or apprentice, he shall for each offence be liable to a fine not exceeding one hundred pounds.

193.—(1.) Where any expenses on account of any such distressed seaman or apprentice as follows, namely—

Recovery of expenses of relief of distressed seamen.

(a.) Any seaman or apprentice belonging to a British ship, who has been discharged or left behind abroad, without full compliance on the part of the master with the provisions in that behalf in this Act contained ;

(b.) A subject of Her Majesty, who has been engaged to serve in a ship belonging to the government or to a subject or citizen of a foreign country,

either for his maintenance, necessary clothing, conveyance home, or, in case of death, for his burial, or otherwise in accordance with this Act are incurred by or on behalf of the Crown, or are incurred by the government of a foreign country, and repaid to that government by or on behalf of the Crown, those expenses, together with the wages, if any, due to the seaman or apprentice, shall be a charge upon the ship, whether British or foreign, to which such distressed seaman or apprentice belonged, and shall be a debt to the Crown from the master of the ship, or from the owner of the ship for the time being, and also, if the ship be a foreign ship, from the person, whether principal or agent, who engaged the seaman or apprentice for service in the ship.

(2.) The debt, in addition to any fines which may have been incurred, may be recovered by the Board of Trade on behalf of the Crown either by ordinary process of law, or in the court and manner in which wages may be recovered by seamen.

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(3.) In any proceeding for such recovery the production of the account (if any) of the expenses furnished in accordance with this Act or the distressed seamen regulations, and proof of payment of the expenses by or on behalf of the Board of Trade, shall be sufficient evidence that the expenses were incurred or repaid under this Act by or on behalf of the Crown.

Payment of expenses out of mercantile marine fund.

194. All expenses paid under this Act by or on behalf of the Crown for the relief of distressed seamen, shall be paid out of the Mercantile Marine Fund, and all sums received or recovered towards those expenses shall be carried to that fund.

Volunteering into the Navy.

Seamen allowed to leave their ships in order to enter the navy.

195.—(1.) A seaman may leave his ship for the purpose of forthwith entering the naval service of Her Majesty, and in that case shall not by reason of so leaving his ship be deemed to have deserted therefrom, or otherwise be liable to any punishment or forfeiture whatever.

(2.) A stipulation introduced into any agreement whereby a seaman is declared to incur a forfeiture or be exposed to a loss in case he enters the naval service of Her Majesty shall be void, and if a master or owner causes any such stipulation to be so introduced he shall for each offence be liable to a fine not exceeding twenty pounds.

Money and effects of seamen volunteering into navy.

196.—(1.) If a seaman, without having previously committed an act amounting to and treated by the master as desertion, leaves his ship in order to enter the naval service of Her Majesty, and is received into that service, the master shall deliver to him his effects on board the ship, and shall pay, subject to all just deductions, the proportionate amount of his wages down to the time of his entering Her Majesty's service, to the officer authorized to receive the seaman into that service, either in money or by bill drawn upon the owner, and payable at sight to the order of the Accountant General of the Navy; and the receipt of that officer shall be a discharge for the money or bill so given; and the bill shall be exempt from stamp duty.

(2.) If the master fails so to deliver the seaman's effects, or to pay his wages, as by this section required, he shall, in addition to his liability to deliver and pay the same, be liable for each offence to a fine not exceeding twenty pounds.

(3.) If any such bill be not duly paid when presented, the Accountant General of the Navy or the seaman on whose behalf the bill is given, may sue thereon, or may recover the wages due by all or any of the means by which wages due to seamen are recoverable.

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197.—(1.) Where the wages of a seaman received into Her Majesty's naval service are paid in money, the money shall be credited in the ship's ledger to the account of the seaman. Wages of seamen received into navy.

(2.) Where the wages are paid by bill, the bill shall be noted in the ship's ledger, and sent to the Accountant General of the Navy, who shall cause the same to be presented for payment, and shall credit the produce thereof to the account of the seaman.

(3.) An officer who receives any such bill shall not be subject to any liability in respect thereof, except for the safe custody thereof until sent to the Accountant General as aforesaid.

(4.) The wages of the seaman shall not be paid to him until the time at which he would have been entitled to receive the same if he had remained in the service of the ship which he has quitted for the purpose of entering Her Majesty's service.

(5.) If the owner or master of the ship shows to the satisfaction of the Admiralty, that he has paid or properly rendered himself liable to pay, an advance of wages to or on account of the seaman, and has satisfied that liability, and that the seaman has not at the time of quitting his ship duly earned the advance by service therein, the Admiralty may pay to the owner or master so much of the advance as had not been duly earned, and deduct the sum so paid from any wages of the seaman earned or to be earned in the naval service of Her Majesty.

(6.) Where in consequence of a seaman so leaving his ship and entering Her Majesty's service, it becomes necessary for the safety and proper navigation of the ship to engage any substitute, and the wages or other remuneration paid to the substitute for subsequent service exceed the wages or remuneration which would have been payable to the seaman under his agreement for similar service, the master or owner of the ship may apply to the High Court for a certificate authorizing the repayment of the excess, and the application shall be made and the certificate granted in accordance with rules of court.

(7.) The certificate shall be sent to the applicant or his solicitor or agent, and a copy thereof shall be sent to the Accountant General of the Navy; and the Accountant General shall, upon delivery to him of the original certificate together with a receipt in writing purporting to be a receipt from the applicant, pay to the person delivering the certificate, out of the moneys granted by Parliament for navy services, the amount mentioned in the certificate; and the certificate and receipt shall absolutely discharge the Accountant General and Her Majesty from all liability in respect of the moneys so paid or of the application thereof.

(8.) If any person in making or supporting any application under this section—

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- (a.) forges or fraudulently alters, or assists in forging or fraudulently altering, or procures to be forged or fraudulently altered, any document; or
 - (b.) presents or makes use of any document so forged or fraudulently altered; or
 - (c.) gives, assists in giving, or procures to be given, any false evidence, knowing the same to be false; or
 - (d.) makes, assists in making, or procures to be made, any false representation, knowing the same to be false,
- that person shall in respect of each offence be guilty of a misdemeanour.

Provisions, Health, and Accommodation.

Complaints as to provisions or water.

198.—(1.) If three or more of the crew of a British ship consider that the provisions or water for the use of the crew are at any time of bad quality, unfit for use, or deficient in quantity, they may complain thereof to any of the following officers, namely, an officer in command of one of Her Majesty's ships, a British consular officer, a superintendent, or a chief officer of customs, and the officer may either examine the provisions or water complained of or cause them to be examined.

(2.) If the officer, or person making the examination, finds that the provisions or water are of bad quality and unfit for use, or deficient in quantity, he shall signify it in writing to the master of the ship, and if the master of the ship does not thereupon provide other proper provisions or water in lieu of any so signified to be of bad quality and unfit for use, or does not procure the requisite quantity of any provisions or water so signified to be deficient in quantity, or uses any provisions or water so signified to be of bad quality and unfit for use, he shall for each offence be liable to a fine not exceeding twenty pounds.

(3.) The officer directing, or the person making, the examination shall enter a statement of the result of the examination in the official log book, and send a report thereof to the Board of Trade, and that report shall be admissible in evidence in manner provided by this Act.

(4.) If the said officer certifies in that statement that there was no reasonable ground for the complaint, each of the complainants shall be liable to forfeit to the owner out of his wages a sum not exceeding one week's wages.

Allowance for short or bad provisions.

199. In either of the following cases; (that is to say,)

- (i.) if during a voyage the allowance of any of the provisions for which a seaman has by his agreement stipulated is reduced (except in accordance with any regulations for reduction by way of punishment contained in the agree-

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ment with the crew, and also except for any time during which the seaman wilfully and without sufficient cause refuses or neglects to perform his duty, or is lawfully under confinement for misconduct either on board or on shore); or

(ii.) if it is shown that any of those provisions are or have during the voyage been bad in quality and unfit for use; the seaman shall receive, by way of compensation for that reduction, or bad quality, according to the time of its continuance, the following sums, to be paid to him in addition to, and to be recoverable as, wages; (that is to say,)

(a.) if his allowance is reduced by not more than one-third of the quantity specified in the agreement, a sum not exceeding fourpence a day:

(b.) if his allowance is reduced by more than one-third of that quantity, eightpence a day:

(c.) in respect of bad quality as aforesaid, a sum not exceeding one shilling a day:

But if it is shown to the satisfaction of the court before whom the case is tried that any provisions, the allowance of which has been reduced, could not be procured or supplied in proper quantities, and that proper and equivalent substitutes were supplied in lieu thereof, the court shall take those circumstances into consideration, and shall modify or refuse compensation as the justice of the case requires.

200.—(1.) The Board of Trade shall issue scales of medicines and medical stores suitable for different classes of ships and voyages, and shall also prepare or sanction books containing instructions for dispensing the same. Regulations respecting medicines, anti-scorbutics, &c.

(2.) The owner of every ship navigating between the United Kingdom and any place out of the same shall provide and cause to be kept on board a supply of medicine and medical stores according to the scale appropriate to the ship, and also the said books or one of them.

(3.) The master or owner of every such ship, except in the case of—

(a.) ships bound to European ports or ports in the Mediterranean Sea; and

(b.) such ships or classes of ships bound to ports on the eastern coast of America, north of the thirty-fifth degree of north latitude, and to any islands or places in the Atlantic Ocean north of the same limit as the Board of Trade may exempt;

shall provide and cause to be kept on board a sufficient quantity of anti-scorbutics in accordance with the regulations in the Fifth Schedule to this Act, and those regulations shall have effect as part of this section, and the master shall serve out the anti-

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scorbutics to the crew according to the said regulations, and if a seaman or apprentice refuses or neglects to take the anti-scorbutics when served out, that fact shall be entered in the official log book, and the entry shall be signed by the master and by the mate or some other of the crew, and also by the medical practitioner on board if any.

(4.) If any requirement of this section with respect to the provision of medicines, medical stores, book of instruction, or anti-scorbutics is not complied with in the case of any ship, the owner or master of that ship shall, for each offence, be liable to a fine not exceeding twenty pounds, unless he can prove that the non-compliance was not caused through his inattention, neglect, or wilful default.

(5.) If any requirement of this section with respect to the serving out of anti-scorbutics or making an entry in the official log book is not complied with in the case of any ship to which the requirement applies, the master of the ship shall, for each offence, be liable to a fine not exceeding five pounds, unless he can prove that the non-compliance did not arise through any neglect, omission, or wilful default on his part.

(6.) If it is proved that some person, other than the master or owner, is in default in any case under this section, that person shall, for each offence, be liable to a fine not exceeding twenty pounds.

(7.) If any person manufactures, sells, or keeps, or offers for sale any medicines or medical stores for use on board ship which are of bad quality, he shall, for each offence, be liable to a fine not exceeding twenty pounds.

Weights and
measures on
board.

201.—(1.) The master of a ship shall keep on board proper weights and measures for determining the quantities of the several provisions and articles served out, and shall allow the same to be used at the time of serving out the provisions and articles in the presence of a witness whenever any dispute arises about the quantities.

(2.) If the master of a ship fails without reasonable cause to comply with this section, he shall for each offence be liable to a fine not exceeding ten pounds.

Inspection of
medicines,
medical stores,
and anti-scor-
butics.

202.—(1.) It shall be the duty of the medical inspector of ships for the port appointed under this part of this Act to inspect the medicines, medical stores, and anti-scorbutics with which a ship is required by this part of this Act to be provided.

(2.) For the purpose of that inspection a medical inspector of ships shall have all the powers of a Board of Trade inspector under this Act, and shall act, if appointed by a local marine board under the direction of that board (except in special cases in which the Board of Trade require an inspection to be made),

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and, if appointed by the Board of Trade, under the direction of the Board of Trade.

(3.) The medical inspector of ships shall make his inspection three clear days at least before the ship proceeds to sea, if reasonable notice in writing for the purpose is given to him by the master, owner, or consignee, and, where the result of the inspection is satisfactory, shall not make another inspection before the ship proceeds to sea, unless he has reason to suspect that any of the articles inspected have been subsequently removed, injured, or destroyed.

(4.) If the medical inspector of ships is of opinion that the articles inspected are deficient in quantity or quality, or are placed in improper vessels, he shall give notice in writing to the chief officer of customs of the port where the ship is lying, and also to the master, owner, or consignee thereof, and the master of the ship before proceeding to sea shall produce to the chief officer of customs a certificate under the hand of the same or some other medical inspector of ships, that the default found by the inspector has been remedied, and if that certificate is not so produced, the ship shall be detained until the certificate is produced and if the ship proceeds to sea, the owner, master, or consignee of the ship shall, for each offence, be liable to a fine not exceeding twenty pounds.

203.—(1.) A medical inspector of seamen appointed under this part of this Act shall, on application by the owner or master of any ship, examine any seaman applying for employment in that ship, and give to the superintendent a report under his hand stating whether the seaman is in a fit state for duty at sea, and a copy of the report shall be given to the master or owner.

Medical inspection of seamen.

(2.) The applicant for that medical examination shall pay to the superintendent such fees as the Board of Trade direct, and those fees shall be paid into the mercantile marine fund.

204.—(1.) The local marine board at a port may, upon being required by the Board of Trade to do so, appoint and remove a medical inspector of ships for the port, and subject to the control of the Board of Trade may fix his remuneration, and at any port where there is no local marine board, the Board of Trade may appoint and remove a medical inspector of ships and may fix his remuneration.

Appointment of medical inspectors.

(2.) The local marine board, and at a port where there is no such local marine board the Board of Trade, may appoint and remove a medical inspector of seamen, and that inspector shall be paid out of the mercantile marine fund such remuneration as the Board of Trade direct.

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Appointment of medical inspector, and regulations as to supply of anti-scorbutics in colonies

205. The governor of a British possession shall have the power in that possession—

- (a.) of appointing medical inspectors of seamen, of charging fees for medical examinations by those inspectors, and of determining the remuneration to be paid to those inspectors; and
- (b.) subject to the laws of that possession, to make regulations concerning the supply in that possession of anti-scorbutics for the use of ships, and anti-scorbutics duly supplied in accordance with those regulations shall be deemed to be fit and proper for the use of ships.

Inspection of provisions and water for crew of certain ships.

206.—(1.) In the case of ships trading or going from any port of the United Kingdom through the Suez Canal, or round the Cape of Good Hope or Cape Horn, the barrels of beef and pork, the preserved meat and vegetables in tins, and the casks of flour or biscuits, intended for the use of the crew of any such ship shall be inspected by such officer and in such manner as rules under this section direct, but before shipment whenever practicable, and, if in the opinion of the inspecting officer they are fit for that use, that officer shall certify the same accordingly in manner directed by such rules.

(2.) The inspecting officer may at any time proceed on board any such ship to ascertain whether the stores and water provided have been duly inspected, or, if not, whether they are of a quality fit for the use of the crew of the ship, and if he finds the same not to have been inspected, and to be deficient in quality, the ship shall be detained until the defects are remedied to his satisfaction.

(3.) No fee for an inspection under this section shall be levied on the ship.

(4.) The Board of Trade may make rules for carrying into effect this section, but all such rules shall be laid before Parliament within three weeks after they are made, if Parliament be then sitting, and if Parliament be not then sitting, within three weeks after the beginning of the then next meeting of Parliament, and shall not come into operation until they have lain for forty days before both Houses of Parliament during the session of Parliament.

(5.) The Board of Trade may appoint officers for the purposes of any inspection under this section, and may, with the concurrence of the Treasury, assign them remuneration to be paid out of moneys provided by Parliament.

Expenses of medical attendance in case of illness.

207.—(1.) If the master of, or a seaman or apprentice belonging to, a ship receives any hurt or injury in the service of the ship, the expense of providing the necessary surgical and medical advice and attendance and medicine, and also

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the expenses of the maintenance of the master, seaman, or apprentice until he is cured, or dies, or is brought back, it shipped in the United Kingdom, to a port of the United Kingdom, or if shipped in a British possession to a port of that possession, and of his conveyance to the port, and in case of death the expense (if any) of his burial, shall be defrayed by the owner of the ship, without any deduction on that account from his wages.

(2.) If the master or a seaman or apprentice is on account of any illness temporarily removed from his ship for the purpose of preventing infection, or otherwise for the convenience of the ship, and subsequently returns to his duty, the expense of the removal and of providing the necessary advice and attendance and medicine and of his maintenance while away from the ship shall be defrayed in like manner.

(3.) The expense of all medicines, surgical and medical advice, and attendance, given to a master, seaman, or apprentice whilst on board his ship shall be defrayed in like manner.

(4.) If a seaman or apprentice is ill and has, through the neglect of the master or owner of the ship, not been provided with proper provisions and water according to his agreement, or with such medicines, medical stores, anti-scorbutics, or accommodation, as are required by this Act, then the owner or master, unless it can be proved that the illness has been produced by other causes, shall be liable to pay all expenses (not exceeding on the whole three months' wages) properly and necessarily incurred by reason of the illness either by the seaman himself or by the Crown or any parochial or local authority on his behalf, and those expenses may be recovered as if they were wages duly earned, but this provision shall not affect any further liability of the master or owner for the neglect, or any other remedies possessed by the seaman or apprentice.

(5.) In all other cases any reasonable expenses duly incurred by the owner for any seaman in respect of illness, and also any reasonable expenses duly incurred by the owner in respect of the burial of any seaman or apprentice who dies whilst on service, shall, if duly proved, be deducted from the wages of the seaman or apprentice.

208.—(1.) If any of the expenses attendant on the illness, hurt, or injury of a seaman or apprentice, which are to be paid under this Act by the master or owner, are paid by any British consular officer or other person on behalf of the Crown, or if any other expenses in respect of the illness, hurt, or injury of any seaman or apprentice whose wages are not accounted for under this Act to that officer, are so paid, those expenses shall be repaid to the officer or other person by the master of the ship.

Recovery of expenses from owner.

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(2.) If the expenses are not so repaid, the amount thereof shall with costs be a charge upon the ship, and be recoverable from the master or from the owner of the ship for the time being, as a debt to the Crown, either by ordinary process of law or in the same court and manner as wages due to seamen.

(3.) In any proceeding for such recovery, a certificate of the facts, signed by the said officer or other person, together with such vouchers (if any) as the case requires, shall be sufficient proof that the said expenses were duly paid by that officer or other person.

Certain ships to carry medical practitioners.

209.—(1.) Every foreign-going ship, having one hundred persons or upwards on board, shall carry on board as part of her complement some duly qualified medical practitioner, and if she does not the owner shall for every voyage of the ship made without a duly qualified medical practitioner be liable to a fine not exceeding one hundred pounds.

(2.) Nothing in this section shall apply to an emigrant ship within the meaning of the Third Part of this Act.

Accommodation for seamen.

210.—(1.) Every place in any British ship occupied by seamen or apprentices, and appropriated to their use, shall have for each of those seamen or apprentices a space of not less than seventy-two cubic feet, and of not less than twelve superficial feet measured on the deck or floor of that place, and shall be subject to the regulations in the Sixth Schedule to this Act, and those regulations shall have effect as part of this section, and if any of the foregoing requirements of this section is not complied with in the case of any ship, the owner of the ship shall for each offence be liable to a fine not exceeding twenty pounds.

(2.) Every place so occupied and appropriated shall be kept free from goods and stores of any kind not being the personal property of the crew in use during the voyage, and if any such place is not so kept free, the master shall forfeit and pay to each seaman or apprentice lodged in that place the sum of one shilling for each day during which, after complaint has been made to him by any two or more of the seamen so lodged, it is not so kept free.

(3.) Such fees as the Board of Trade fix shall be paid in respect of an inspection for the purposes of this section, not exceeding the fees specified in the Sixth Schedule to this Act.

Facilities for making Complaint.

Facilities for making complaint.

211.—(1.) If a seaman or apprentice whilst on board ship states to the master of the ship his desire to make a complaint to a justice of the peace, British consular officer, or officer in

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command of one of Her Majesty's ships, against the master or any of the crew, the master shall, so soon as the service of the ship will permit,—

(a.) if the ship is then at a place where there is such a justice or officer as aforesaid, after such statement, and

(b.) if the ship is not then at such a place, after her first arrival at such a place

allow the complainant to go ashore, or send him ashore in proper custody, or, in the case of complaint to a naval officer, to the ship of such officer, so that he may be enabled to make his complaint.

(2.) If the master of a ship fails without reasonable cause to comply with this section, he shall for each offence be liable to a fine not exceeding ten pounds.

Protection of Seamen from Imposition.

212. Subject to the provisions of this Act an assignment or sale of salvage payable to a seaman or apprentice to the sea service made prior to the accruing thereof shall not bind the person making the same; and a power of attorney or authority for the receipt of any such salvage shall not be irrevocable.

Assignment or sale of salvage invalid.

213. A debt exceeding in amount five shillings incurred by any seaman after he is engaged to serve shall not be recoverable until the service agreed for is concluded.

No debt exceeding 5s. recoverable till end of voyage.

214.—(1.) A local authority hereinafter mentioned whose district includes a seaport may, with the approval of the Board of Trade, make by-laws relating to seamen's lodging-houses in their district, and those by-laws shall be binding upon all persons keeping houses in which seamen are lodged and upon the owners thereof and persons employed therein.

Seamen's lodging-houses.

(2.) The by-laws shall amongst other things provide for the licensing, inspection, and sanitary conditions of seamen's lodging houses, for the publication of the fact of a house being licensed, for the due execution of the by-laws, for preventing the obstruction of persons engaged in securing that execution, for the preventing of persons not duly licensed holding themselves out as keeping or purporting to keep licensed houses, and for the exclusion from licensed houses of persons of improper character, and shall impose sufficient fines not exceeding fifty pounds for the breach of any by-law.

(3.) The by-laws shall come into force from a date therein named, and shall be published in the *London Gazette* and in one newspaper at the least circulating in the district, and designated by the Board of Trade.

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(4.) If the local authority do not within a time in each case named by the Board of Trade make, revoke, or alter any by-laws under this section, the Board of Trade may do so.

(5.) Whenever Her Majesty in Council orders that in any district or any part thereof none but persons duly licensed in pursuance of by-laws under this section shall keep seamen's lodging houses or let lodgings to seamen from a date therein named, a person acting in contravention of that order shall for each offence be liable to a fine not exceeding one hundred pounds.

(6.) A local authority may defray all expenses incurred in the execution of this section out of any funds at their disposal as sanitary authority, and fines recovered for a contravention of this section or of any by-law under this section shall be paid to such authority and added to those funds.

(7.) In this section the expression "local authority" means in the administrative county of London the county council, and elsewhere in England the local authority under the Public Health Acts, and in Scotland the local authority under the Public Health (Scotland) Act, 1867, and the Acts amending the same, and in Ireland the local authority under the Public Health (Ireland) Act, 1878, and the expression "district" means the area under the authority of such local authority.

30-31 V., c.
101; 41-42 V.,
c. 52.

Penalty for
overcharges
by lodging-
house keepers.

215. If a person demands or receives from a seaman or apprentice to the sea service payment in respect of his board or lodging in the house of that person for a longer period than the seaman or apprentice has actually resided or boarded therein, that person shall for each offence be liable to a fine not exceeding ten pounds.

Penalty for
detaining sea-
men's effects.

216.—(1.) If a person receives or takes into his possession or under his control any money or effects of a seaman or apprentice to the sea service, and does not return the same or pay the value thereof, when required by the seaman or apprentice, subject to such deduction as may be justly due to him from the seaman or apprentice in respect of board or lodging or otherwise, or absconds therewith, he shall for each offence be liable to a fine not exceeding ten pounds.

(2.) A court of summary jurisdiction may, besides inflicting a fine, by summary order direct the amount of the money, or the value of the effects, subject to such deduction as aforesaid (if any), or the effects themselves, to be forthwith paid or delivered to the seaman or apprentice.

Penalty for
solicitations
by lodging-
house keepers.

217. If within twenty-four hours after the arrival of a ship at a port in the United Kingdom, a person then being on board the ship solicits a seaman to become a lodger at the house of a

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person letting lodgings for hire, or takes out of the ship any effects of a seaman, except under the personal direction of the seaman, and with the permission of the master, he shall for each offence be liable to a fine not exceeding five pounds.

218. Where a ship is about to arrive, is arriving, or has arrived at the end of her voyage, and any person, not being in Her Majesty's service or not being duly authorized by law for the purpose--

Penalty for being on board ship without permission before seamen leave.

(a.) goes on board the ship, without the permission of the master, before the seamen lawfully leave the ship at the end of their engagement, or are discharged (whichever last happens); or,
 (b.) being on board the ship, remains there after being warned to leave by the master, or by a police officer, or by any officer of the Board of Trade or of the Customs,
 that person shall for each offence be liable to a fine not exceeding twenty pounds, or, at the discretion of the court, to imprisonment for any term not exceeding six months; and the master of the ship or any officer of the Board of Trade may take him into custody, and deliver him up forthwith to a constable to be taken before a court capable of taking cognizance of the offence.

219. Whenever it is made to appear to Her Majesty that the government of a foreign country—

Application of provisions of previous section to foreign ships.

(a.) has provided that unauthorized persons going on board British ships which are about to arrive or have arrived within its territorial jurisdiction shall be subject to provisions similar to those of the last-preceding section which are applicable to persons going on board British ships at the end of their voyages; and
 (b.) is desirous that the provisions of the said section shall apply to unauthorized persons going on board ships of that foreign country within British territorial jurisdiction,
 Her Majesty in Council may order that those provisions shall apply to the ships of that foreign country, and have effect as if the ships of that country arriving, about to arrive, or having arrived at the end of their voyage, were British ships.

Provisions as to Discipline.

220. If a master, seaman, or apprentice belonging to a British ship, by wilful breach of duty or by neglect of duty or by reason of drunkenness,—

Misconduct endangering life or ship.

(a.) does any act tending to the immediate loss, destruction, or serious damage of the ship, or tending immediately to endanger the life or limb of a person belonging to or on board the ship; or

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(b.) refuses or omits to do any lawful act proper and requisite to be done by him for preserving the ship from immediate loss, destruction, or serious damage, or for preserving any person belonging to or on board the ship from immediate danger to life or limb,

he shall in respect of each offence be guilty of a misdemeanour.

Desertion and
absence with-
out leave.

221. If a seaman lawfully engaged, or an apprentice to the sea service, commits any of the following offences he shall be liable to be punished summarily as follows:—

(a.) If he deserts from his ship he shall be guilty of the offence of desertion and be liable to forfeit all or any part of the effects he leaves on board, and of the wages which he has then earned, and also, if the desertion takes place abroad, of the wages he may earn in any other ship in which he may be employed until his next return to the United Kingdom, and to satisfy any excess of wages paid by the master or owner of the ship to any substitute engaged in his place at a higher rate of wages than the rate stipulated to be paid to him; and also, except in the United Kingdom, he shall be liable to imprisonment for any period not exceeding twelve weeks with or without hard labour;

(b.) If he neglects, or refuses without reasonable cause, to join his ship, or to proceed to sea in his ship, or is absent without leave at any time within twenty-four hours of the ship's sailing from a port, either at the commencement or during the progress of a voyage, or is absent at any time without leave and without sufficient reason from his ship or from his duty, he shall, if the offence does not amount to desertion, or is not treated as such by the master, be guilty of the offence of absence without leave, and be liable to forfeit out of his wages a sum not exceeding two days' pay, and in addition for every twenty-four hours of absence, either a sum not exceeding six days' pay, or any expenses properly incurred in hiring a substitute; and also, except in the United Kingdom, he shall be liable to imprisonment for any period not exceeding ten weeks with or without hard labour.

Conveyance of
deserter on
board ship.

222.—(1.) If in the United Kingdom a seaman or apprentice is guilty of the offence of desertion or of absence without leave, or otherwise absents himself from his ship without leave, the master, any mate, the owner, ship's husband, or consignee of the ship, may, with or without the assistance of the local police officers or constables, convey him on board his ship, and those officers and constables are hereby directed to give assistance if required;

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(2.) Provided that if the seaman or apprentice so requires he shall first be taken before some court capable of taking cognizance of the matter to be dealt with according to law.

(3.) If it appears to the court before whom the case is brought that the seaman or apprentice has been conveyed on board or taken before the court on improper or insufficient grounds, that court may inflict on the master, mate, owner, ship's husband, or consignee, as the case may be, a fine not exceeding twenty pounds; but the infliction of that fine shall be a bar to any action for false imprisonment in respect of the arrest.

223.—(1.) If out of the United Kingdom, either at the commencement or during the progress of any voyage, a seaman or apprentice is guilty of the offence of desertion or of absence without leave, or otherwise absents himself from his ship without leave, the master, any mate, the owner, ship's husband, or consignee, may in any place in Her Majesty's dominions out of the United Kingdom, with or without the assistance of the local police officers or constables (and those officers and constables are hereby directed to give assistance if required), and also at any place out of Her Majesty's dominions, if and so far as the laws in force at that place will permit, arrest him without first procuring a warrant.

Provisions as to arrest and imprisonment applying out of the United Kingdom.

(2.) A person so arresting a seaman or apprentice may in any case, and shall in case the seaman or apprentice so requires and it is practicable, convey him before some court capable of taking cognizance of the matter, to be dealt with according to law, and for that purpose may detain him in custody for a period not exceeding twenty-four hours, or such shorter time as may be necessary; but if the seaman or apprentice does not require to be so taken before a court, or if there is no such court at or near the place, the person arresting him may at once convey him on board his ship.

(3.) If it appears to the court before whom the case is brought that an arrest under this section has been made on improper or on insufficient grounds, the master, mate, owner, ship's husband, or consignee who made the arrest, or caused it to be made, shall be liable to a fine not exceeding twenty pounds; but the infliction of that fine shall be a bar to any action for false imprisonment in respect of the arrest.

(4.) If out of the United Kingdom, a seaman or apprentice is imprisoned for having been guilty of the offence of desertion or of absence without leave, or for having committed any other breach of discipline, and during his imprisonment and before his engagement is at an end, his services are required on board his ship, a justice of the peace may, on the application of the master or of the owner or his agent, notwithstanding that the period of imprisonment is not at an end, cause the seaman or

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apprentice to be conveyed on board his ship for the purpose of proceeding on the voyage, or to be delivered to the master or any mate of the ship, or to the owner or his agent, to be by them so conveyed.

Power of court to order offender to be taken on board ship.

224.—(1.) Where a seaman or apprentice is brought before a court on the ground of the offence of desertion, or of absence without leave, or of otherwise absenting himself without leave, the court, if the master or the owner or his agent so require, may (and if out of the United Kingdom in lieu of committing him to prison), cause him to be conveyed on board his ship for the purpose of proceeding on the voyage or deliver him to the master, or any mate of the ship, or the owner, or his agent, to be by them so conveyed, and may in such case order any costs and expenses properly incurred by or on behalf of the master or owner by reason of the offence to be paid by the offender, and, if necessary, to be deducted from any wages which he has then earned, or by virtue of his then existing engagement may afterwards earn.

(2.) If in the United Kingdom a seaman or apprentice to the sea service intends to absent himself from his ship or his duty, he may give notice of his intention, either to the owner or to the master of the ship, not less than forty-eight hours before the time at which he ought to be on board his ship; and in the event of that notice being given, the court shall not exercise any of the powers conferred by this section for causing the offender to be conveyed on board his ship.

General offences against discipline.

225.—(1.) If a seaman lawfully engaged or an apprentice to the sea service commits any of the following offences, in this Act referred to as offences against discipline, he shall be liable to be punished summarily as follows; that is to say,

- (a.) If he quits the ship without leave after her arrival at her port of delivery, and before she is placed in security, he shall be liable to forfeit out of his wages a sum not exceeding one month's pay :
- (b.) If he is guilty of wilful disobedience of any lawful command, he shall be liable to imprisonment for a period not exceeding four weeks, and also, at the discretion of the court, to forfeit out of his wages a sum not exceeding two days' pay :
- (c.) If he is guilty of continued wilful disobedience to lawful commands or continued wilful neglect of duty, he shall be liable to imprisonment for a period not exceeding twelve weeks, and also, at the discretion of the court, to forfeit for every twenty-four hours continuance of disobedience or neglect, either a sum not exceeding six days' pay, or any expenses properly incurred in hiring a substitute :

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- (d.) If he assaults the master or any mate or certificated engineer of the ship, he shall be liable to imprisonment for a period not exceeding twelve weeks :
- (e.) If he combines with any of the crew to disobey lawful commands, or to neglect duty, or to impede the navigation of the ship or the progress of the voyage, he shall be liable to imprisonment for a period not exceeding twelve weeks.
- (f.) If he wilfully damages his ship, or embezzles or wilfully damages any of her stores or cargo, he shall be liable to forfeit out of his wages a sum equal to the loss thereby sustained, and also, at the discretion of the court, to imprisonment for a period not exceeding twelve weeks :
- (g.) If he is convicted of any act of smuggling, whereby loss or damage is occasioned to the master, or owner of the ship, he shall be liable to pay to that master or owner a sum sufficient to reimburse the loss or damage; and the whole or a proportionate part of his wages may be retained in satisfaction or on account of that liability, without prejudice to any further remedy.
- (2.) Any imprisonment under this section may be with or without hard labour.

226. Nothing in the last-preceding section or in the sections relating to the offences of desertion or absence without leave shall take away or limit any remedy by action or by summary procedure before justices which an owner or master would but for those provisions have for any breach of contract in respect of the matters constituting an offence under those sections, but an owner or master shall not be compensated more than once in respect of the same damage.

Summary remedies not to affect other remedies.

227.—(1.) If a seaman on or before being engaged wilfully and fraudulently makes a false statement of the name of his last ship or alleged last ship, or wilfully or fraudulently makes a false statement of his own name, he shall for each offence be liable to a fine not exceeding five pounds.

Penalty for false statement as to last ship or name.

(2.) The fine may be deducted from any wages the seaman may earn by virtue of his engagement as aforesaid, and shall, subject to reimbursement of the loss and expenses (if any) occasioned by any desertion previous to the engagement, be paid and applied in the same manner as other fines under this Act.

228. If any offence, within the meaning of this Act, of desertion or absence without leave or against discipline is committed, or if any act of misconduct is committed for which the offender's agreement imposes a fine and it is intended to enforce the fine,

Entry of offences in official log.

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- (a.) an entry of the offence or act shall be made in the official log book, and signed by the master and also by the mate or one of the crew ; and
- (b.) the offender, if still in the ship, shall before the next subsequent arrival of the ship at any port, or if she is at the time in port before her departure therefrom, either be furnished with a copy of the entry or have the same read over distinctly and audibly to him, and may thereupon make such reply thereto as he thinks fit ; and
- (c.) a statement of a copy of the entry having been so furnished, or of the entry having been so read over, and, in either case, the reply (if any) made by the offender, shall likewise be entered and signed in manner aforesaid ; and
- (d.) in any subsequent legal proceeding the entries by this section required shall, if practicable, be produced or proved, and in default of that production or proof the court hearing the case may, in their discretion, refuse to receive evidence of the offence or act of misconduct.

Entries and certificates of desertion abroad.

229.—(1.) In every case of desertion from a ship in any port abroad the master shall produce the entry of the desertion in the official log book to the person by this Act authorized to grant certificates for leaving seamen behind abroad ; and that person shall thereupon make and certify a copy of the entry.

(2.) The copy shall be forthwith transmitted to the Registrar General of Shipping and Seamen in England by the person by whom the copy is made and certified, if he is a public functionary, and if he is not, by the master, and shall be admissible in evidence in manner provided by this Act.

Register of deserters.

230. A superintendent shall keep at his office a list of the seamen who, to the best of his knowledge and belief, have deserted or failed to join their ships after signing an agreement to proceed to sea in them, and shall on request show the list to a master of a ship, and shall not be liable in respect of any entry made in good faith in the list.

Facilities for proving desertion in proceedings for forfeiture of wages.

231.—(1.) Whenever a question arises whether the wages of any seaman or apprentice are forfeited for desertion from a ship, it shall be sufficient for the person insisting on the forfeiture to show that the seaman or apprentice was duly engaged in or belonged to the ship, and either that he left the ship before the completion of the voyage or engagement, or, if the voyage was to terminate in the United Kingdom and the ship has not returned, that he is absent from her, and that an entry of his desertion has been duly made in the official log book.

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(2.) The desertion shall thereupon, so far as relates to any forfeiture of wages under this part of this Act, be deemed to be proved, unless the seaman or apprentice can produce a proper certificate of discharge, or can otherwise show to the satisfaction of the court that he had sufficient reasons for leaving his ship.

232.—(1.) Where any wages or effects are under this Act forfeited for desertion from a ship, those effects may be converted into money, and those wages and effects, or the money arising from the conversion of the effects, shall be applied towards reimbursing the expenses caused by the desertion to the master or owner of the ship and subject to that reimbursement shall be paid into the Exchequer, and carried to the Consolidated Fund. Application of forfeitures.

(2.) For the purpose of such reimbursement, the master or the owner, or his agent may, if the wages are earned subsequently to the desertion, recover them in the same manner as the deserter could have recovered them if not forfeited; and the court in any legal proceeding relating to such wages may order them to be paid accordingly.

(3.) Where wages are forfeited under the foregoing provisions of this Act in any case other than for desertion, the forfeiture shall, in the absence of any specific provision to the contrary, be for the benefit of the master or owner by whom the wages are payable.

233. Any question concerning the forfeiture of or deductions from the wages of a seaman or apprentice may be determined in any proceeding lawfully instituted with respect to those wages, notwithstanding that the offence in respect of which the question arises, though by this Act made punishable by imprisonment as well as forfeiture, has not been made the subject of any criminal proceeding. Decision of questions of forfeiture and deductions in suits for wages.

234. If a seaman contracts for wages by the voyage or by the run or by the share, and not by the month or other stated period of time, the amount of forfeiture to be incurred under this Act shall be an amount bearing the same proportion to the whole wages or share, as a month or any other period hereinbefore mentioned in fixing the amount of such forfeiture (as the case may be) bears to the whole time spent in the voyage or run; and if the whole time spent in the voyage or run does not exceed the period for which the pay is to be forfeited, the forfeiture shall extend to the whole wages or share. Ascertainment of amount of forfeiture out of wages.

235.—(1.) Every fine imposed on a seaman for any act of misconduct for which his agreement imposes a fine shall be deducted and paid as follows; that is to say, Deduction from wages, and payments

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to superintendents, &c., of fines.

- (a.) If the offender is discharged in the United Kingdom, and the offence, and the entry in the log book required by this Act in respect thereof, are proved to the satisfaction, in the case of a foreign-going ship, of the superintendent before whom the offender is discharged, and in the case of a home-trade ship of the superintendent at or nearest the port at which the crew are discharged, the master or owner shall deduct the fine from the wages of the offender, and pay it to the superintendent;
- (b.) if the offender enters Her Majesty's naval service or is discharged abroad before the final discharge of the crew in the United Kingdom, and the offence and the entry as aforesaid are proved to the satisfaction of the officer in command of the ship he so enters, or of the consular officer or other person by whose sanction he is discharged, as the case may be, the fine shall be deducted as aforesaid and an entry made in the official log book of the ship and signed by the officer or other person to whose satisfaction the offence is proved; and
- (c.) on the return of the ship to the United Kingdom the master or owner shall pay the fine to the superintendent before whom the crew is discharged or in the case of a home-trade ship to the superintendent at or nearest the port at which the crew are discharged.

(2.) If a master or owner fails without reasonable cause so to pay the fine, he shall for each offence be liable to a fine not exceeding six times the amount of the fine not so paid.

(3.) An act of misconduct for which any fine has been inflicted and paid by, or deducted from the wages of, the seaman shall not be otherwise punished under this Act.

Penalty for enticing to desert and harbouring deserters.

236.—(1.) If a person by any means whatever persuades or attempts to persuade a seaman or apprentice to neglect or refuse to join or proceed to sea in or to desert from his ship, or otherwise to absent himself from his duty, he shall for each offence in respect of each seaman or apprentice be liable to a fine not exceeding ten pounds.

(2.) If a person wilfully harbours or secretes a seaman or apprentice who has wilfully neglected or refused to join, or has deserted, from his ship, knowing or having reason to believe the seaman or apprentice to have so done, he shall for every seaman or apprentice so harboured or secreted be liable to a fine not exceeding twenty pounds.

Penalty on stowaways, and discipline of stowaways and seamen carried under compulsion.

237.—(1.) If a person secretes himself and goes to sea in a ship without the consent of either the owner, consignee, or master, or of a mate, or of the person in charge of the ship, or of any other person entitled to give that consent, he shall be

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liable to a fine not exceeding twenty pounds, or, in the discretion of the court, to imprisonment, with or without hard labour, for a period not exceeding four weeks.

(2.) Every seafaring person whom the master of a ship is, under the authority of this or any other Act compelled to take on board and convey, and every person who goes to sea in a ship without such consent as aforesaid, shall, so long as he remains in the ship, be deemed to belong to the ship, and be subject to the same laws and regulations for preserving discipline, and to the same fines and punishments for offences constituting or tending to a breach of discipline, as if he were a member of, and had signed the agreement with, the crew.

238.—(1.) Where it appears to Her Majesty that due facilities are or will be given by the government of any foreign country for recovering and apprehending seamen who desert from British merchant ships in that country, Her Majesty may, by Order in Council, stating that such facilities are or will be given, declare that this section shall apply in the case of such foreign country, subject to any limitations, conditions, and qualifications contained in the Order.

Deserters
from foreign
ships.

(2.) Where this section applies in the case of any foreign country, and a seaman or apprentice, not being a slave, deserts when within any of Her Majesty's dominions from a merchant ship belonging to a subject of that country, any court, justice, or officer that would have had cognizance of the matter if the seaman or apprentice had deserted from a British ship shall, on the application of a consular officer of the foreign country, aid in apprehending the deserter, and for that purpose may, on information given on oath, issue a warrant for his apprehension, and, on proof of the desertion, order him to be conveyed on board his ship or delivered to the master or mate of his ship, or to the owner of the ship or his agent, to be so conveyed; and any such warrant or order may be executed accordingly.

(3.) If any person harbours or secretes any deserter liable to be apprehended under this section, knowing or having reason to believe that he has deserted, that person shall for each offence be liable to a fine not exceeding ten pounds.

Official Logs.

239.—(1.) An official log shall be kept in every ship (except ships employed exclusively in trading between ports on the coasts of Scotland) in the appropriate form for that ship approved by the Board of Trade.

Official logs to
be kept and to
be evidence.

(2.) The Board of Trade shall approve forms of official log books, which may be different for different classes of ships, so that each such form shall contain proper spaces for the entries required by this Act.

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(3.) The official log may, at the discretion of the master or owner, be kept distinct from, or united with, the ordinary ship's log, so that in all cases the spaces in the official log book be duly filled up.

(4.) An entry required by this Act in an official log book shall be made as soon as possible after the occurrence to which it relates, and if not made on the same day as that occurrence shall be made and dated so as to show the date of the occurrence and of the entry respecting it; and if made in respect of an occurrence happening before the arrival of the ship at her final port of discharge shall not be made more than twenty-four hours after that arrival.

(5.) Every entry in the official log book shall be signed by the master, and by the mate, or some other of the crew, and also

(a.) if it is an entry of illness, injury, or death, shall be signed by the surgeon, or medical practitioner on board (if any); and

(b.) if it is an entry of wages due to, or of the sale of the effects of, a seaman or apprentice who dies, shall be signed by the mate and by some member of the crew besides the master; and

(c.) if it is an entry of wages due to a seaman who enters Her Majesty's naval service, shall be signed by the seaman, or by the officer authorized to receive the seaman into that service.

(6.) Every entry made in an official log book in manner provided by this Act shall be admissible in evidence.

Entries required in official log book.

240. The master of a ship for which an official log is required shall enter or cause to be entered in the official log book the following matters; (that is to say,)

(1.) Every conviction by a legal tribunal of a member of his crew, and the punishment inflicted:

(2.) Every offence committed by a member of his crew for which it is intended to prosecute, or to enforce a forfeiture, or to exact a fine, together with such statement concerning the copy or reading over of that entry, and concerning the reply (if any) made to the charge, as is by this Act required:

(3.) Every offence for which punishment is inflicted on board, and the punishment inflicted:

(4.) A statement of the conduct, character, and qualifications of each of his crew, or a statement that he declines to give an opinion on those particulars:

(5.) Every case of illness or injury happening to a member of the crew, with the nature thereof, and the medical treatment adopted (if any):

(6.) Every marriage taking place on board with the names and ages of the parties:

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- (7.) The name of every seaman or apprentice who ceases to be a member of the crew, otherwise than by death, with the place, time, manner, and cause thereof:
- (8.) The wages due to any seaman who enters Her Majesty's naval service during the voyage:
- (9.) The wages due to any seaman or apprentice who dies during the voyage, and the gross amount of all deductions to be made therefrom:
- (10.) The sale of the effects of any seaman or apprentice who dies during the voyage, including a statement of each article sold, and the sum received for it:
- (11.) Every collision with any other ship, and the circumstances under which the same occurred: and
- (12.) Any other matter directed by this Act to be entered.

241.—(1.) If an official log book is not kept in the manner required by this Act, or if an entry directed by this Act to be made therein is not made at the time and in the manner directed by this Act, the master shall for each offence be liable to the specific fine in this Act mentioned in respect thereof, or where there is no such specific fine, to a fine not exceeding five pounds.

Offences in respect of official logs.

(2.) If any person makes, or procures to be made, or assists in making, any entry in an official log book in respect of any occurrence happening previously to the arrival of the ship at her final port of discharge more than twenty-four hours after that arrival, he shall for each offence be liable to a fine not exceeding thirty pounds.

(3.) If any person wilfully destroys or mutilates or renders illegible any entry in an official log book, or wilfully makes or procures to be made or assists in making a false or fraudulent entry in or omission from an official log book, he shall in respect of each offence be guilty of a misdemeanour.

242.—(1.) The master of every foreign-going ship shall, within forty-eight hours after the ship's arrival at her final port of destination in the United Kingdom or upon the discharge of the crew, whichever first happens, deliver the official log book of the voyage to the superintendent before whom the crew is discharged.

Delivery of official logs to superintendent of mercantile marine office.

(2.) The master or owner of every home-trade ship for which an official log is required to be kept shall, within twenty-one days of the thirtieth day of June and the thirty-first day of December in every year, transmit or deliver the official log book for the preceding half-year to some superintendent in the United Kingdom.

(3.) If the master or owner of a ship fails without reasonable cause to comply with this section, he shall be subject to the

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same consequences and liabilities to which he is subject for the non-delivery of the list of the crew required to be delivered under this part of this Act.

Official logs to be sent home in case of transfer of ship, and in case of loss.

243.—(1.) Where by reason of transfer of ownership or change of employment of a ship, the official log ceases to be required in respect of the ship or to be required at the same date, the master or owner of the ship shall, if the ship is then in the United Kingdom, within one month, and if she is elsewhere within six months, after the cessation, deliver or transmit to the superintendent at the port to which the ship belonged the official log book (if any) duly made out to the time of the cessation.

(2.) If a ship is lost or abandoned, the master or owner thereof shall, if practicable, and as soon as possible, deliver or transmit to the superintendent at the port to which the ship belonged the official log book (if any) duly made out to the time of the loss or abandonment.

(3.) If the master or owner of a ship fails without reasonable cause to comply with this section he shall for each offence be liable to a fine not exceeding ten pounds.

Local Marine Boards.

Continuance and constitution of local marine board.

244.—(1.) There shall be local marine boards for carrying into effect this Act under the superintendence of the Board of Trade at those ports of the United Kingdom at which local marine boards are now established and at such other places as the Board of Trade appoint for the purpose.

(2.) Every local marine board shall be constituted in manner specified in the Seventh Schedule to this Act, and the regulations in that schedule shall apply to the board and elections thereof.

(3.) A local marine board may regulate the mode in which their meetings are to be held and their business is to be conducted, including the fixing of a quorum, not being less than three.

(4.) A local marine board shall keep minutes of their proceedings in the manner (if any) prescribed by the Board of Trade.

(5.) Any act or proceedings of a local marine board shall not be vitiated or prejudiced by reason of any irregularity in the election of any of the members, or of any error in the list of voters entitled to vote at the election, or of any irregularity in making or revising the list, or by reason of any person not duly qualified acting on the board, or of any vacancy in the board.

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245.—(1.) Every local marine board shall make and send to the Board of Trade such reports and returns as the Board of Trade require; and all minutes, books, and documents of, or used or kept by, any local marine board, or by any superintendent, or by any examiner or other officer or servant under the control of any local marine board, shall be open to the inspection of the Board of Trade and their officers.

Control of Board of Trade over local marine boards.

(2.) If any local marine board, by reason of any election not being held or of the simultaneous resignation or continued non-attendance of all or the greater part of the members, or from any other cause, fail to meet or to discharge their duties, the Board of Trade may, in their discretion, either take into their own hands the performance of the duties of the local marine board until the next triennial appointment and election thereof, or direct that a new appointment and election of the local marine board shall take place immediately.

(3.) If on complaint made to the Board of Trade it appears to them that at any port, any appointments or arrangements made by the local marine board under this Act are not such as to meet the wants of the port, or are in any respect unsatisfactory or improper, the Board of Trade may annul, alter, or rectify the same, as they think expedient, having regard to the intention of this Act and to the wants of the port.

Mercantile Marine Offices.

246.—(1.) A mercantile marine office, with the requisite buildings, property, superintendents, deputies, clerks, and servants shall be maintained at every port of the United Kingdom where there is a local marine board, and may be established and maintained at such other ports as the Board of Trade determine.

Establishment and control of mercantile marine offices.

(2.) In every port where there is a local marine board the board shall procure the said buildings and property, and appoint and remove the superintendents, deputies, clerks, and servants, and regulate the business at, and have the control of, the mercantile marine office, subject as follows:—

(a.) The sanction of the Board of Trade shall be necessary, so far as regards the number of persons to be so appointed, and the amount of their salaries and wages, and all other expenses:

(b.) The Board of Trade shall have the immediate control of every such office, as far as regards the receipt and payment of money thereat, and every person appointed to be an officer in any such office shall, before entering upon his duties, give such security (if any) for the due performance thereof as the Board of Trade require.

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- (c.) If the Board of Trade have reason to believe that any superintendent, deputy, clerk, or servant appointed by a local marine board does not properly discharge his duties, they may cause the case to be investigated, and if they think fit remove him from his office, and provide for the proper performance of his duties until another person is duly appointed in his place.
- (d.) The Board of Trade may appoint any superintendent of or other person connected with any sailors' home in the port of London to be a superintendent with any necessary deputies, clerks and servants, and may appoint an office in any such home to be a mercantile marine office, and all persons and offices so appointed shall be subject to the immediate control of the Board of Trade, and not of the local marine board of the port.
- (3.) At any port at which the business of a mercantile marine office is conducted otherwise than under a local marine board, the Board of Trade may :—
- (a.) at any time establish a mercantile marine office, and for that purpose procure the requisite buildings and property, and appoint and remove all the requisite superintendents, deputies, clerks, and servants, or
- (b.) direct with the consent of the Commissioners of Customs, that the whole or any part of the business of a mercantile marine office shall be conducted at the custom-house, and thereupon the custom-house shall be a mercantile marine office for the purposes of that business, and any officer of customs there appointed in that behalf by the Board of Trade shall be a superintendent or deputy within the meaning of this Act.

Business of
mercantile
marine office.

247.—(1.) It shall be the general business of superintendents of mercantile marine offices (in this Act referred to as superintendents)—

- to afford facilities for engaging seamen by keeping registries of their names and characters :
- to superintend and facilitate the engagement and discharge of seamen in manner in this Act provided :
- to provide means for securing the presence on board at the proper times of the seamen who are so engaged :
- to facilitate the making of apprenticeships to the sea service :
- and
- to perform such other duties relating to seamen, apprentices, and merchant ships as are by or in pursuance of this Act, or any Act relating to merchant shipping, committed to them. ~~§ 247~~

(2.) Any act done by, to or before a deputy duly appointed shall have the same effect as if done by, to or before a superintendent.

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248.—(1.) A person appointed to any office or service by or under a local marine board shall be deemed to be a clerk or servant within the meaning of section sixty-eight of the Larceny Act, 1861 (relating to embezzlement). Embezzlement by officers of local marine boards.

(2.) If any person so appointed to an office or service—

(a.) fraudulently applies or disposes of any chattel, money, or valuable security received by him (whilst employed in such office or service) for or on account of any local marine board, or for or on account of any other public board or department, for his own use, or any use or purpose other than that for which the same was paid, entrusted to, or received by him, or

(b.) fraudulently withholds, retains, or keeps back the same, or any part thereof, contrary to any lawful directions or instructions which he is required to obey in relation to his office or service aforesaid,

that person shall be guilty of embezzlement within the meaning of the said section sixty-eight of the Larceny Act, 1861. 24-25 V., c. 96.

(3.) In any indictment under this section, it shall be sufficient to charge any such chattel, money, or valuable security as the property either of the local marine board by whom the person was appointed, or of the board or department for or on account of whom the same was received.

(4.) Section seventy-one of the Larceny Act, 1861 (relating to the manner of charging embezzlement), shall apply as if an offence under this section were embezzlement under that Act.

249. The Board of Trade may dispense with the transaction in a mercantile marine office, or before a superintendent of any matters required by this Act to be so transacted, and thereupon those matters, if otherwise duly transacted, shall be as valid as if they were transacted in such an office or before a superintendent. Power to dispense with transaction of certain matters at mercantile marine offices.

250. If a superintendent, deputy, clerk, or servant, in a mercantile marine office demands or receives save as provided by any Act, or authorized by the Board of Trade any remuneration whatever, either directly or indirectly, for hiring or supplying any seaman for a ship or transacting any business which it is his duty to transact, he shall for every such offence be liable to a fine not exceeding twenty pounds, and also to dismissal from his office by the Board of Trade. Prohibition on taking fees at mercantile marine office.

Registration of and Returns respecting Seamen.

251.—(1.) There shall be maintained in the port of London, under the control of the Board of Trade, an office, called the General Register and Record Office of Seamen. Establishment of register office.

Merchant Shipping Act, 1894.

(2.) The Board of Trade may appoint and remove a Registrar General called "The Registrar General of Shipping and Seamen," and such assistants, clerks, and servants as may be necessary, and, with the consent of the Treasury, regulate their salaries and allowances; and those salaries and allowances, and all other necessary expenses, shall be paid out of moneys provided by Parliament.

(3.) The Board of Trade may direct that the business of the said office at any of the outports be transacted at the mercantile marine office there, or with the consent of the Commissioners of Customs at the custom-house there, and may appoint the superintendent, or with the said consent some officer of customs, as the case may be, to conduct the business, and the business shall thereupon be conducted accordingly, subject to the immediate control of the Board of Trade.

Register of
seamen.

252. The Registrar General of Shipping and Seamen shall, by means of the documents transmitted to him in pursuance of this Act, and by any other means in his power, keep at his office a register of all persons who serve in ships subject to this Act.

Lists of the
crew.

253.—(1.) The master—

(a.) of a foreign-going ship whose crew is discharged in the United Kingdom, in whatever part of Her Majesty's dominions the ship is registered; and

(b.) of a home-trade ship;

shall make out and sign a list (in this Act referred to as the list of the crew), in a form approved by the Board of Trade, and containing the following particulars:—

(i.) the number and date of the ship's register, and her registered tonnage:

(ii.) the length and general nature of the voyage or employment:

(iii.) the names, ages, and places of birth of all the crew including the master and apprentices; their ratings on board, their last ships or other employments, and the dates and places of their joining the ship:

(iv.) the names of any of the crew who have ceased to belong to the ship, with the times, places, causes, and circumstances thereof:

(v.) the names of any members of the crew who have been maimed or hurt, with the time, place, cause, and circumstances thereof:

(vi.) the wages due at the time of death to any of the crew who have died:

(vii.) the property belonging to any of the crew who have died, with a statement of the manner in which it has been dealt with, and the money for which any part of it has been sold:

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(viii.) any marriage which takes place on board with the date thereof, and the names and ages of the parties.

(2.) The list of the crew—

(a.) in the case of a foreign-going ship, shall be delivered by the master within forty-eight hours after the arrival of the ship at her final port of destination in the United Kingdom, or upon the discharge of the crew, whichever first happens, to the superintendent before whom the crew is discharged; and

(b.) in the case of a home-trade ship, shall be delivered or transmitted by the master or owner to some superintendent in the United Kingdom on or within twenty-one days after the thirtieth day of June and the thirty-first day of December in each year;

and the superintendent shall give to such master or owner a certificate of such delivery or transmission, and any such ship may be detained until the certificate is produced, and an officer of customs shall not clear inwards any foreign-going ship until the certificate is produced.

(3.) If the master in the case of a foreign-going ship, or the master or owner in the case of a home-trade ship, fails without reasonable cause to deliver or transmit the list of the crew as required by this section, he shall for each offence be liable to a fine not exceeding five pounds.

254.—(1.) The master of every British ship, whether registered or not in the United Kingdom, shall, as soon as may be after the occurrence of the birth of a child or the death of a person happening on board his ship, record in his log book or otherwise the fact of the birth or death, and the particulars required by the Eighth Schedule to this Act to be registered concerning the birth or death, or such of them as may be known to him.

Return of
births and
deaths in
British ships.

(2.) The master of every British ship, upon its arrival at any port in the United Kingdom, or at such other time and place as the Board of Trade may with respect to any ship or class of ships direct, shall deliver or transmit, in such form as the Board of Trade direct a return of the facts recorded by him in respect to the birth of a child or the death of a person on board such ship, to the Registrar General of Shipping and Seamen.

(3.) Where the said return is directed by the Board of Trade to be delivered or transmitted upon the arrival of the ship or the discharge of the crew or otherwise at any port out of the United Kingdom, the Board of Trade may, if they think fit, direct that the return, instead, of being delivered or transmitted to the Registrar General of Shipping and Seamen, shall be delivered, and the same shall accordingly be delivered, if the port is in a British possession, to the superintendent or chief officer of customs at such port, and if it is elsewhere, to the

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British consular officer at the port, and such superintendent or officer shall transmit the same as soon as may be to the Registrar General of Shipping and Seamen.

(4.) The Registrar General of Shipping and Seamen shall send a certified copy of the returns relating to such births and deaths as follows ; that is to say,—

(a.) if it appears from the return that the father of the child so born, or if the child is a bastard the mother of the child or that the person deceased was a Scotch or Irish subject of Her Majesty, then to the Registrar General of Births and Deaths in Scotland or Ireland, as the case may require ; and

(b.) in any other case to the Registrar General of Births and Deaths in England ;

and such Registrar General of Births and Deaths shall cause the same to be filed and preserved in or copied in a book to be kept by him for the purpose, and to be called the marine register book ; and such book shall be a certified copy of the register book within the meaning of the Acts relating to the registration of births and deaths in England, Scotland, and Ireland respectively.

(5.) If the master of any ship fails to comply with any requirement of this section, he shall be liable for each offence to a fine not exceeding five pounds.

Return in case of transfer or loss of ship.

255.—(1.) Where by reason of the transfer of ownership or change of employment of a ship the list of the crew ceases to be required in respect of the ship, or to be required at the same date, the master or owner of the ship shall, if the ship is then in the United Kingdom, within one month, and, if she is elsewhere, within six months, after that cessation deliver or transmit to the superintendent at the port to which the ship belonged the list of the crew, duly made up to the time of the cessation.

(2.) If a ship is lost or abandoned, the master or owner thereof shall, if practicable, and as soon as possible, deliver or transmit to the superintendent at the port to which the ship belonged the list of the crew, duly made out to the time of the loss or abandonment.

(3.) If the master or owner of a ship fails, without reasonable cause, to comply with this section, he shall for each offence be liable to a fine not exceeding ten pounds.

Transmission of documents to registrar by superintendents and other officers.

256.—(1.) All superintendents and all officers of customs shall take charge of all documents which are delivered or transmitted to or retained by them in pursuance of this Act, and shall keep them for such time (if any) as may be necessary for the purpose of settling any business arising at the place

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where the documents come into their hands, or for any other proper purpose, and shall, if required, produce them for any of those purposes, and shall then transmit them to the Registrar General of Shipping and Seamen, and he shall record and preserve them, and they shall be admissible in evidence in manner provided by this Act, and they shall, on payment of a moderate fee fixed by the Board of Trade, or without payment if the Board so direct, be open to the inspection of any person.

(2.) The documents aforesaid shall be public records and documents within the meaning of the Public Record Offices Acts, 1838 and 1877, and those Acts shall, where applicable, apply to those documents in all respects, as if specifically referred to therein.

1-2 V., c. 94.
40-41 V., c. 55.

257.—(1.) Whenever a ship, in whatever part of Her Majesty's dominions it is registered (except a ship whose business for the time being is to carry passengers whether cabin or steerage passengers), arrives at a port in a British possession or at a port elsewhere at which there is a British consular officer, and remains thereat for forty-eight hours, the master shall, within forty-eight hours of the ship's arrival, deliver to the chief officer of customs or to the consular officer (as the case may be,) the agreement with the crew, and also all indentures and assignments of apprenticeships, or, if the ship is registered in a British possession, such of those documents as the ship is provided with.

Deposit of documents at foreign ports and in colonies.

(2.) The officer shall keep the documents during the ship's stay in the port, and in cases where any endorsements upon the agreements are required by this Act shall make the same, and shall return the documents to the master within a reasonable time before his departure, with a certificate endorsed on the agreement, stating the time when the documents were respectively delivered and returned :

(3.) If it appears that the required forms have been neglected, or that the existing laws have been transgressed, the officer shall make an endorsement to that effect on the agreement, and forthwith transmit a copy of the endorsement, with the fullest information he can collect regarding the neglect or transgression, to the Registrar General of Shipping and Seamen :

(4.) If the master of a ship fails without reasonable cause to deliver any document in pursuance of this section, he shall for each offence be liable to a fine not exceeding twenty pounds ; and in any prosecution for that fine it shall lie upon the master either to produce the said certificate, or to prove that he duly obtained it, or that it was impracticable for him to obtain it.

258. If during the progress of a voyage the master is removed, or superseded, or for any other reason quits the ship,

Documents to be handed over to succes

Merchant Shipping Act, 1894.

and is succeeded in the command by some other person, he shall deliver to his successor the various documents relating to the navigation of the ship and to the crew thereof which are in his custody, and if he fails without reasonable cause so to do, he shall be liable to a fine not exceeding one hundred pounds; and his successor shall immediately on assuming the command of the ship enter in the official log book a list of the documents so delivered to him.

and is succeeded in the command by some other person, he shall deliver to his successor the various documents relating to the navigation of the ship and to the crew thereof which are in his custody, and if he fails without reasonable cause so to do, he shall be liable to a fine not exceeding one hundred pounds; and his successor shall immediately on assuming the command of the ship enter in the official log book a list of the documents so delivered to him.

Sites for Sailors' Homes.

Corporations, &c., may grant sites for sailors' homes.

259. The corporation of a municipal borough, being a port in the United Kingdom, and any body corporate, association, or trustees in any such port, existing or constituted for any public purposes relating to the government or benefit of persons engaged in the British merchant service, or to the management of docks and harbours, or for any other public purposes connected with shipping or navigation, may, with the consent of the Local Government Board, appropriate any land vested in them or in trustees for them as a site for a sailors' home, and may for that purpose either retain and apply the same accordingly, or convey the same to trustees with such powers for appointing new trustees and continuing the trust as they think fit.

Application of Part II.

Application of Part II. to ships registered in the United Kingdom.

260. This part of this Act shall, unless the context or subject-matter requires a different application, apply to all sea-going ships registered in the United Kingdom, and to the owners, masters and crews of such ships subject as hereinafter provided with respect to—

- (a.) ships belonging to any of the three general lighthouse authorities;
- (b.) pleasure yachts; and
- (c.) fishing boats.

Application of Part II. to ships registered elsewhere than in the United Kingdom.

261. This part of this Act shall, unless the context or subject-matter requires a different application, apply to all sea-going British ships registered out of the United Kingdom, and to the owners, masters, and crews thereof as follows; that is to say,

- (a.) the provisions relating to the shipping and discharge of seamen in the United Kingdom and to volunteering into the Navy shall apply in every case;
- (b.) the provisions relating to lists of the crew and to the property of deceased seamen and apprentices shall apply where the crew are discharged, or the final port of destination of the ship is, in the United Kingdom; and

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- (c.) all the provisions shall apply where the ships are employed in trading or going between any port in the United Kingdom, and any port not situate in the British possession or country in which the ship is registered; and
- (d.) the provisions relating to the rights of seamen in respect of wages, to the shipping and discharge of seamen in ports abroad, to leaving seamen abroad and to the relief of seamen in distress in ports abroad, to the provisions, health, and accommodation of seamen, to the power of seamen to make complaints, to the protection of seamen from imposition, and to discipline, shall apply in every case except where the ship is within the jurisdiction of the government of the British possession in which the ship is registered.

262. The following provisions of this part of this Act shall not apply to ships belonging to the three general lighthouse authorities or to pleasure yachts, or to the owners, masters, and crews thereof, namely, the provisions relating to—

Partial application of Part II. to ships of lighthouse authorities and pleasure yachts.

- (a.) the requirement of officers to hold certificates of competency, and the production of those certificates;
- (b.) the exemption from stamp duty and record of indentures of apprenticeship, and matters to be done for the purpose of such record;
- (c.) the entry in the agreement with the crew of the particulars respecting apprentices, and matters to be done for the purpose of such entry;
- (d.) the engagement or supply of seamen or apprentices by or through unlicensed persons;
- (e.) agreements with the crew (except the provisions relating to the engagement of a seaman abroad);
- (f.) the compulsory discharge and payment of seamen's wages before a superintendent and the compulsory delivery of an account of wages;
- (g.) the accommodation for seamen;
- (h.) the deduction and payment of fines imposed under stipulations in the agreement;
- (i.) the delivery of documents at ports abroad to consular or customs officers; or
- (j.) official log books.

263.—(1.) This part of this Act (except the provisions thereof relating to the transmission and delivery of lists of crews, volunteering into the Navy, and the property of deceased seamen) shall not, subject as hereinafter provided with respect to Scotland or by the Fourth Part of this Act, apply to fishing boats exclusively employed in fishing on the coasts of the United Kingdom, or to the owners, skippers, and crews thereof.

Partial application of Part II. to fishing boats.

- (2.) The provisions of this part of this Act relating to—
- (a.) apprenticeships to the sea service;

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- (b.) compulsory agreements with the crew ;
- (c.) the alteration, falsification, or posting up of copies of agreements with the crew ;
- (d.) compensation to seamen improperly discharged ;
- (e.) the delivery of an account of wages ;
- (f.) the granting of certificates of discharge and the return of certificates of competency by the master ;
- (g.) the decision of questions by the superintendent when referred to him ;
- (h.) the production of the ship's papers by the master to the superintendent in proceedings under this Act before him ;

or

(i.) the sections constituting the offences of desertion, absence without leave, and offences against discipline ;

shall not, subject as in this section mentioned with respect to Scotland, apply to any fishing boats whether or not exclusively employed in fishing on the coasts of the United Kingdom, or to the owners, skippers, and crews thereof.

(3.) So far as respects Scotland all of this part of this Act (except the provisions thereof declared not to apply to ships belonging to the general lighthouse authorities or to pleasure yachts) shall apply to fishing boats, whether or not exclusively employed in fishing on the coasts of the United Kingdom, and to the owners, skippers, and crews thereof in like manner as it applies to other ships, and the owners, skippers, and crews thereof.

Application of Part II. to Colony by Colonial legislatures.

264. If the legislature of a British possession, by any law, apply or adapt to any British ships registered at, trading with, or being at, any port in that possession, and to the owners, masters, and crews of those ships, any provisions of this part of this Act which do not otherwise so apply, such law shall have effect throughout Her Majesty's dominions, and in all places where Her Majesty has jurisdiction in the same manner as if it were enacted in this Act.

Conflict of laws.

265. Where in any matter relating to a ship or to a person belonging to a ship there appears to be a conflict of laws, then, if there is in this part of this Act any provision on the subject which is hereby expressly made to extend to that ship, the case shall be governed by that provision ; but if there is no such provision, the case shall be governed by the law of the port at which the ship is registered.

Unregistered ship deemed to be registered in United Kingdom for certain purposes.

266. This part of this Act shall apply to an unregistered British ship which ought to have been registered under this Act, as if such ship had been registered in the United Kingdom.

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PART III.

PASSENGER AND EMIGRANT SHIPS.

1. DEFINITIONS.

Definition of Passenger Steamer and Passenger.

267. For the purposes of this part of this Act—

The expression “passenger” shall include any person carried in a ship other than the master and crew, and the owner, his family and servants; and

Definition of
“passenger”
and “passenger steamer.”

The expression “passenger steamer” shall mean every British steamship carrying passengers to, from, or between any places in the United Kingdom, except steam ferry boats working in chains (commonly called steam bridges) and every foreign steamship carrying passengers between places in the United Kingdom.

Definition of Emigrant Ship, &c.

268. For the purposes of this part of this Act, unless the context otherwise requires—

“Emigrant ship,” &c., to which part applies.

(1.) The expression “emigrant ship” shall mean every sea-going ship, whether British or foreign, and whether or not conveying mails, carrying, upon any voyage to which the provisions of this part of this Act respecting emigrant ships apply, more than fifty steerage passengers or a greater number of steerage passengers than in the proportion

(a.) if the ship is a sailing ship, of one statute adult to thirty-three tons of the ship’s registered tonnage; and

(b.) if the ship is a steam ship of one statute adult to every twenty tons of the ship’s registered tonnage; and

includes a ship which, having proceeded from a port outside the British Islands, takes on board at any port in the British Islands such number of steerage passengers whether British subjects or aliens resident in the British Islands, as would, either with or without the steerage passengers which she already has on board, constitute her an emigrant ship;

(2.) The expression “statute adult” shall mean a person of the age of twelve years or upwards, and two persons between the ages of one and twelve years shall be treated as one statute adult;

(3.) The expression “steerage passenger” shall mean all passengers except cabin passengers, and persons shall not be deemed cabin passengers unless—

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- (a.) the space allotted to their exclusive use is in the proportion of at least thirty-six clear, superficial feet to each statute adult ; and
 - (b.) they are messed throughout the voyage at the same table with the master or first officer of the ship ; and
 - (c.) the fare contracted to be paid by them is in the proportion for every week of the length of the voyage (as determined under this part of this Act for sailing vessels) of thirty shillings, if the voyage of the ship is from the British Islands to a port south of the equator, and twenty shillings, if the voyage of the ship is from the British Islands to a port north of the equator ; and
 - (d.) they have been furnished with a duly signed contract ticket in the form prescribed by the Board of Trade for cabin passengers ;
- (4.) The expression "steerage passage" shall include passages of all passengers except cabin passengers ;
- (5.) The expression "upper passenger deck" shall mean and include the deck immediately beneath the upper deck, or the poop or round house and deck house when the number of passengers, whether cabin or steerage passengers, carried in the poop, round house, or deck house, exceeds one-third of the total number of steerage passengers which the ship can lawfully carry on the deck next below ;
- (6.) The expression "lower passenger deck" shall mean and include the deck next beneath the upper passenger deck not being an orlop deck.

Scale for determining length of voyages.

269. For the purposes of this part of this Act the length of the voyage of an emigrant ship from the British Islands to any port elsewhere shall be determined by such of the scales fixed by the Board of Trade as is applicable thereto, and the Board of Trade may fix the scales by notice published in the *London Gazette* and may fix such different lengths of voyage as they think reasonable for different descriptions of ships.

Definition of colonial voyage.

270. For the purposes of this part of this Act a colonial voyage means a voyage from any port in a British possession, other than British India and Hong Kong, to any port whatever, where the distance between such ports exceeds four hundred miles, or the duration of the voyage, as determined under this part of this Act, exceeds three days.

2. PASSENGER STEAMERS.

Survey of Passenger Steamers.

Annual survey of passenger steamers.

271.—(1.) Every passenger steamer which carries more than twelve passengers shall—

- (a.) be surveyed once at least in each year in the manner provided in this part of this Act ; and

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(b.) shall not ply or proceed to sea or on any voyage or excursion with any passengers on board, unless the owner or master has the certificate from the Board of Trade as to survey under this part of this Act, the same being in force, and applicable to the voyage or excursion on which the steamer is about to proceed.

(2.) A passenger steamer attempting to ply or go to sea may be detained until such certificate as aforesaid is produced to the proper officer of customs.

(3.) Provided that, while a steamer is an emigrant ship and the provisions of this part of this Act as to the survey of the hull, machinery and equipments of emigrant ships have been complied with, she shall not require a survey or certificate under this section.

272.—(1.) The owner of every passenger steamer shall cause the same to be surveyed by a shipwright surveyor of ships and an engineer surveyor of ships, the shipwright surveyor being, in the case of an iron steamer, a person properly qualified in the opinion of the Board of Trade to survey an iron steamer.

Mode of survey and declaration of survey.

(2.) The surveyors, if satisfied on the survey that they can with propriety do so, shall deliver to the owner declarations of survey in a form approved by the Board of Trade.

(3.) The declaration of the shipwright surveyor shall contain statements of the following particulars:—

(a.) that the hull of the steamer is sufficient for the service intended and in good condition:

(b.) that the boats, life buoys, lights, signals, compasses, and shelter for deck passengers, are such, and in such condition, as are required by this Act:

(c.) the time (if less than one year) for which the hull and equipments will be sufficient:

(d.) the limits (if any) beyond which, as regards the hull and equipments, the steamer is in the surveyor's judgment not fit to ply.

(e.) the number of passengers which the steamer is in the judgment of the surveyor fit to carry, distinguishing, if necessary, between the respective numbers to be carried on the deck and in the cabins and in different parts of the deck and cabins; those numbers to be subject to such conditions and variations, according to the time of year, the nature of the voyage, the cargo carried, or other circumstances, as the case requires:

(f.) that the certificates of the master and mate or mates are such as are required by this Act.

(4.) The declaration of the engineer surveyor shall contain statements of the following particulars, namely:—

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- (a.) that the machinery of the steamer is sufficient for the service intended, and in good condition :
- (b.) the time (if less than one year) for which the machinery will be sufficient :
- (c.) that the safety valves and fire hose are such and in such condition as are required by this Act :
- (d.) the limit of the weight to be placed on the safety valves :
- (e.) the limits (if any) beyond which, as regards the machinery, the steamer is in the surveyor's judgment not fit to ply :
- (f.) that the certificates of the engineer or engineers of the steamer are such as are required by this Act.

Transmission of declaration.

273.—(1.) The owner of a steamer surveyed shall within fourteen days after the receipt by him of a declaration of survey transmit it to the Board of Trade.

(2.) If an owner fails without reasonable cause so to transmit a declaration of survey, he shall forfeit a sum not exceeding ten shillings for every day during which the transmission is delayed, and any sum so forfeited shall be payable on the granting of a certificate in addition to the fee, and shall be applied in the same manner as the fee.

Issue of passenger steamer's certificate.

274. On the receipt of the declarations of survey, the Board of Trade shall, if satisfied that this part of this Act has been complied with, issue in duplicate a passenger steamer's certificate, that is to say, a certificate stating such compliance and stating, according to the declarations—

- (a.) the limits (if any) beyond which the steamer is not fit to ply ; and
- (b.) the number of passengers which the steamer is fit to carry, distinguishing, if necessary, the number to be carried in each part of the steamer, and any conditions and variations to which the number is subject.

Appeal to court of survey.

275.—(1.) If the owner of a steamer feels aggrieved by the declaration of survey of a shipwright or engineer surveyor, or by the refusal of such a surveyor to give such a declaration, he may appeal to the court of survey for the port or district where the steamer for the time being is, in manner directed by the rules of that court.

(2.) On any such appeal the judge of the court of survey shall report to the Board of Trade on the question raised by the appeal and the Board, when satisfied that the requirements of the report and of the foregoing provisions of this part of this Act have been complied with, may grant a passenger steamer's certificate.

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(3.) Subject to any order made by the judge of the court of survey the costs of and incidental to the appeal shall follow the event.

(4.) A shipwright or engineer surveyor in making a survey of a steamer for the purpose of a declaration of survey shall, if the owner of the steamer so requires, be accompanied on the survey by some person appointed by the owner, and in that case, if the surveyor and the person so appointed agree, there shall be no appeal under this section to the court of survey.

276.—(1.) The Board of Trade shall transmit the passenger steamer's certificate in duplicate to a superintendent or some other public officer at the port mentioned by the owner of the steamer for the purpose, or at the port where the owner or his agent resides, or where the steamer has been surveyed or is for the time lying. Transmission of certificate.

(2.) The Board of Trade shall cause notice of the transmission to be given to the master or owner or his agent, and the officer to whom the certificate has been transmitted shall, on the owner, master, or agent applying and paying the proper fee and other sums (if any) mentioned in this Act as payable in that behalf, deliver to him both copies of the certificate.

(3.) In proving the issue of a passenger steamer's certificate it shall be sufficient to show that the certificate was duly received by the said officer, and that due notice of the transmission was given to the owner, master, or agent.

277. The grantee of a passenger steamer's certificate shall pay such fees, not exceeding those specified in Part One of the Ninth Schedule to this Act, as the Board of Trade fix. Fees for certificate.

278.—(1.) A passenger steamer's certificate shall not be in force for more than one year from the date of its issue, or any shorter time specified in the certificate, nor after notice is given by the Board of Trade to the owner, agent, or master of the steamer, that the Board have cancelled it. Duration of certificates.

(2.) If a passenger steamer is absent from the United Kingdom at the time when her certificate expires, a fine shall not be incurred for want of a certificate until she first begins to ply with passengers after her next return to the United Kingdom.

279.—(1.) The Board of Trade may cancel a passenger steamer's certificate where they have reason to believe— Cancellation of certificate.

(a.) that any declaration of survey on which the certificate was founded has been in any particular made fraudulently or erroneously; or,

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(b.) that the certificate has been issued upon false or erroneous information; or,

(c.) that since the making of the declaration, the hull, equipments, or machinery have sustained any injury, or are otherwise insufficient.

(2.) In every such case the Board of Trade may require the owner to have the hull equipment or machinery of the steamer again surveyed, and to transmit further declarations of survey, before they reissue the certificate or grant a fresh one in lieu thereof.

Delivery up of certificate.

280.—(1.) The Board of Trade may require a passenger steamer's certificate, which has expired or been cancelled, to be delivered up as they direct.

(2.) If any owner or master fails without reasonable cause to comply with such requirement, he shall for each offence be liable to a fine not exceeding ten pounds.

Posting up of certificate.

281.—(1.) The owner or master of every passenger steamer required to have a passenger steamer's certificate shall forthwith on the receipt of the certificate by him or his agent cause one of the duplicates to be put up in some conspicuous place on board the steamer, so as to be legible to all persons on board, and to be kept so put up and legible while the certificate remains in force, and the steamer is in use.

(2.) If the owner or master fails without reasonable cause to comply with this section, he shall for each offence be liable to a fine not exceeding ten pounds.

(3.) If a passenger steamer plies or goes to sea with passengers on board, and this section is not complied with, then for each offence the owner thereof shall be liable to a fine not exceeding one hundred pounds, and the master shall also be liable to a further fine not exceeding twenty pounds.

Penalty for forgery of certificate or declaration.

282. If any person—

(a.) knowingly and wilfully makes, or assists in making, or procures to be made, a false or fraudulent declaration of survey or passenger steamer's certificate; or

(b.) forges, assists in forging, procures to be forged, fraudulently alters, assists in fraudulently altering, or procures to be fraudulently altered, any such declaration or certificate, or anything contained in, or any signature to any such declaration or certificate;

that person shall in respect of each offence be guilty of a misdemeanour.

Penalty for carrying passengers in excess.

283. The owner or master of any passenger steamer shall not receive on board thereof, or on or in any part thereof, any

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number of passengers which, having regard to the time, occasion, and circumstances of the case, is greater than the number allowed by the passenger steamer's certificate, and if he does so, he shall for each offence be liable to a fine not exceeding twenty pounds, and also to an additional fine not exceeding five shillings for every passenger above the number so allowed, or if the fare of any passenger on board exceeds five shillings, not exceeding double the amount of the fares of all the passengers above the number so allowed, reckoned at the highest rate of fare payable by any passenger on board.

284. Where the legislature of any British possession provides for the survey of, and grant of certificates for, passenger steamers, and the Board of Trade report to Her Majesty the Queen that they are satisfied that the certificates are to the like effect, and are granted after a like survey, and in such manner as to be equally efficient with the certificates granted for the same purpose in the United Kingdom under this Act, Her Majesty in Council may—

Colonial certificates for passenger steamers.

- (1.) declare that the certificates granted in the said British possession shall be of the same force as if granted under this Act; and
- (2.) declare that all or any of the provisions of this part of this Act which relate to passenger steamer's certificates shall, either without modification or with such modifications as to Her Majesty may seem necessary, apply to the certificates granted in the said British possession; and
- (3.) impose such conditions and make such regulations with respect to the certificates, and to the use, delivery, and cancellation thereof, as to Her Majesty may seem fit, and impose fines not exceeding fifty pounds for the breach of those conditions and regulations.

General Equipment of Passenger Steamer.

285.—(1.) A sea-going passenger steamer shall have her compasses properly adjusted from time to time, to the satisfaction of the shipwright surveyor and according to such regulations as may be issued by the Board of Trade.

Equipment of passenger steamers with compasses, hose, deck shelters, and safety appliances.

(2.) A sea-going passenger steamer shall be provided with a hose capable of being connected with the engines of the steamer, and adapted for extinguishing fire in any part of the steamer.

(3.) A home-trade passenger steamer shall be provided with such shelter for the protection of deck passengers (if any) as the Board of Trade, having regard to the nature of the passage, the number of deck passengers to be carried, the season of the year, the safety of the ship, and the circumstances of the case, require.

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(4.) A passenger steamer shall be provided with a safety valve on each boiler, so constructed as to be out of the control of the engineer when the steam is up, and, if the safety valve is in addition to the ordinary valve, so constructed as to have an area not less, and a pressure not greater, than the area of and pressure on the ordinary valve.

(5.) If a passenger steamer plies or goes to sea from a port in the United Kingdom without being equipped as required by this section, then, for each matter in which default is made, the owner (if in fault) shall be liable to a fine not exceeding one hundred pounds, and the master (if in fault) shall be liable to a fine not exceeding fifty pounds.

Prohibition
of increasing
weight on
safety-valve.

286. A person shall not increase the weight on the safety valve of a passenger steamer beyond the limits fixed by the surveyor, and, if he does so, he shall, in addition to any other liability he may incur by so doing, be liable for each offence to a fine not exceeding one hundred pounds.

Keeping Order in Passenger Steamers.

Offences in
connection
with passen-
ger steamers.

287.—(1.) If any of the following offences is committed in the case of a passenger steamer for which there is a passenger steamer's certificate in force; that is to say,

- (a.) if any person being drunk or disorderly has been on that account refused admission thereto by the owner or any person in his employment, and, after having the amount of his fare (if he has paid it) returned or tendered to him, nevertheless persists in attempting to enter the steamer:
- (b.) if any person being drunk or disorderly on board the steamer is requested by the owner or any person in his employ to leave the steamer at any place in the United Kingdom, at which he can conveniently do so, and, after having the amount of his fare (if he has paid it) returned or tendered to him, does not comply with the request:
- (c.) if any person on board the steamer, after warning by the master or other officer thereof, molests or continues to molest any passenger:
- (d.) if any person, after having been refused admission to the steamer by the owner or any person in his employ on account of the steamer being full, and having had the amount of his fare (if he has paid it) returned or tendered to him, nevertheless persists in attempting to enter the steamer:
- (e.) if any person having gone on board the steamer at any place, and being requested, on account of the steamer being full, by the owner or any person in his employ to leave the steamer, before it has quitted that place, and having had the amount of his fare (if he has paid it) returned or tendered to him, does not comply with that request:

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- (f.) if any person travels or attempts to travel in the steamer without first paying his fare, and with intent to avoid payment thereof:
- (g.) if any person, having paid his fare for a certain distance, knowingly and wilfully proceeds in the steamer beyond that distance without first paying the additional fare for the additional distance, and with intent to avoid payment thereof:
- (h.) if any person on arriving in the steamer at a point to which he has paid his fare knowingly and wilfully refuses or neglects to quit the steamer: and
- (i.) if any person on board the steamer fails, when requested by the master or other officer thereof, either to pay his fare or exhibit such ticket or other receipt, if any, showing the payment of his fare, as is usually given to persons travelling by and paying their fare for the steamer:

the person so offending shall for each offence be liable to a fine not exceeding forty shillings, but that liability shall not prejudice the recovery of any fare payable by him.

(2.) If any person on board any such steamer wilfully does or causes to be done anything in such a manner as to obstruct or injure any part of the machinery or tackle of the steamer, or to obstruct, impede, or molest the crew, or any of them, in the navigation or management of the steamer, or otherwise in the execution of the duty on or about the steamer, he shall for each offence be liable to a fine not exceeding twenty pounds.

(3.) The master or other officer of any such steamer, and all persons called by him to his assistance, may, without any warrant, detain any person who commits any offence against this section and whose name and address are unknown to the master or officer, and convey the offender with all convenient despatch before some justice of the peace to be dealt with according to law, and that justice shall with all convenient despatch try the case in a summary manner.

(4.) If any person commits an offence against this section and on the application of the master of the steamer, or any other person in the employ of the owner thereof, refuses to give his name and address, or gives a false name or address, that person shall be liable to a fine not exceeding twenty pounds, and the fine shall be paid to the owner of the steamer.

288. The master of any home-trade passenger steamer may refuse to receive on board thereof any person who by reason of drunkenness or otherwise is in such a state, or misconducts himself in such a manner, as to cause annoyance or injury to passengers on board, and if any such person is on board, may put him on shore at any convenient place; and a person so refused admittance or put on shore shall not be entitled to the return of any fare he has paid.

Power to exclude drunken passengers on home-trade passenger steamers.

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3. EMIGRANT SHIPS.

Survey of Emigrant Ships.

Preliminary
survey of
emigrant ship.

289.—(1.) An emigrant ship, in respect of which a passenger steamer's certificate is not in force, shall not clear outwards or proceed to sea on any voyage unless she has been surveyed under the direction of the emigration officer at the port of clearance, but at the expense of the owner or charterer thereof, by two or more competent surveyors to be appointed at any port in the British Islands where there is an emigration officer by the Board of Trade, and at other ports by the Commissioners of Customs, and has been reported by such surveyors to be in their opinion seaworthy and fit for her intended voyage.

(2.) The survey shall be made before any portion of the cargo is taken on board, except so much as may be necessary for ballasting the ship, and such portion of cargo if laden on board shall be shifted, if required by the emigration officer or the surveyors, so as to expose to view successively every part of the frame of the ship.

(3.) If any such surveyors report that the ship is not seaworthy, or not fit for her intended voyage, the owner or charterer may, if he thinks fit, by writing under his hand require the emigration officer to appoint three other competent surveyors (of whom two at least must be shipwrights) to survey the ship at the expense of the owner or charterer, and the said officer shall thereupon appoint such surveyors, and they shall survey the ship and if by unanimous report under their hands, but not otherwise, they declare the ship to be seaworthy and fit for her intended voyage, the ship shall for the purposes of this part of this Act be deemed seaworthy and fit for that voyage.

(4.) If any requirement of this section is not complied with in the case of any emigrant ship, the owner, charterer, or master of the ship or any of them shall for each offence be liable to a fine not exceeding one hundred pounds.

Equipments.

Equipment
with compas-
ses, chronome-
ters, fire-en-
gine, anchors,
&c.

290.—(1.) Every emigrant ship shall, in addition to any other requirement under this Act, be provided with the following articles, namely:—

- (a.) with at least three steering compasses, and one azimuth compass; and
- (b.) if proceeding to any place north of the equator, with at least one chronometer; and
- (c.) if proceeding to any place south of the equator, with at least two chronometers; and

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- (*d.*) with a fire engine in proper working order and of such description and power, and either with or without such other apparatus for extinguishing fire as the emigration officer may approve; and
- (*e.*) with three bower anchors of such weight and with cables of such length, size, and material, as in the judgment of the emigration officer are sufficient for the size of the ship; and
- (*f.*) if a foreign ship, with four properly-fitted life-buoys kept ready at all times for immediate use; and
- (*g.*) adequate means, to be approved by the emigration officer at the port of clearance, of making signals by night.
- (2.) If any requirement of this section is not complied with in the case of any emigrant ship, the master of that ship shall for each offence be liable to a fine not exceeding fifty pounds.

Number of, and Accommodation for, Passengers.

291.—(1.) A ship shall not carry passengers, whether cabin or steerage passengers, on more than two decks, except that cabin passengers not exceeding one for every hundred tons of the ship's registered tonnage, and sick persons placed in hospital as hereinafter provided may be carried in a poop or deck house, although passengers are carried on two other decks.

(2.) If steerage passengers are carried under the poop, or in a round house, or deck house, the poop, round house, or deck house shall be properly built and secured to the satisfaction of the emigration officer at the port of clearance.

(3.) If any requirement of this section is not complied with in the case of any ship, the master of the ship shall for each offence be liable to a fine not exceeding five hundred pounds.

292.—(1.) The number of steerage passengers carried in an emigrant ship shall not exceed the number limited by the regulations in the Tenth Schedule to this Act.

(2.) If there is on board any emigrant ship at or after the time of clearance a greater number of steerage passengers than the number so limited (except as increased by births at sea), the master of the ship shall be liable to a fine not exceeding twenty pounds for each steerage passenger constituting such excess.

293.—(1.) The regulations as to the accommodation for steerage passengers in the Eleventh Schedule to this Act, relating to the construction of passenger decks, to berths, to hospitals, to privies, and to the supply of light and ventilation, shall be observed in the case of all emigrant ships as if they were contained in this section.

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(2.) If any requirement of this section is not complied with in the case of any emigrant ship, the owner, charterer or master of the ship or any of them shall for each offence be liable to a fine not exceeding fifty pounds, except that the master shall alone be liable to the fine where he is in any such regulation expressed to be alone liable.

Stowage of goods.

294.—(1.) No part of the cargo or of the steerage passengers' luggage, or of the provisions, water, or stores, whether for the use of the steerage passengers or of the crew, shall be carried on the upper deck or on the passenger decks, unless in the opinion of the emigration officer at the port of clearance the same is so placed as not to impede light or ventilation or to interfere with the comfort of the steerage passengers, nor unless the same is stowed and secured to the satisfaction of the emigration officer; and the space thereby occupied or rendered in the opinion of such officer unavailable for the accommodation of the steerage passengers, shall (unless occupied by the said steerage passengers' luggage) be deducted in calculating the space by which the number of steerage passengers is regulated.

(2.) If any requirement of this section is not complied with in the case of any emigrant ship, the owner, charterer or master or any of them shall for each offence be liable to a fine not exceeding three hundred pounds.

Provisions, Water, and Medical Stores.

Supply of provisions and water.

295.—(1.) There shall be placed on board every emigrant ship, for the steerage passengers provisions and water of good and wholesome quality and in sweet and good condition, and in quantities sufficient to secure throughout the voyage the issues required by this part of this Act.

(2.) In addition to the allowance of pure water for each steerage passenger, water shall be shipped for cooking purposes sufficient to supply ten gallons for every day of the length of the voyage as determined under this part of this Act for every one hundred statute adults on board.

(3.) There shall also be shipped for the use of the crew and all other persons on board an ample amount of wholesome provisions and pure water, not inferior in quality to the provisions and water provided for the steerage passengers.

(4.) All such water and provisions shall be provided and stowed away by and at the expense of the owner, charterer or master of the ship.

(5.) If any emigrant ship obtains a clearance without being provided with the requisite quantities of water and provisions in accordance with this section, the owner, charterer or master of that ship or any of them shall for each offence be liable to a fine not exceeding three hundred pounds.

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(6.) Before an emigrant ship is cleared outwards, the emigration officer at the port of clearance shall survey or cause to be surveyed by some competent person the provisions and water by this Act required to be placed on board for the steerage passengers, and shall satisfy himself that the same are of good and wholesome quality and in sweet and good condition, and in the quantities required by this Act.

(7.) If the emigration officer considers that any part of the provisions or water is not of a good and wholesome quality, or is not in sweet and good condition, he may reject and mark the same, or the packages or vessels in which it is contained, and direct the same to be forthwith landed or emptied.

(8.) If the same are not forthwith landed or emptied, or if after being landed the same or any part thereof are reshipped in the ship, the owner, charterer or master of the ship or any of them, or, if the same are shipped in any other emigrant ship, then the person causing the same to be so shipped, shall for each offence be liable to a fine not exceeding one hundred pounds.

296.—(1.) The water to be placed on board emigrant ships as hereinbefore provided shall be carried in tanks or casks approved by the emigration officer at the port of clearance, and the casks shall be sweet and tight, of sufficient strength, and if of wood properly charred inside, and the staves shall not be made of fir, pine, or soft wood, and each cask shall not be capable of containing more than three hundred gallons.

Mode of carrying water.

(2.) If any requirement of this section is not complied with in the case of any emigrant ship, the owner, charterer or master of the ship, or any of them, shall for each offence be liable to a fine not exceeding fifty pounds.

297. If an emigrant ship is intended to call at any intermediate port during the voyage for the purpose of taking in water, and if an engagement to that effect is inserted in the master's bond hereinafter mentioned, it shall be sufficient to place on board at the port of clearance such supply of water as is required by this part of this Act for the voyage to the intermediate port subject to the following conditions; that is to say,

Provision for touching at intermediate ports to take in water.

- (i.) the emigration officer at the port of clearance shall approve in writing the arrangement, and the approval shall be carried among the ship's papers, and shall be exhibited at the intermediate port and delivered on the arrival of the ship at her final port of discharge to the chief officer of customs, or British consular officer, as the case may be:
- (ii.) if the length of either portion of the voyage, whether to the intermediate port, or from the intermediate port to the final port of discharge, is not determined under this part

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of this Act, the emigration officer at the port of clearance shall declare the same in writing as part of his said approval of the arrangement :

- (iii.) the ship shall have on board at the time of clearance such tanks and water casks of the description by this part of this Act required, as are sufficient for stowing the quantity of water required for the longest of the aforesaid portions of the voyage.

Issue of water or provisions during voyage.

298.—(1.) The master of every emigrant ship shall during the voyage, including the time of detention at any place before the termination thereof, issue to each steerage passenger, or where the steerage passengers are divided into messes, to the head man for the time being of each mess, on behalf and for the use of all the members thereof, an allowance of pure water, and sweet and wholesome provisions of good quality, in accordance with the dietary scales in the Twelfth Schedule to this Act, which shall have effect as if they were contained in this section.

(2.) The Board of Trade may, by notice published in the *London Gazette*, add to the dietary scales in the said schedule any dietary scale which in their opinion contains in the whole the same amount of wholesome nutriment as any scale in that schedule, and any dietary scale so added, inclusive of any regulations relating thereto, shall have effect as if they were contained in the said schedule as an alternative of the dietary scales therein contained, and accordingly a master of a ship may issue provisions according to the latter scales or to any scale so added, whichever is mentioned in the contract ticket of the steerage passengers.

(3.) If any requirement of this section is not complied with in the case of any emigrant ship the master of the ship shall for each offence be liable to a fine not exceeding fifty pounds.

Power of Board of Trade to exempt ships.

299. The Board of Trade if satisfied that the food, space, accommodation, or any other particular or thing provided in an emigrant ship for any class of passengers, whether cabin or steerage, is superior to the food, space, accommodation, or other particular or thing required by this part of this Act, may exempt that ship from any requirement of this part of this Act with respect to food, space, or accommodation, or other particular or thing, in such manner and upon such conditions as the Board think fit.

Medical stores.

300.—(1.) The owner or charterer of every emigrant ship shall provide for the use of the steerage passengers a supply of the following things (in this part of this Act referred to as medical stores), namely, medicines, medical comforts,

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instruments, disinfectants, and other things proper and necessary for diseases and accidents incident to sea voyages and for the medical treatment of the steerage passengers during the voyage, with written directions for the use of such medical stores.

(2.) The medical stores shall, in the judgment of the emigration officer at the port of clearance, be good in quality and sufficient in quantity for the probable exigencies of the intended voyage, and shall be properly packed, and placed under the charge of the medical practitioner, when there is one on board, to be used at his discretion.

(3.) If any of the above requirements of this section is not complied with in the case of an emigrant ship, the master of the ship shall for each offence be liable to a fine not exceeding fifty pounds.

(4.) An emigrant ship shall not clear outwards or proceed to sea unless a medical practitioner appointed by the emigration officer at the port of clearance has inspected the said medical stores, and certified to the emigration officer that they are sufficient in quantity and quality, or unless the emigration officer, in case he cannot on any particular occasion obtain the attendance of a medical practitioner, gives written permission for the purpose.

(5.) If an emigrant ship clears outwards or proceeds to sea without such certificate or permission, the master of the ship shall for each offence be liable to a fine not exceeding one hundred pounds.

Dangerous Goods, and Carriage of Cattle.

301.—(1.) Subject to the provisions of this part of this Act as to military stores, an emigrant ship shall not clear outwards or proceed to sea, if there is on board—

Regulations as to carriage of dangerous goods, and of horses and cattle.

38-39 V., c. 17.

(a.) as cargo, any article which is an explosive within the meaning of the Explosives Act, 1875, or any vitriol, lucifer matches, guano, or green hides, or

(b.) either as cargo or ballast, any article or number of articles which by reason of the nature, quantity, or mode of stowage thereof are, either singly or collectively, in the opinion of the emigration officer at the port of clearance, likely to endanger the health or lives of the steerage passengers or the safety of the ship, or

(c.) as cargo, horses or cattle or other animals mentioned in the Thirteenth Schedule to this Act, except they are carried on the conditions stated in that schedule, which shall have effect as if contained in this section.

(2.) If any requirement of this section is not complied with in the case of any ship, the owner, charterer or master of the ship or any of them, shall for each offence be liable to a fine not exceeding three hundred pounds.

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Carriage of
military
stores.

302.—(1.) A Secretary of State may, by order under his hand, authorize the carriage as cargo in any emigrant ship (subject to such conditions and directions as may be specified in the order), of naval and military stores for the public service, and those stores may be carried accordingly.

(2.) The order shall be addressed to the emigration officer and shall be by him countersigned, and delivered to the master of the ship to which it refers, and shall be delivered up by the master to the chief officer of customs at the port where the stores are discharged.

(3.) The master shall comply with all the conditions and directions in the order, and if he fails to do so, shall for each offence be liable to a fine not exceeding three hundred pounds.

Medical Officer, Staff, and Crew.

Medical prac-
titioners.

303.—(1.) Subject to any regulations made by Order in Council under this part of this Act, a duly authorized medical practitioner shall be carried on board an emigrant ship—

(a.) where the number of steerage passengers on board exceeds fifty; and also

(b.) where the number of persons on board (including cabin passengers, officers, and crew) exceeds three hundred.

(2.) A medical practitioner shall not be considered to be duly authorized for the purposes of this Act unless—

(a.) he is authorized by law to practice as a legally qualified medical practitioner in some part of Her Majesty's dominions, or, in the case of a foreign ship, in the country to which that ship belongs: and

(b.) his name has been notified to the emigration officer at the port of clearance, and has not been objected to by him: and

(c.) he is provided with proper surgical instruments to the satisfaction of that officer.

(3.) When the majority of the steerage passengers in any emigrant ship, or as many as three hundred of them, are foreigners, any medical practitioner whether authorized or not may, if approved by the emigration officer, be carried therein.

(4.) Where a medical practitioner is carried on board an emigrant ship he shall be rated on the ship's articles.

(5.) If any requirement of this section is not complied with in the case of any emigrant ship, the master of the ship shall for each offence be liable to a fine not exceeding one hundred pounds.

(6.) If any person proceeds or attempts to proceed as medical practitioner in any emigrant ship without being duly authorized, or contrary to the requirements of this section, that person and any person aiding and abetting him shall for each offence be liable to a fine not exceeding one hundred pounds.

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304.—(1.) Every emigrant ship, if carrying as many as one hundred steerage passengers, shall carry a steerage steward, who shall be a seafaring man, and rated in the ship's articles as steerage steward, and approved by the emigration officer at the port of clearance: he shall be employed in messing and serving out the provisions to the steerage passengers, and in assisting to maintain cleanliness, order, and good discipline among them, and shall not assist in any way in navigating or working the ship.

Steerage passenger's stewards, cooks, and interpreters.

(2.) Every emigrant ship carrying as many as one hundred steerage passengers shall also carry a steerage cook, and if carrying more than three hundred statute adults two steerage cooks, who shall be seafaring men, and be rated and approved as in the case of steerage stewards, and shall be employed in cooking the food of the steerage passengers.

(3.) In every such ship a convenient place for cooking shall be set apart on deck, and a sufficient cooking apparatus, properly covered in and arranged, shall be provided, to the satisfaction of the emigration officer at the port of clearance, together with a proper supply of fuel adequate, in his opinion, for the intended voyage.

(4.) Every foreign emigrant ship in which as many as one-half of the steerage passengers are British subjects, shall, unless the master and officers, or not less than three of them understand and speak intelligibly the English language, carry, if the number of steerage passengers does not exceed two hundred and fifty, one person, and if it exceeds two hundred and fifty, two persons, who understand and speak intelligibly the language spoken by the master and crew and also the English language: those persons shall act as interpreters, and be employed exclusively in attendance on the steerage passengers, and not in working the ship; and any such ship shall not clear outwards or proceed to sea without having such interpreter on board.

(5.) If any requirement of this section is not complied with in the case of any emigrant ship, the master of the ship shall for each offence be liable to a fine not exceeding fifty pounds.

305.—(1.) Every emigrant ship shall be manned with an efficient crew for her intended voyage, to the satisfaction of the emigration officer from whom a certificate for clearance for such ship is demanded; after the crew have been passed by the emigration officer, the strength of the crew shall not be diminished nor any of the men changed without the consent in writing either of that emigration officer or of the superintendent at the port of clearance.

Crew of emigrant ship.

(2.) Where the consent of a superintendent has been obtained, it shall, within twenty-four hours thereafter, be lodged with the said emigration officer.

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(3.) If the emigration officer considers the crew inefficient, the owner or charterer of the ship may appeal in writing to the Board of Trade, and the Board shall, at the expense of the appellant, appoint two other emigration officers or two competent persons to examine into the matter, and the unanimous opinion of the persons so appointed, expressed under their hands, shall be conclusive on the point.

(4.) If any requirement of this section is not complied with in the case of any emigrant ship, the master of that ship shall for each offence be liable to a fine not exceeding fifty pounds.

Medical Inspection.

Medical inspection of steerage passengers and crew.

306.—(1.) An emigrant ship shall not clear outwards or proceed to sea until—

- (a.) either a medical practitioner, appointed by the emigration officer at the port of clearance, has inspected all the steerage passengers and crew about to proceed in the ship, and has certified to the emigration officer, and that officer is satisfied, that none of the steerage passengers or crew appear to be by reason of any bodily or mental disease unfit to proceed, or likely to endanger the health or safety of the other persons about to proceed in the ship : or
- (b.) the emigration officer, if he cannot on any particular occasion obtain the attendance of a medical practitioner, grants written permission for the purpose.

(2.) The inspection shall take place either on board the ship, or, in the discretion of the emigration officer, at such convenient place on shore before embarkation, as he appoints, and the master, owner, or charterer of the ship shall pay to the emigration officer in respect of the inspection such fee not exceeding twenty shillings for every hundred persons or fraction of a hundred persons inspected, as the Board of Trade determine.

(3.) If this section is not complied with in the case of any emigrant ship, the master of the ship shall for each offence be liable to a fine not exceeding one hundred pounds.

Relanding of persons for medical reasons.

307.—(1.) If the emigration officer is satisfied that any person on board or about to proceed in any emigrant ship is by reason of sickness unfit to proceed, or is for that or any other reason in a condition likely to endanger the health or safety of the other persons on board, the emigration officer shall prohibit the embarkation of that person, or, if he is embarked, shall require him to be relanded ; and if the emigration officer is satisfied that it is necessary for the purification of the ship or otherwise that all or any of the persons on board should be relanded, he may require the master of the ship to reland all

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those persons, and the master shall thereupon reland those persons, with so much of their effects and with such members of their families as cannot in the judgment of such emigration officer be properly separated from them.

(2.) If any requirement of this section is not complied with in the case of any emigrant ship, the master, owner or charterer of the ship, or any of them, shall for each offence be liable to a fine not exceeding two hundred pounds.

(3.) If any person embarks when so prohibited to embark, or fails without reasonable cause to leave the ship when so required to be relanded, that person may be summarily removed, and shall be liable to a fine not exceeding forty shillings for each day during which he remains on board after the prohibition or requirement.

(4.) Upon such relanding the master of the ship shall pay to each steerage passenger so relanded, or, if he is lodged and maintained in any hulk or establishment under the superintendence of the Board of Trade, then to the emigration officer at the port, subsistence money at the rate of one shilling and sixpence a day for each statute adult until he has been re-embarked or declines or neglects to proceed, or until his passage money, if recoverable under this part of this Act, has been returned to him.

308. When a person has been relanded from an emigrant ship on account of the sickness of himself or of any member of his family, and is not re-embarked or does not finally sail in that ship, he, or any emigration officer on his behalf, shall be entitled, on delivery up of his contract ticket, and notwithstanding that the ship has not sailed, to recover summarily, in the case of a steerage passenger the whole, and in the case of a cabin passenger one-half, of the money paid by or on account of the passenger and of the members of his family relanded, from the person to whom the same was paid, or from the owner, charterer or master of the ship, or any of them, at the option of the person recovering the same.

Return of passage money to persons relanded for medical reasons.

Master's Bond.

309.—(1.) Before an emigrant ship clears outwards or proceeds to sea, the master, together with the owner or charterer, or in the event of the owner or charterer being absent or being the master, one other good and sufficient person approved by the chief officer of customs at the port of clearance, shall enter into a joint and several bond (in this Act referred to as the master's bond) in the sum of two thousand pounds, to the Crown.

Bond to be given by master of emigrant ship.

(2.) The bond shall be executed in duplicate, and shall not be liable to stamp duty.

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(3.) Whether neither the owner nor the charterer of an emigrant ship resides in the British Islands, the bond shall be for the sum of five thousand instead of two thousand pounds, and shall contain an additional condition for the payment to the Crown, as a Crown debt, of all expenses incurred under this Act in rescuing, maintaining, and forwarding to their destination, any steerage passengers carried in the ship who by reason of shipwreck or any other cause, except their own neglect or default, are not conveyed by or on behalf of the owner, charterer, or master of the ship to their intended destination.

Evidence of bond.

310.—(1.) Where an emigrant ship is bound to a British possession the chief officer of customs at the port of clearance shall certify on one part of the master's bond that it has been duly executed by the master of the ship and the other person bound, and shall forward the same to the governor of the said possession or to such person as the governor may appoint for that purpose.

(2.) The certificate shall, in any court of a British possession in which the bond may be put in suit, be conclusive evidence of the due execution of the bond by the master and the other person bound, and it shall not be necessary to prove the handwriting of the officer of customs who signed the certificate, nor that he was at the time of signing it chief officer of customs at the port of clearance.

(3.) Any such bond shall not be put in suit in a British possession after the expiration of three months next after the arrival of the ship in that possession, nor in the British Islands after the expiration of twelve months next after the return of the ship and of the master to the British Islands.

Passengers' Lists.

Passengers' lists.

311.—(1.) The master of every ship carrying steerage passengers on a voyage from the British Islands to any port out of Europe and not within the Mediterranean Sea, or on a colonial voyage as hereinbefore defined, shall, before demanding a clearance for his ship, sign in duplicate a passengers' list, that is to say a list correctly setting forth the name and other particulars of the ship and of every passenger, whether cabin or steerage, on board thereof.

(2.) The passengers' list shall be countersigned by the emigration officer if there is one at the port, and then delivered by the master to the officer of customs from whom a clearance is demanded, and that officer shall thereupon countersign and return to the master one duplicate (in this part of this Act referred to as the "master's list"), and shall retain the other duplicate.

(3.) If any requirement of this section to be observed by the master is not complied with in the case of any ship or any pas-

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sengers' list is wilfully false, the master of the ship shall for each offence be liable to a fine not exceeding one hundred pounds.

312.—(1.) If at any time after the passengers' list has been signed and delivered as aforesaid any additional passenger (whether cabin or steerage) is taken on board, the master shall add to the master's list, and also enter on a separate list signed by him the names and other particulars of every such additional passenger.

Lists of passengers embarked after clearance.

(2.) The separate list shall be countersigned by the emigration officer, where there is one at the port, and shall, together with the master's list to which the addition has been made, be delivered to the chief officer of customs at the port, who shall thereupon countersign the master's list, and return the same to the master, and shall retain the separate list, and so on in like manner whenever any additional passenger is taken on board.

(3.) If there is no officer of customs stationed at the port where an additional passenger is taken on board, the said lists shall be delivered to the officer of customs at the next port having such an officer at which the vessel arrives, to be dealt with as hereinbefore mentioned.

(4.) When any additional passenger is taken on board the master shall, before the ship proceeds to sea, obtain a fresh certificate from the emigration officer of the port that all the requirements of this part of this Act have been complied with.

(5.) If any requirement of this section is not complied with in the case of any ship, the master of that ship shall for each offence be liable to a fine not exceeding fifty pounds.

313.—(1.) If a person is found on board an emigrant ship with intent to obtain a passage therein without the consent of the owner, charterer, or master thereof, he and any person aiding and abetting him, shall be liable to a fine not exceeding twenty pounds, and in default of payment to imprisonment for a period not exceeding three months, with or without hard labour.

Attempt to gain passage without payment.

(2.) Any person so found on board may, without warrant, be taken before a justice of the peace to be dealt with according to law, and that justice may try the case in a summary manner.

Certificate for Clearance.

314.—(1.) A ship fitted or intended for the carriage of steerage passengers as an emigrant ship shall not clear outwards or proceed to sea until the master has obtained from the emigration officer at the port of clearance a certificate for clearance, that is to say a certificate that all the requirements of this part of this Act, so far as the same can be complied with before the

Certificate for clearance.

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departure of the ship, have been duly complied with, and that the ship is in his opinion seaworthy, in safe trim, and in all respects fit for her intended voyage, and that the steerage passengers and crew are in a fit state to proceed, and that the master's bond has been duly executed.

(2.) If the emigration officer refuses to grant such certificate, the owner or charterer of the ship may appeal in writing to the Board of Trade, and that Board shall thereupon appoint any two other emigration officers or any two competent persons to examine into the matter at the expense of the appellant, and if the officers or persons so appointed grant the master of the ship under their joint hands a certificate to the same purport as the certificate for clearance, it shall be of the same effect as a certificate for clearance.

Facilities to be given for the inspection of ships.

315.—(1.) The master of every ship, whether an emigrant ship or not, which is fitting or intended for the carriage of steerage passengers, or which carries steerage passengers on a voyage from the British Islands to any port out of Europe and not within the Mediterranean Sea, or on a colonial voyage as hereinbefore defined, shall afford to the emigration officer at any port in Her Majesty's dominions, and, in the case of British ships, to the British consular officer at any port elsewhere at which the ship is or arrives, every facility for inspecting the ship, and for communicating with the steerage passengers and for ascertaining that this part of this Act, so far as applicable to the ship, has been duly complied with.

(2.) If the master of any ship fails to comply with this section, he shall for each offence be liable to a fine not exceeding fifty pounds.

Ships putting back to replenish provisions, &c.

316.—(1.) If any emigrant ship, after clearance, is detained in port for more than seven days, or puts into or touches at any port in the British Islands, she shall not proceed to sea again until—

- (a.) there has been laden on board, at the expense of the owner, charterer, or master of the ship, such further supply of pure water, wholesome provisions of the requisite kinds and qualities, and medical stores, as is necessary to make up the full quantities of those articles required under this part of this Act to be laden on board for the intended voyage; and
- (b.) any damage which the ship has sustained has been effectually repaired; and
- (c.) the master of the ship has obtained from the emigration officer a certificate for clearance to the same effect as the certificate for clearance at her port of departure.

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(2.) If any requirement of this section is not complied with in the case of any emigrant ship, the master shall for each offence be liable to a fine not exceeding one hundred pounds.

317.—(1.) If any emigrant ship, after clearance, puts into or touches at any port in the British Islands, the master shall, within twelve hours thereafter, report in writing his arrival, and the cause of his putting back, and the condition of his ship and of her provisions, water, and medical stores to the emigration officer at the port, and shall produce to that officer the master's list of passengers.

Emigrant ships putting back to be reported to emigration officer.

(2.) If the master of an emigrant ship fails to comply with this section, he shall for each offence be liable to a fine not exceeding twenty pounds.

318.—(1.) If the owner of an emigrant ship is aggrieved by the refusal by an emigration officer of a certificate for clearance, he may appeal to a court of survey for the port or district where the ship for the time being is in manner directed by the rules of that court.

Appeal to Court of Survey.

(2.) The judge of the court of survey shall report to the Board of Trade on the question raised by the appeal, and that Board, if satisfied that the requirements of the report and of this part of this Act have been complied with, may grant or direct the emigration officer to grant a certificate for clearance.

(3.) Subject to any order made by the judge of the court of survey, the costs of and incidental to the appeal shall follow the event.

(4.) Where a survey of a ship is made for the purpose of a certificate for clearance, the person so appointed to make the survey shall, if so required by the owner, be accompanied on the survey by some person appointed by the owner, and in such case if the said two persons agree there shall be no appeal to the court of survey in pursuance of this section.

319.—(1.) If any emigrant ship—

(a.) proceeds to sea without the master having obtained the certificate for clearance; or

(b.) having proceeded to sea, puts into any port in the British Islands in a damaged state, and leaves or attempts to leave that port with steerage passengers on board without the master having obtained the proper certificate for clearance;

Forfeiture of ship proceeding to sea without certificate for clearance.

that ship shall be forfeited to the Crown, and may be seized by any officer of customs if found within two years from the commission of the offence in any port in Her Majesty's dominions, and shall thereupon be dealt with as if she had been seized as forfeited under the laws relating to the customs.

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(2.) The Board of Trade may release, if they think fit, any such forfeited ship, on payment, to the use of the Crown, of such sum not exceeding two thousand pounds as the Board specify.

Passengers' Contracts.

Contract tickets for passengers.

320.—(1.) If any person, except the Board of Trade and persons acting for them and under their direct authority, receives money from any person for or in respect of a passage as a steerage passenger in any ship, or of a passage as a cabin passenger in any emigrant ship, proceeding from the British Islands to any port out of Europe and not within the Mediterranean Sea, he shall give to the person paying the same a contract ticket signed by or on behalf of the owner, charterer, or master of the ship, and printed in plain and legible characters.

(2.) The contract ticket shall be in a form approved by the Board of Trade and published in the *London Gazette*, and any directions contained in that form of contract ticket not being inconsistent with this Act shall be obeyed as if set forth in this section.

(3) If any person fails to comply with any requirement of this section, he shall for each offence be liable to a fine not exceeding fifty pounds.

(4.) Contract tickets under this section shall not be liable to stamp duty.

Summary remedy for breach of contract.

321.—(1.) Any question which arises respecting the breach or non-performance of any stipulation in any such contract ticket may, at the option of any passenger interested, whether a steerage or a cabin passenger, be tried before a court of summary jurisdiction, and the court may award to the complainant such damages and costs as they think just, not exceeding the amount of the passage money specified in the contract ticket and twenty pounds in addition.

(2.) But if a passenger has obtained compensation or redress under any other provision of this Act, he shall not be entitled to recover damages under this section in respect of the same matter.

Penalty for failure to produce contract ticket.

322. If a passenger whether a steerage or a cabin passenger fails, without reasonable cause, on demand of any emigration officer, to produce his contract ticket, and if any owner, charterer, or master of a ship, on like demand, fails without reasonable cause to produce for the inspection of such emigration officer and for the purposes of this Act the counterpart of any contract ticket issued by him or on his behalf, the

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passenger, owner, charterer, or master, as the case may be, shall for each offence be liable to a fine not exceeding ten pounds.

323. If any person, after the issue of a contract ticket and during the continuance of the contract of which that ticket is evidence, alters that ticket, or induces any person to part with it, or renders useless, or destroys it, he shall (except it is the contract ticket of a cabin passenger who consents) for each offence be liable to a fine not exceeding twenty pounds.

Penalty for altering, or inducing any one to part with, contract ticket.

Regulations as to Steerage Passengers.

324. Her Majesty may by Order in Council make regulations

Sanitary and other regulations by Order in Council.

- (i.) for preserving order, promoting health, and securing cleanliness and ventilation on board emigrant ships proceeding from the British Islands to any port in a British possession ; and
- (ii.) for prohibiting emigration from any port at any time when choleraic or any epidemic disease is generally prevalent in the British Islands or any part thereof ; and
- (iii.) for reducing the number of steerage passengers allowed to be carried in any emigrant ship, either generally or from any particular ports in the British Islands ; and
- (iv.) for permitting the use on board emigrant ships of apparatus for distilling water and for defining in such case the quantity of fresh water to be carried in tanks and casks for the steerage passengers under the foregoing provisions of this part of this Act ; and
- (v.) for requiring duly authorized medical practitioners to be carried in emigrant ships where they would not otherwise under this part of this Act be required to be carried.

325.—(1.) In every emigrant ship the medical practitioner aided by the master or, in the absence of the medical practitioner, the master, shall exact obedience to all regulations made by any such Order in Council as aforesaid.

Discipline on board.

- (2.) If any person on board—
 - (a.) fails without reasonable cause to obey, or offends against, any such regulation or any provision of this part of this Act, or
 - (b.) obstructs the master or medical practitioner in the execution of any duty imposed upon him by any such regulation, or
 - (c.) is guilty of riotous or insubordinate conduct,
 that person shall for each offence be liable to a fine not exceeding two pounds, and in addition to imprisonment for any period not exceeding one month.

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Sale of spirits prohibited on emigrant ships.

326.—(1.) Spirits shall not during the voyage be sold directly or indirectly in any emigrant ship to any steerage passenger.

(2.) If any person acts in contravention of this section, he shall for each offence be liable to a fine not exceeding twenty pounds.

Maintenance after Arrival.

Maintenance of steerage passengers after arrival.

327.—(1.) Every steerage passenger in an emigrant ship shall be entitled for at least forty-eight hours next after his arrival at the end of his voyage to sleep in the ship, and to be provided for and maintained on board thereof, in the same manner as during the voyage, unless within that period the ship leaves the port in the further prosecution of her voyage.

(2.) If this section is not complied with in the case of any emigrant ship, the master shall for each offence be liable to a fine not exceeding five pounds.

Detention and Wrongful Landing of Passengers.

Return of passage money and compensation to passengers when passage not provided according to contract.

328. Where a contract has been made by or on behalf of any steerage passenger for a passage in a ship proceeding on a voyage from the British Islands to any port out of Europe and not within the Mediterranean Sea, or proceeding on any colonial voyage, as defined by this part of this Act, and—

(i.) the steerage passenger is at the place of embarkation before the hour of six o'clock in the afternoon of the day of embarkation appointed in the contract; and

(ii.) the stipulated passage money has, if required, been paid, then if the steerage passenger from any cause whatever (other than his own refusal, neglect, or default, or the prohibition under this Act of an emigration officer, or the requirement of an Order in Council),

(a.) is not received on board the ship before the said hour; or,

(b.) having been received on board, does not either obtain a passage in the ship to the port at which he has contracted to land or, together with all the immediate members of his family who are included in the contract, obtain a passage to the same port in some other equally eligible ship to sail within ten days from the expiration of the said day of embarkation, and is not paid subsistence money from the time and at the rate hereinafter provided;

the steerage passenger, or any emigration officer on his behalf, may recover summarily all money paid by or on account of the steerage passenger for his passage, together with such further sum not exceeding ten pounds in respect of each such steerage passenger as is in the opinion of the court a reasonable

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compensation for the loss or inconvenience occasioned to the steerage passenger by the loss of his passage, and such money and sum may be recovered, either from any person to whom or on whose account any money has been paid under the contract, or if the contract has been made with the owner, charterer, or master of the ship, or with any person acting on behalf or by the authority of any of them, then, at the option of the steerage passenger or emigration officer, from the owner, charterer, or master, or any of them.

329.—(1.) If any ship, whether an emigrant ship or otherwise, does not actually put to sea and proceed on her intended voyage before three o'clock in the afternoon of the day next after the day of embarkation appointed in the contract, the owner, charterer, or master of the ship, or his agent, or any of them shall, until the ship finally proceeds on her voyage, pay to every steerage passenger entitled to a passage in the ship, or (if the steerage passenger is lodged and maintained in any hulk or establishment under the superintendence of the Board of Trade) to the emigration officer at the port of embarkation, subsistence money at the following rate; that is to say,

Subsistence in case of detention.

(a.) for each of the first ten days of detention, one shilling and sixpence; and

(b.) for every subsequent day, three shillings

for each statute adult.

(2.) Where the steerage passengers are maintained on board in the same manner as if the voyage had commenced—

(a.) subsistence money shall not be payable for the first two days next after the said day of embarkation, and

(b.) if the ship is unavoidably detained by wind or weather, or by any cause not attributable in the opinion of the emigration officer to the act or default of the owner, charterer, or master, subsistence money shall not be payable during any part of that period of detention.

330. If a steerage passenger is landed from any ship, whether an emigrant ship or not, at any port other than the port at which he has contracted to land, unless with his previous consent, or unless the landing is rendered necessary by perils of the sea or other unavoidable accident, the master of the ship shall for each offence be liable to a fine not exceeding fifty pounds.

Penalty for landing steerage passengers at wrong place.

Provisions in case of Wreck.

331.—(1.) When any emigrant ship—

(a.) has, while in any port of the British Islands, or after the commencement of the voyage, been wrecked or otherwise rendered unfit to proceed on her intended voyage, and any steerage passengers have been brought back to any port in the British Islands; or

Provision in case of an emigrant ship being wrecked or damaged in or near British Islands.

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(b.) has put into any port in the British Islands in a damaged state;

the master, charterer, or owner of that ship shall, within forty-eight hours thereafter, give to the nearest emigration officer a written undertaking to the following effect; that is to say,

(i.) if the ship has been wrecked or rendered unfit to proceed on her voyage, that the owner, charterer, or master thereof will embark and convey the steerage passengers in some other eligible ship to sail within six weeks from the date of the undertaking, to the port for which their passage had been taken:

(ii.) if the ship has put into port in a damaged state, that she will be made seaworthy and fit in all respects for her intended voyage, and will within six weeks from the date of the undertaking sail again with the steerage passengers.

(2.) In either of the above cases, the owner, charterer, or master shall, until the steerage passengers proceed on their voyage, either lodge and maintain them on board in the same manner as if they were at sea, or pay either to the steerage passengers, or (if they are lodged and maintained in any hulk or establishment under the superintendence of the Board of Trade) to the emigration officer at the port, subsistence money at the rate of one shilling and sixpence a day for each statute adult.

(3.) If the substituted ship, or the damaged ship, as the case may be, does not sail within the above-mentioned time, or if default is made in compliance with any requirement of this section, any steerage passenger or any emigration officer on his behalf may recover summarily all money paid by or on account of the passenger for the passage from the person to whom or on whose account the same was paid, or from the owner, charterer, or master of the ship, at the option of the passenger or emigration officer.

(4.) The emigration officer may, if he thinks it necessary, direct that the steerage passengers be removed from any damaged emigrant ship at the expense of the master thereof, and if after that direction any steerage passenger refuses to leave the ship, he shall for each offence be liable to a fine not exceeding forty shillings, or to imprisonment not exceeding one month.

Expenses of rescue and conveyance of wrecked passengers.

332. If any passenger, whether a cabin or a steerage passenger, is either taken off any ship which is carrying any steerage passenger on a voyage from any part of Her Majesty's dominions and is damaged, wrecked, sunk or otherwise destroyed, or if any such passenger is picked up at sea from any boat, raft, or otherwise, it shall be lawful—

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- (a.) if the port to which such passenger (in this Act referred to as a "wrecked passenger") is conveyed is in the United Kingdom, for a Secretary of State; and
- (b.) if the port is in a British possession for the governor of that possession, or any person authorized by him for the purpose; and
- (c.) if the port is elsewhere, for the British consular officer there;

to defray all or any part of the expenses thereby incurred.

333.—(1.) If any passenger whether a cabin or a steerage passenger from any ship which is carrying any steerage passenger on a voyage from any port in Her Majesty's dominions finds himself without any neglect or default of his own at any port outside the British Islands other than the port for which the ship was originally bound, or at which he, or the Board of Trade, or any public officer or other person on his behalf, has contracted that he should land, it shall be lawful—

Forwarding of passengers by governors or consuls.

- (a.) if the place is in a British possession, for the governor of that possession, or any person authorized by the governor for the purpose; and
- (b.) if the place is elsewhere, for the British consular officer there;

to forward the passenger to his intended destination, unless the master of the ship, within forty-eight hours of the arrival of the passenger, gives to the governor or consular officer, as the case may be, a written undertaking to forward or convey within six weeks thereafter the passenger to his original destination, and forwards or conveys him accordingly within that period.

(2.) A passenger so forwarded by or by the authority of a governor or a British consular officer shall not be entitled under this part of this Act to the return of his passage money, or to any compensation for loss of passage.

334.—(1.) All expenses incurred under this part of this Act by or by the authority of a Secretary of State, governor of a British possession, or consular officer, in respect of a wrecked passenger, or forwarding of a passenger to his destination, including the cost of maintaining the passenger, until forwarded to his destination, and of all necessary bedding, provisions, and stores, shall be a joint and several debt to the Crown, from the owner, charterer, and master of the ship on board of which the passenger had embarked.

Recovery of expenses incurred in conveying wrecked passengers and forwarding passengers.

(2.) In any proceeding for the recovery of that debt a certificate purporting to be under the hand of a Secretary of State, governor, or consular officer, and stating the circumstances of the case, and the total amount of the expenses, shall be admissible in evidence in manner provided by this Act, and

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shall be sufficient evidence of the amount of the expenses, and of the fact that the same were duly incurred, unless the defendant specially pleads and duly proves that the certificate is false and fraudulent, or that the expenses were not duly incurred under this Act.

(3.) The sum recovered on account of the expenses shall not exceed twice the total amount of passage money which the owner, charterer, or master of the emigrant ship proves to have been received by him or on his account, or to be due to and recoverable by him or on his account in respect of the whole number of passengers whether cabin or steerage who embarked in the ship.

Validity of insurance of passage money.

335. A policy of assurance effected in respect of any steerage passage or of any steerage passage or compensation money by any person by this part of this Act made liable, in the events aforesaid, to provide such passage or to pay such money, or in respect of any other risk under this part of this Act, shall not be invalid by reason of the nature of the risk or interest sought to be covered by the policy of assurance.

Voyages to the United Kingdom.

List of steerage passengers brought to the British Islands.

336.—(1.) The master of every ship bringing steerage passengers to the British Islands from any port out of Europe and not within the Mediterranean Sea shall, within twenty-four hours after arrival, deliver to the emigration officer at the port of arrival a correct list, signed by the master, and specifying the name, age, and calling of every steerage passenger embarked, and the port at which he embarked, and showing also any birth which has occurred amongst the steerage passengers, and if any steerage passenger has died, his name and the supposed cause of his death.

(2.) If the master of a ship fails so to deliver the list, or if the list is wilfully false, he shall for each offence be liable to a fine not exceeding fifty pounds.

Number of steerage passengers on ships bringing passengers to British Islands.

337. If any ship bringing steerage passengers to the British Islands from any port out of Europe and not within the Mediterranean Sea has on board a greater number of steerage passengers than is allowed by this Act in the case of emigrant ships proceeding from the British Islands, the master of that ship shall, for each statute adult constituting such excess be liable to a fine not exceeding ten pounds.

Provisions and water in ships carrying steerage passengers to British Islands.

338.—(1.) The master of every ship bringing steerage passengers to the British Islands from any port out of Europe and not within the Mediterranean Sea shall issue to each steerage passenger during the voyage, including the time of

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detention, if any, at any port before the termination thereof, pure water and good and wholesome provisions in a sweet condition, in quantities not less than the amount required by this part of this Act in the case of emigrant ships proceeding from the British Islands.

(2.) If any requirement of this section is not complied with in the case of any emigrant ship, the master of that ship shall for each offence be liable to a fine not exceeding fifty pounds.

Registration of Births and Deaths.

339. Where a ship which is not a British ship carries passengers, whether cabin or steerage, to or from any port of the United Kingdom as the port of destination or the port of departure of such ship, the provisions of Part Two of this Act with respect to the registration of births and deaths occurring on board, shall apply as if it were a British ship.

Application to foreign ships carrying passengers of provisions respecting registration of births and deaths.

Saving of Right of Action.

340. Nothing in this part of this Act shall take away or abridge any right of action which may accrue to a steerage passenger in any ship, or to any other person, in respect of the breach or non-performance of any contract made between, or on behalf of, such steerage passenger or other person and the master, charterer, or owner of any such ship, or his agent, or any passage broker.

Saving for right of action on contract for passage.

Passage Brokers.

341.—(1.) Any person who sells or lets or agrees to sell or let, or is in anywise concerned in the sale or letting of steerage passages in any ship proceeding from the British Islands to any place out of Europe not within the Mediterranean Sea shall for the purposes of this part of this Act be a passage broker.

Passage broker.

(2.) The acts and defaults of any person acting under the authority, or as an agent, of a passage broker, shall, for the purposes of this Act, be deemed to be also the acts and defaults of the passage broker.

342.—(1.) A person shall not act directly or indirectly as a passage broker, unless he—

Passage brokers to enter into bond and obtain license.

(a.) has entered, with two good and sufficient sureties approved by the emigration officer nearest to his place of business, into a joint and several bond to the Crown, in the sum of one thousand pounds; and

(b.) holds a license for the time being in force to act as passage broker.

(2.) The bond shall be renewed on each occasion of obtaining a license, and shall not be liable to stamp duty; it shall be

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executed in duplicate, and one part shall be deposited at the office of the Board of Trade, and the other part with the said emigration officer.

(3.) The emigration officer may, in lieu of two securities, accept the bond of any guarantee society approved by the Treasury.

(4.) There shall be exempted from this section—

(a.) the Board of Trade, and any person contracting with them or acting under their authority; and

(b.) any passage broker's agent duly appointed under this Act.

(5.) If any person fails to comply with any requirement of this section, he shall for each offence be liable to a fine not exceeding fifty pounds.

Granting of
licenses to
passage
brokers.

343.—(1.) Application for a license to act as passage broker shall be made to the licensing authority for the place in which the applicant has his place of business.

(2.) The licensing authority, upon the applicant proving to their satisfaction that he

(a.) has entered into and deposited one part of such bond as is required by this Act; and

(b.) has given to the Board of Trade at least fourteen days clear notice of his intention to apply for a license, may grant the license, and shall forthwith send to the Board of Trade notice of such grant.

(3.) The licensing authority shall be—

(a.) in the administrative county of London the justices of the peace at petty sessions;

(b.) elsewhere in England, the council of a county borough or county district;

(c.) in Scotland, the sheriff; and

(d.) in Ireland, the justices in petty sessions.

Forfeiture of
license.

344.—(1.) A passage broker's license shall, unless forfeited, remain in force until the thirty-first day of December in the year in which it is granted, and for thirty-one days afterwards.

(2.) Any court, when convicting a passage broker of an offence under this part of this Act or of any breach or non-performance of the requirements thereof, may order that his license be forfeited, and the same shall be forfeited accordingly.

(3.) The court shall forthwith send to the Board of Trade a notice of any such order.

Passage
brokers'
agents.

345.—(1.) A passage broker shall not employ as an agent in his business of passage broker any person who does not hold from him an appointment, signed by the passage broker, and countersigned by the emigration officer at the port nearest to the place of business of the passage broker.

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(2.) Every such agent shall, upon request, produce his appointment to any emigration officer, or to any person treating for a steerage passage under this part of this Act.

(3.) If any person acts in contravention of this section he shall for each offence be liable to a fine not exceeding fifty pounds.

346.—(1.) A passage broker shall keep exhibited in some conspicuous place in his office or place of business a correct list, in legible characters, containing the names and addresses in full of every person for the time being authorized to act as his agent or as an emigrant runner for him, and shall on or before the fifth day, or, if that day be a Sunday, on or before the fourth day in every month, transmit a true copy of that list, signed by him, to the emigration officer nearest to his place of business, and shall report to that emigration officer every discharge or fresh engagement of an agent or of an emigrant runner within twenty-four hours of the same taking place.

List of agents and runners to be exhibited by brokers, and sent to emigration officers.

(2.) If a passage broker fails to comply with any requirement of this section he shall for each offence be liable to a fine not exceeding five pounds.

Emigrant Runners.

347. If any person other than a licensed passage broker or his bonâ fide salaried clerk, in or within five miles of the outer boundaries of any port, for hire or reward or the expectation thereof directly or indirectly conducts, solicits, influences, or recommends any intending emigrant to or on behalf of any passage broker, or any owner, charterer or master of a ship, or any keeper of a lodging house, tavern or shop, or any money changer or other dealer or chapman, for any purpose connected with the preparations or arrangements for a passage, or gives or pretends to give to any intending emigrant any information or assistance in any way relating to emigration, that person shall for the purposes of this part of this Act be an emigrant runner.

Emigrant runner.

348.—(1.) The licensing authority for passage brokers for the place in which a person wishes to act as an emigrant runner, and to carry on his business, may, upon his application and on the recommendation in writing of an emigration officer, or of the chief constable or other head officer of police in such place (but not otherwise), grant, if they think fit, to the applicant a license to act as emigrant runner.

Emigrant runner's license.

(2.) The emigrant runner shall, within forty-eight hours after his license is granted lodge the same with the nearest emigration officer, and that officer shall—

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- (a.) register the name and abode of the emigrant runner in a book to be kept for the purpose, and number each name in arithmetical order; and
- (b.) upon receipt of a fee, not exceeding seven shillings, supply to the emigrant runner a badge of such form and description as the Board of Trade approve, but in case of a renewed license, the officer need only note the renewal and its date in his registry book against the original entry of the emigrant runner's name.
- (3.) An emigrant runner's license shall remain in force until the thirty-first day of December in the year in which it is granted, unless sooner revoked by any justice for any offence against this Act or for any other misconduct committed by the holder of such license, or unless forfeited under the provisions hereinafter contained.
- (4.) When an emigrant runner changes his abode, the emigration officer shall register the change in his registry book.

Renewal of badge.

349. Where an emigrant runner, either satisfies the emigration officer for the port in which he is licensed to act that his badge is lost, or delivers his badge up to such officer in a mutilated or defaced state, and in either case pays such officer five shillings, the officer may, if he thinks fit, supply him with a new badge.

Penalties on persons acting without license or badge, using badge not lawfully issued, or employing unlicensed person.

350.—(1.) A person shall not—

(a.) act as an emigrant runner without being duly licensed and registered; or

(b.) retain or use any emigrant runner's badge not issued to him in manner by this Act required; or

(c.) counterfeit or forge any emigrant runner's badge; or

(d.) employ as an emigrant runner any person not duly licensed and registered.

(2.) If any person acts in contravention of this section, he shall for each offence be liable to a fine not exceeding five pounds.

Penalties on emigrant runners for certain acts of misconduct.

351.—(1.) An emigrant runner—

(a.) shall while acting as an emigrant runner wear his badge conspicuously on his breast; and

(b.) shall lodge his license with the emigration officer as required by this Act; and

(c.) on changing his abode, shall within forty-eight hours give notice of the change to the emigration officer of the port in which he is licensed to act; and

(d.) on losing his badge shall within forty-eight hours give notice to such emigration officer of the loss; and

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- (e.) shall produce on demand his badge for inspection, or permit any person to take the number thereof; and
 - (f.) shall not mutilate or deface his badge; and
 - (g.) shall not wear his badge while unlicensed; and
 - (h.) shall not wear any other badge than that delivered to him by the emigration officer; and
 - (i.) shall not permit any other person to use his badge.
- (2.) If an emigrant runner fails to comply with any requirement of this section, he shall for each offence be liable to a fine not exceeding forty shillings, and, if the court think fit, to the forfeiture of his license.

352.—(1.) An emigrant runner shall not be entitled to recover from a passage broker any fee, commission, or reward, for or in consideration of any service connected with emigration, unless he is acting under the written authority of that passage broker.

Emigrant runners' commission and fees.

(2.) An emigrant runner shall not take or demand from any person about to emigrate any fee or reward for procuring his steerage passage, or in any way relating thereto, and if he does so he shall for each offence be liable to a fine not exceeding five pounds.

Frauds in procuring Emigration.

353. If any person by any false representation, fraud, or false pretense induces any person to engage a steerage passage in any ship, he shall for each offence be liable to a fine not exceeding twenty pounds.

Frauds in procuring passages.

354. If any person—

- (a.) falsely represents himself to be, or falsely assumes to act as, agent of the Board of Trade in assisting persons who desire to emigrate; or
- (b.) sells any form of application, embarkation order, or other document or paper issued by the Board of Trade or by a Secretary of State for the purpose of assisting persons who desire to emigrate; or
- (c.) makes any false representation in any such application for assistance to the Board of Trade or a Secretary of State, or in any certificate of marriage, birth or baptism, or other document or statement adduced in support of any such application; or
- (d.) forges or fraudulently alters any signature or statement in any such application, certificate, document, or statement, or personates any person named therein; or
- (e.) aids or abets any person in committing any of the foregoing offences;

Penalties for fraud in connection with assisting emigration.

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that person shall, for each offence, be liable to a fine not exceeding fifty pounds.

Emigration Officers.

Emigration officers and assistants.

355.—(1.) In the British Islands the Board of Trade, and in a British possession the governor of that possession, may appoint and remove such emigration officers and assistant emigration officers as seem necessary for carrying this part of this Act into execution, under the direction of the Board or governor, as the case may be.

(2.) All powers, functions, and duties to be exercised or performed, and anything to be done in pursuance of this part of this Act, by, to, or before an emigration officer, may be exercised, performed, and done by, to, or before his assistant, or, at any port where there is no emigration officer or assistant, or in their absence, by, to, or before the chief officer of customs for the time being at such port, and in any such case it shall be the duty of the chief officer of customs to do anything which it is the duty of the emigration officer or his assistant to do.

(3.) A person lawfully acting as an emigration officer under this Act shall in no case be personally liable for the payment of any money or costs or otherwise in respect of any contract made, or of any legal proceedings for anything done, by him in his official capacity as an emigration officer and on the public service.

Legal Proceedings.

Recovery of fines.

356. All fines and forfeitures under the provisions of this part of this Act (other than the provisions relating to passenger steamers only) shall be sued for by the following officers; that is to say,

- (a.) any emigration officer;
- (b.) any chief officer of customs; and also
- (c.) in the British Islands, any person authorized by the Board of Trade and any officer of customs authorized by the Commissioners of Customs; and
- (d.) in a British possession any person authorized by the governor of that possession, or any officer of customs authorized by the Government department regulating the customs in that possession.

Recovery of passage and subsistence money, compensation, and damages.

357. All sums of money made recoverable by this part of this Act in respect of passage money, subsistence money, damages, compensation, or costs may be sued for and recovered before a court of summary jurisdiction by any person entitled

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thereto, or by any of the officers in the last preceding section mentioned on behalf of any one or more of such persons, and in any case either by one or several proceedings.

358. The Public Authorities Protection Act, 1893, shall for the purposes of the provisions of this part of this Act (other than the provisions relating to passenger steamers only) apply to the whole of Her Majesty's dominions, and to every place where Her Majesty has jurisdiction.

Protection of persons executing Act. 56-57 V., c. 61.

Supplemental.

359.—(1.) In the absence of any agreement to the contrary, the owner of a ship shall be the person ultimately responsible as between himself and the other persons by this part of this Act made liable in respect of any default in complying with any requirement thereof;

Owner responsible for default in absence of agreement.

(2.) If any person so made liable pays any money by this part of this Act made payable to or on behalf of a steerage passenger, he shall be entitled, in the absence of any such agreement as aforesaid, to sue for and recover from the owner the amount so paid, together with costs.

360.—(1.) The forms set out in the Fourteenth Schedule to this Act, or forms as near thereto as circumstances admit, shall be used in all cases to which such forms are applicable.

Forms and fees.

(2.) Such fees as the Board of Trade determine shall be paid in respect of the surveys of emigrant ships mentioned in part II. of the Ninth Schedule to this Act not exceeding those specified therein.

(3.) If any person employed under this part of this Act 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 duty performed by him under this part of this Act, he shall for each offence be liable to a fine not exceeding fifty pounds.

361.—(1.) The Board of Trade shall prepare such abstracts as they think proper of all or any of the provisions of this part of this Act, and of any Order in Council made thereunder, and four copies of the abstracts, together with a copy of this part of this Act, shall, on demand, be supplied by the chief officer of customs at the port of clearance to the master of every emigrant ship proceeding from the British Islands to any British possession.

Posting of abstracts of Part III, in emigrant ships.

(2.) The master shall, on request, produce a copy of this part of this Act to any steerage passenger for his perusal, and shall, before the embarkation of the steerage passengers, post

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copies of the abstracts in at least two conspicuous places between the decks on which steerage passengers may be carried, and shall keep them posted so long as any steerage passenger is entitled to remain in the ship.

(3.) The master shall be liable to a fine not exceeding forty shillings for every day during any part of which by his act or default such copies of the extracts fail to be so posted.

(4.) If any person displaces or defaces any copy of the abstracts posted under this section he shall for each offence be liable to a fine not exceeding forty shillings.

By-laws by
harbour
authority.

362.—(1.) The authority having the control of any docks or basins at any port in the British Islands from which emigrant ships are despatched, may, with the approval of a Secretary of State, make by-laws:—

- (a.) for specifying the docks, basins, or other places at which persons arriving by sea at the port for the purpose of emigration, or actually emigrating therefrom, shall be landed and embarked;
- (b.) for regulating the mode of their landing and embarkation.
- (c.) for the storing and safe custody of their luggage;
- (d.) for licensing porters to carry their luggage or otherwise attend upon them; and
- (e.) for admitting persons to and excluding persons from access to the docks and basins.

(2.) The authority may attach a fine not exceeding five pounds to a breach of any such by-law, and instead of an emigration officer the authority shall sue for and recover the fine.

(3.) The authority making a by-law under this section may, by their officers or servants or by any constable, arrest without warrant any person charged with a breach of the by-law, and detain him until he can be brought before a justice of the peace, and that justice may try the case in a summary manner.

(4.) A by-law made under this section shall be published in the *London Gazette*.

Exemption
from survey
of foreign pas-
senger steam-
er or emigrant
ship in certain
cases.

363. Where a foreign ship is a passenger steamer or emigrant ship within the meaning of this part of this Act, and the Board of Trade are satisfied, by the production of a foreign certificate of survey attested by a British consular officer at a port out of Her Majesty's dominions, that the ship has been officially surveyed at that port, and are satisfied that any requirements of this Act are proved by that survey to have been substantially complied with, the Board may, if they think fit, dispense with any further survey of the ship in respect of any requirement so complied with, and grant or direct one of

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their officers to grant a certificate, which shall have the same effect as if given upon survey under this part of this Act :

Provided that Her Majesty in Council may order that this section shall not apply in the case of an official survey at any port at which it appears to Her Majesty that corresponding advantages are not extended to British ships.

Application of Part III. as regards Emigrant Ships.

364. The provisions of this part of this Act respecting emigrant ships shall apply to all voyages from the British Islands to any port out of Europe and not within the Mediterranean Sea. Application to certain voyages.

365.—(1.) This part of this Act, so far as the same is applicable shall apply to every ship carrying steerage passengers on a colonial voyage as defined by this part of this Act, provided that the enactments thereof relating to— Limited application of Part III. of Act to colonial voyages.

- (a.) master's bond ;
- (b.) steerage passengers contract tickets ;
- (c.) Orders in Council regulating emigration from the British Islands, or prescribing rules for promoting health, cleanliness, order, and ventilation ;
- (d.) passage brokers ;
- (e.) emigrant runners ; and
- (f.) posting of abstracts, and production of a copy, of this part of this Act,

shall not apply.

(2.) Where the duration of a colonial voyage (as determined under this part of this Act) is less than three weeks, the enactments relating to—

- (a.) the regulations scheduled to this Act as to the accommodation for steerage passengers ;
 - (b.) medical practitioner, stewards, cooks, cooking apparatus and manning with an efficient crew ; and
 - (c.) maintenance of steerage passengers after arrival,
- shall also not apply.

(3.) Where the duration of a colonial voyage (as determined under this part of this Act), is less than three weeks, the enactments relating to the issue of provisions shall not, except as to the issue of water, apply to any steerage passenger who has contracted to furnish his own provisions.

366.—(1.) The governor of a British possession may by proclamation,— Modification of provisions of Part III. in their application to British possessions.

- (a.) determine what shall be deemed, for the purposes of this part of this Act, to be the length of the voyage of any ship carrying steerage passengers from any port in that British possession to any other port ; and

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(b.) fix dietary scales for steerage passengers during the voyage ; and

(c.) declare what medical stores shall be deemed necessary for the medical treatment of the steerage passengers during the voyage.

(2.) Every such proclamation shall take effect from the issue thereof, and shall have effect without as well as within the possession, as if enacted in this part of this Act.

(3.) The governor of a British possession may authorize such persons as he thinks fit to make a like survey of emigrant ships sailing from that possession as is by this Act required to be made by two or more competent surveyors in the case of emigrant ships sailing from the British Islands.

(4.) The governor of a British possession may authorize any competent person to act as medical practitioner on board an emigrant ship proceeding on a colonial voyage.

Power of
governors of
colonies as to
numbers of
steerage pas-
sengers.

367.— (1.) The governor of each of the Australasian colonies, that is to say, New South Wales, Victoria, South Australia, Western Australia, Queensland, Tasmania, New Zealand, and any colony hereafter established in Australia, may by proclamation make such rules as he thinks proper for determining the number of steerage passengers to be carried in any emigrant ship proceeding from one of such colonies to any other of those colonies, and for determining on what deck or decks, and subject to what reservations or conditions, steerage passengers may be carried in such ship.

(2.) The governor of any British possession may, if he thinks fit, declare by proclamation that ships intended to pass within the tropics from any port in such possession may convey steerage passengers, being natives of Asia or Africa, after the rate of one for every twelve superficial feet of the passenger deck instead of after the rate specified in the Tenth Schedule to this Act.

(3.) Every such proclamation shall take effect from the issue thereof, or such other day as may be named therein, and shall have effect without as well as within the possession, as if it were enacted in this part of this Act in substitution as respects the said ships for the Tenth Schedule to this Act.

(4.) The provisions of the Tenth Schedule to this Act with respect to the number of superficial feet to be allowed to each steerage passenger shall not apply to any ship proceeding from any port in the island of Ceylon to any port in British India in the Gulf of Manar or Palk's Straits, and the legislature of Ceylon may regulate by law the number of steerage passengers who may be carried on board such ships.

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368.—(1.) The provisions of this part of this Act (other than the provisions relating to passenger steamers only) shall not apply to British India, except as in this section provided. Power for legislature of India to apply Part III.

(2.) The Governor General of India in Council may, by any Act passed for the purpose, declare that all or any provisions of this part of this Act shall apply to the carriage of steerage passengers upon any voyage from any specified port in British India to any other specified port whatsoever; and may for the purposes of this part of this Act—

- (a.) fix dietary scales for the voyage, and authorize the substitution of those scales for the scale enacted by this Act;
- (b.) determine what shall be deemed to be the length of any such voyage;
- (c.) determine the persons or officers who in British India shall take the place of emigration officers and officers of customs in the British Islands;
- (d.) declare the space necessary for steerage passengers, and the age at which two children shall be treated as one statute adult, in ships clearing out from any port in British India; and
- (e.) authorize the employment on board any ship of a medical practitioner duly qualified according to Indian law; and
- (f.) provide for the recovery and application in British India of fines and sums of money under this part of this Act,

and the provisions of any such Act while in force shall have effect without as well as within British India as if enacted by this Act.

(3.) Provided that any such Act shall be of no effect under this section, unless it be reserved for the signification of Her Majesty's pleasure thereon, or contain a suspending clause providing that the Act shall not come into operation until Her Majesty's pleasure thereon has been publicly signified in British India.

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PART IV.

FISHING BOATS.

Application of Part IV., &c.

Application of
Part IV.

369.—(1.) This part of this Act relates partly—

- (a.) to all fishing boats and to the whole fishing service; and partly
- (b.) to all fishing boats of twenty-five tons tonnage and upwards; and partly
- (c.) to fishing boats being trawlers of twenty-five tons tonnage and upwards, and where so expressly provided, to fishing boats being trawlers of whatever tonnage.

(2.) The Board of Trade may, by order published in the *London Gazette*—

- (a.) exempt from the date in the order mentioned, any class of such trawler or trawlers belonging to any port from the whole or any portion of this part of this Act, and
- (b.) extend all or any of the provisions of this part of this Act to any fishing boats referred to in the order,

and may revoke or alter any such order by an order published in like manner, but such order shall not extend to any of the provisions relating to the fishing boat register, or to the boats and life buoys to be carried on fishing boats.

(3.) The Board of Trade may, before making any order under this section, institute such inquiry, as in their opinion may be required for enabling them to make the order, by such person as the Board may appoint, and the person so appointed shall for the purpose of the inquiry have all the powers of a Board of Trade inspector under this Act.

(4.) The provisions of this Act with respect to fishing boats being trawlers shall, save as otherwise expressly provided, apply to vessels employed as tenders or carriers to fishing boats or for the purpose of collecting and conveying to the land the catch of fishing boats.

Definitions.

370. In this part of this Act, unless the context otherwise requires—

“Fishing boat.”

The expression “fishing boat” means a vessel of whatever size, and in whatever way propelled, which is for the time being employed in sea fishing or in the sea fishing service, but save as otherwise expressly provided, that expression shall not include a vessel used for catching fish otherwise than for profit.

“Second hand.”

The expression “second hand” means, with respect to a fishing boat, the mate or person next to the skipper in authority or command on board the boat.

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The expression "voyage" shall mean a fishing trip commencing with a departure from a port for the purpose of fishing, and ending with the first return to a port thereafter upon the conclusion of the trip, but a return due to distress only shall not be deemed to be a return, if it is followed by a resumption of the trip. "Voyage."

371.—(1.) The tonnage of a fishing boat for the purpose of this part of this Act shall be taken to be in the case of a steam trawler her gross tonnage, but in any other case her register tonnage. Ascertainment of tonnage of fishing boat.

(2.) Where a fishing boat is registered under Part I. of this Act, her gross or register tonnage as ascertained for the purpose of that registry shall be her gross or register tonnage for the purpose of this part of this Act.

(3.) Where a fishing boat is not so registered a certificate signed by a surveyor of ships under this Act stating her gross or register tonnage, ascertained as in the case of a ship registered under Part I. of this Act, shall be conclusive of that tonnage.

372. This part of this Act shall not, except where otherwise expressly provided, apply to Scotland, or to any British possession. Extent of Part IV.

(I.) PROVISIONS APPLYING TO ALL FISHING BOATS AND TO THE WHOLE FISHING SERVICE.

The following sections shall apply to all fishing boats and the whole fishing service :—

Fishing Boats Register.

373.—(1.) This section shall apply to the British Islands, and to all British fishing boats, including those used otherwise than for profit, and the expression "fishing boat" in this section shall be construed accordingly. Registry of British fishing boat.

(2.) Subject to any exemptions made by the regulations under this section, every fishing boat shall be lettered and numbered and have official papers, and shall for that purpose be entered in the fishing boat register.

(3.) If a fishing boat required to be so entered is not so entered, she shall not be entitled to any of the privileges or advantages of a British fishing boat, but all obligations, liabilities, and penalties with reference to that boat, and the punishment of offences committed on board her, or by any persons belonging to her, and the jurisdiction of officers and courts, shall be the same as if the boat were actually so entered.

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(4.) If a fishing boat required to be entered in the fishing boat register is not so entered, and is used as a fishing boat, the owner and skipper of such boat shall each be liable, for each offence, to a fine not exceeding twenty pounds, and the boat may be detained.

(5.) Her Majesty, by Order in Council, may make regulations for carrying into effect and enforcing the entry of fishing boats in the fishing boat register, and any convention with a foreign country relative to the registry, lettering, and numbering of fishing boats, which is for the time being in force by virtue of any statute, and may by such regulations—

(a.) adopt any existing system of registry or lettering and numbering of boats, and provide for bringing any such system into conformity with the requirements of this Act and of any such convention, and the regulations; and

(b.) define the boats or classes of boats to which the regulations or any of them are to apply, and provide for the exemption of any boats or classes of boats from the provisions of this section, and from the regulations or any of them; and

(c.) apply to the entry of fishing boats in the fishing boat register, and to all matters incidental thereto, such (if any) of the enactments contained in this or any other Act relating to the registry of British ships, and with such modifications and alterations as may be found desirable; and

(d.) impose fines not exceeding twenty pounds for the breach of any such regulations which cannot be punished by the application of any of those enactments.

31-32 V., c. 45,
46-47 V., c. 22.

(6.) Section twenty-six of the Sea Fisheries Act, 1868, and sections eleven to fourteen of the Sea Fisheries Act, 1883, shall apply in like manner as if those sections referred to this section and an Order in Council made thereunder, in substitution for sections twenty-two to twenty-four of the Sea Fisheries Act, 1868, and any Order in Council made under those sections.

39-40 V., c. 36.

(7.) Section one hundred and seventy-six of the Customs Consolidation Act, 1876, shall not apply to any fishing boat entered in the fishing boat register in pursuance of this Act.

Effect of regis-
try of fishing
boat.

374. In all legal proceedings against the owner or skipper of, or any person belonging to, any boat entered in the fishing boat register, either for an offence against the fishery regulations or regulations as to lights in the Sea Fisheries Act, 1868, or for an offence against the Sea Fisheries Act, 1883, or for the recovery of damages for injury done by such boat, the register shall be conclusive evidence that the persons entered therein at any date as owners of the boat were at that date owners thereof, and that the boat is a British sea-fishing boat: Provided that—

31-32 V., c. 45,
46-47 V., c. 22.

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- (a.) this enactment shall not prevent any proceedings being instituted against any person not so entered who is beneficially interested in the boat; and
- (b.) this enactment shall not affect the rights of the owners among themselves, or the rights of any owner entered in the register against any person not so entered who is beneficially interested in the boat; and
- (c.) save as aforesaid, enter in the fishing boat register shall not confer, take away, or affect any title to or interest in any fishing boat.

375.—(1.) A fishing boat entered in the fishing boat register, whether used for profit or not, shall not proceed to sea from any port in the United Kingdom—

Rules as to boats and life-buoys of fishing boats.

- (a.) if she is decked, unless she is provided according to her tonnage with boats duly supplied with all requisites for use, and not being fewer in number nor less in their cubic contents than is in that behalf specified in the Fifteenth Schedule to this Act for the class to which the fishing boat belongs; and
 - (b.) if she carries more than ten passengers, unless she is, in addition to the above boats, provided with two life-buoys and provided either with a lifeboat furnished with all requisites for use, or has one of her boats rendered buoyant after the manner of a lifeboat;
- and such boats and life-buoys shall be kept so as to be at all times fit and ready for use.

(2.) In any of the following cases—

- (a.) if any such fishing boat proceeds to sea without being provided with such boats or life-buoys; or
- (b.) if any such boat or life-buoy is lost or rendered unfit for service in the course of the voyage through the wilful fault or negligence of the owner or skipper; or
- (c.) if in case of any such boat or life-buoy being accidentally lost or injured in the course of the voyage the skipper fails without reasonable cause to replace or repair the same on the first opportunity; or
- (d.) if any such boat or life-buoy is not kept so as to be at all times fit and ready for use;

then, if the owner appears to be in fault, he shall for each offence be liable to a fine not exceeding one hundred pounds, and if the skipper appears to be in fault, he shall for each offence be liable to a fine not exceeding fifty pounds.

(3.) A fishing boat required under this section to be provided with boats and life-buoys may be detained until she is duly so provided.

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Discipline.

Offences by
seamen and
apprentices.

376.—(1.) If a seaman lawfully engaged to serve in any fishing boat, or an apprentice in the sea fishing service, commits any of the following offences, that seaman or apprentice shall be liable to be punished summarily as follows:—

- (a.) For the offence of desertion,—he shall be liable to forfeit all or any part of the effects he leaves on board, and all or any part of the wages which he has then earned, and to satisfy any excess of wages paid by the skipper or owner of the fishing boat from which he deserts to any substitute engaged in his place at a higher rate of wages than the rate stipulated to be paid to him :
- (b.) For the offence of absence without leave, that is to say for neglecting or refusing without reasonable cause to join or to proceed to sea in his fishing boat, or for being absent without leave at any time within twenty-four hours of his boat's sailing from any port, either at the commencement or during the progress of the engagement, or for being absent at any time without leave and without sufficient reason from his boat,—if the offence does not amount to desertion, or is not treated as such by the skipper, he shall be liable to forfeit a sum not exceeding two days' wages, and in addition for every twenty-four hours of absence, either a sum not exceeding four days' wages, or any expenses properly incurred in respect of a substitute :
- (c.) For the offence of wrongfully quitting the boat, that is to say for quitting the boat without leave after her arrival in port, and before she is placed in security,—he shall be liable to forfeit a sum not exceeding two weeks' wages :
- (d.) For the offence of wilful disobedience, that is to say for wilfully disobeying any lawful command during the engagement,—he shall be liable to imprisonment for any period not exceeding four weeks, and also to forfeit a sum not exceeding two days' wages :
- (e.) For the offence of continued breach of duty, that is to say for continued wilful disobedience to lawful commands during the engagement, or continued wilful omission to do his duty during the engagement,—he shall be liable to imprisonment for any period not exceeding twelve weeks, and also to forfeit for every twenty-four hours continuance of the offence either a sum not exceeding six days' wages or any expenses properly incurred in respect of a substitute :
- (f.) For the offence of assault, that is to say for assaulting any skipper or second hand,—he shall be liable to imprisonment for a period not exceeding twelve weeks :

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(g.) For the offence of unlawful combination, that is say for combining with any one or more of the crew to disobey lawful commands, or to neglect duty, or to impede the navigation of the boat, or the progress of the trip,—he shall be liable to imprisonment for a period not exceeding twelve weeks:

(h.) For the offence of wilful damage, that is to say for wilfully damaging the boat or embezzling or wilfully damaging any of her stores or cargo,—he shall be liable to forfeit a sum equal in amount to the loss thereby sustained, and also to imprisonment for a period not exceeding twelve weeks:

(i.) For the offence of smuggling, that is to say for any act of smuggling of which he is convicted and which caused loss or damage to the skipper or owner,—he shall be liable to forfeit a sum sufficient to reimburse that loss or damage.

(2.) A skipper shall be liable to punishment for the said offences of desertion, absence without leave, wrongfully quitting the boat, wilful damage, and smuggling, as if he were a seaman.

(3.) The court before whom any skipper, seaman or apprentice is convicted of an offence under this section may order any money forfeited for that offence to be deducted from his wages, and (if they think fit) may order the forfeiture to be applied for the benefit of the person by whom the wages are payable, or of the person injured by the commission of the offence.

(4.) The provisions of this section relating to the offences of wilful disobedience, continued breach of duty, assault and unlawful combination shall extend to apprentices in the sea fishing service and to sea fishing boys as hereinafter defined, whether on shore or on board.

(5.) A seaman or apprentice shall not be relieved by his refusal or neglect to go to sea or by his desertion from being liable to punishment under this section for an offence of wilful disobedience, continued breach of duty, or unlawful combination, and in addition to any such punishment shall also be liable to be punished for the offence of desertion or absence without leave.

(6.) Any imprisonment under this section may be with or without hard labour.

377.—(1.) Nothing in the last preceding section shall take away or limit any remedy by action or before a court of summary jurisdiction which an owner or skipper would otherwise have for any breach of contract in respect of the matters constituting an offence under that section, but no owner or skipper shall be compensated more than once in respect of the same damage.

Civil right unaffected by criminal provisions.

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(2.) Any question concerning the forfeiture of or deductions from the wages of a seaman or apprentice in the sea fishing service may be determined in any proceeding lawfully instituted with respect to those wages, notwithstanding that the offence in respect of which the question arises, though by this Act made punishable by imprisonment as well as forfeiture, has not been made the subject of any criminal proceeding.

Application
of forfeitures.

378. All effects and wages which are, under this part of this Act, forfeited for desertion shall be applied first in reimbursing the expenses occasioned by such desertion to the skipper or owner of the boat, and, subject to that reimbursement, shall be paid into the Exchequer and carried to the Consolidated Fund; and any court having cognizance of any proceedings in relation thereto may order the same to be applied accordingly, and where the effects forfeited do not consist of money, may order the same to be sold, and the proceeds of the sale to be applied in manner aforesaid.

Deserters and
others may be
sent back to
their boats.

379. Whenever any seaman or apprentice is brought before any court charged with the offence (under this part of this Act) of desertion or of absence without leave, or with otherwise absenting himself from his boat without leave, the court may at the request of the owner or skipper or his agent, in addition to, or in lieu of, imposing any punishment to which he may be liable, cause him to be conveyed on board for the purpose of fulfilling his engagement, or deliver him to the skipper to be so conveyed by him, and may order any costs or expenses properly incurred to be paid by the offender, and if necessary to be deducted from any wages which he has then earned, or which he may thereafter earn under his engagement.

Apprehension
of seamen
guilty of cer-
tain offences.

380.—(1.) Any of the following officers, namely—

(a.) a superintendent; or

(b.) the principal Board of Trade officer at a port or district, or his deputy;

may, on the information (made, if the officer so require, on oath) of the owner, skipper, second hand, or agent of a fishing boat, issue a warrant under his hand in the form approved by the Board of Trade for the apprehension of any seaman or apprentice charged with the offence (under this part of this Act) of desertion, absence without leave, wilful disobedience, continued breach of duty, or unlawful combination.

(2.) Such warrant shall be executed by any constable of the county, borough, or place, where the offender may be, and shall continue in force for ninety-six hours from the time endorsed on the warrant by the officer issuing the same.

(3.) The seaman or apprentice when apprehended shall be brought by the constable without delay before some officer by

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whom a warrant may be issued under this section, and that officer shall then and there inquire into the case, and if the explanation of the seaman or apprentice is, in his opinion, sufficient, shall discharge him, but, if not, shall order him to join his boat and resume his duty.

(4.) If the seaman or apprentice refuses to obey that order, the officer shall order him to be detained and to be brought with convenient speed before a court of summary jurisdiction, and that court shall hear and determine in due course of law the charge made against him by the information on which he has been apprehended.

(5.) An information laid before an officer under this section need not be reduced to writing.

(6.) An officer acting under this section may take the evidence (if he thinks fit, on oath) of any person other than the seaman or apprentice charged who is able and willing to give information as to the matters in question, and for that purpose shall have the powers of a Board of Trade inspector under this Act.

(7.) A warrant issued under this section shall be valid if it is in the form approved by the Board of Trade and filled in reasonably in accordance with the directions contained in the form, and is duly signed, and shall not be invalidated by the officer who issued it dying or ceasing to hold office.

381. If a seaman or apprentice engaged or liable to serve on board any fishing boat neglects, or refuses to join, or deserts from, or refuses to proceed to sea in, or absents himself without leave from that fishing boat, the skipper, owner, or agent of the boat may, with or without the assistance of the local constables (who shall give their assistance in these cases when required by the skipper, owner, or agent) take the seaman or apprentice before some officer by whom a warrant can be issued for his apprehension under this part of this Act, who shall deal with him as if apprehended under such a warrant.

Dealing with seaman who refuses to proceed to sea, &c.

382.—(1.) If a seaman (not being a sea fishing boy as defined by this Act) or a skipper intends to absent himself from his fishing boat or his duty, he may, when not at sea, give notice of his intention, if a skipper to the owner of the boat or the owner's agent, and if a seaman either to the owner or to the skipper, not less than forty-eight hours before the time at which he ought to be on board.

Notice by seaman that he intends to absent himself.

(2.) When such notice is duly given the skipper or seaman shall not be compelled to go or be brought on board for the purpose of proceeding with the voyage or engagement.

383.—(1.) The wages of a skipper, seaman or apprentice of a fishing boat shall accrue from day to day.

Calculation of wages.

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(2.) When wages are contracted for by the voyage or trip or the season or by the share, and not by a stated period of time, the amount accruing from day to day shall be an amount equal to the wages for the whole voyage or trip or season, or the whole share (as the case may be) divided by the number of days occupied in the voyage or trip or season, but a skipper, seaman or apprentice shall not be entitled to more than what his share of the profits or catch made during the period he has actually served may or would have amounted to.

(3.) Where the whole time spent in the voyage or trip does not exceed the period for which the wages are to be forfeited, the forfeiture shall extend to the whole wages or share.

Facilities for proving desertion so far as concerns forfeiture of wages.

384.—(1.) Whenever a question arises before a court whether the wages of any skipper, seaman or apprentice of a fishing boat are forfeited for desertion, it shall be sufficient for the person insisting on the forfeiture to show that the skipper, seaman or apprentice was duly engaged and belonged to the boat, and left the boat before the completion of the voyage or engagement.

(2.) The desertion shall thereupon, so far as relates to any forfeiture of wages, be deemed to be proved, unless the skipper, seaman or apprentice can produce a proper certificate of discharge, or can otherwise show to the satisfaction of the court that he was not guilty of desertion.

Provisions as to Deaths, Injuries, Ill-treatment, Punishments, and Casualties in Fishing Boats.

Record and report of death, injury, ill-treatment, punishment, casualties, &c.

385.—(1.) The skipper of a fishing boat shall keep a record of the following occurrences, namely—

- (i.) of every death, injury, ill-treatment, or punishment of any member of his boat's crew while at sea or of any person on board his boat, and
- (ii.) of every casualty to his fishing boat or any boat belonging to her.

(2.) The skipper shall produce the record so kept to any superintendent when required by him, and shall also send the same to the superintendent at the port to which the boat belongs at such periods as the Board of Trade require by any directions endorsed on the forms approved by them.

(3.) If any such occurrence has happened in the case of a fishing boat, the skipper of the boat shall make to the superintendent at the port where his boat's voyage ends, within twenty-four hours of the boat's arrival at that port, a report of the occurrence.

(4.) The record and report under this section shall be in such form and contain such particulars as the Board of Trade require.

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(5.) If a skipper fails without reasonable cause to comply with any requirement of this section, he shall for each offence be liable to a fine not exceeding twenty pounds.

386.—(1.) Where any such occurrence as in the last preceding section mentioned happens or is supposed to have happened, the superintendent at or nearest to the port at which the fishing boat arrives after the occurrence, or to which the boat belongs, may inquire into the cause and particulars of the occurrence, and, if a report as to the occurrence is made to him in pursuance of the said section, may make on the report an endorsement either that in his opinion the particulars in the report are true, or otherwise to such effect as in his opinion his information warrants.

Inquiry as to death, injury, ill-treatment, punishment, &c.

(2.) For the purpose of the inquiry, a superintendent shall have all the powers of a Board of Trade inspector under this Act.

(3.) If in the course of the inquiry it appears to the superintendent that any such occurrence as aforesaid has been caused or was accompanied by violence or the use of any improper means, he shall report the matter to the Board of Trade, and shall also, if the emergency of the case in his opinion so requires, take immediate steps for bringing the offender to justice, and may for that purpose, if in his discretion he thinks it necessary, cause him to be arrested, and thereafter dealt with in due course of law.

Settlement of Disputes.

387.—(1.) A superintendent shall inquire into, hear, and determine any dispute, either between the owner of a fishing boat and the skipper or a seaman of the boat, or between the skipper of a fishing boat and any seaman of the boat concerning—

Decision of disputes by superintendent.

- (i.) the skipper's or seaman's wages or his share in the profits of the voyage or trip or a fishing catch, or any deduction therefrom ; or
- (ii.) the skipper's or seaman's engagement, service, or discharge ; or
- (iii.) the cost, quantity, or quality, of the provisions supplied to the crew ;

if any party to the dispute calls on him to decide it, and his decision thereon shall be final and binding on all persons.

(2.) The decision shall, on the request of any party to the dispute, be put into writing, and any such written decision, if purporting to be signed by the superintendent, shall be admissible in evidence in manner provided by this Act.

(3.) The decision may be enforced by any justice of the peace, within whose jurisdiction the person or goods of any one against whom the decision is given may be found, in the same

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manner as if the decision were an order made by a court of summary jurisdiction, and a skipper or seaman may also recover any sum adjudged due to him by any such decision as if it were wages.

(4.) A superintendent for the purpose of hearing and determining any such dispute shall have all the powers of a Board of Trade inspector under this Act.

Provisions for ascertaining Profits of Fishing Boats.

Accounts to be rendered by owners.

388.—(1.) Where a skipper or any other member of the crew of a fishing boat is paid by a share in the catch, the owner of the boat shall render to him a full and true account, in a form approved by the Board of Trade, showing in detail the amounts for which the fish have been sold, and all deductions from those amounts which are chargeable in any respect to the men who are paid by share, and are made either in respect of stores supplied to the fishing boat, or provisions furnished to the crew or otherwise.

(2.) If the owner of a fishing boat fails without reasonable cause to comply with the foregoing provisions of this section, he shall for each offence be liable to a fine not exceeding five pounds.

(3.) If a dispute arises as to the share of the catch, the skipper or seaman shall be entitled to inspect at all reasonable times the owner's accounts and books relating to the catch, and if the owner of a fishing boat upon demand fails without reasonable cause to submit his accounts or books at a reasonable time to such inspection, he shall for each offence be liable to a fine not exceeding twenty pounds.

Agreements for Fishing Vessels in Scotland.

Agreements for fishing vessels in Scotland.

389.—(1.) The owner or skipper of any British vessel engaged in fishing off the coast of the United Kingdom may enter into an agreement with any person employed on that vessel that that person shall be remunerated wholly by a share in the profit of the fishing adventure.

(2.) Every such agreement shall be in writing, and shall be signed by the contracting parties in the presence of a superintendent.

(3.) The superintendent shall, before the agreement is signed, read and (if necessary) explain the same to the contracting parties, and shall attest the signature of the agreement and certify that it has been read to, and agreed to, by the contracting parties.

(4.) Any such agreement, if made in manner provided by this section, shall be valid and binding on all the contracting

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parties, and shall have effect notwithstanding anything in Part II. of this Act.

(5.) This section shall only apply to Scotland.

Fees and Control of Superintendents.

390.—(1.) The Board of Trade may fix the fees to be payable upon engagements or discharges of members of the crews of fishing boats when effected before a superintendent; and a superintendent may refuse to proceed with any such engagement or discharge unless the fee payable thereon has first been paid.

Fees payable on engagements and discharges.

(2.) All fees so paid shall be carried to the credit of the Mercantile Marine Fund.

391. All superintendents shall, in carrying into effect the provisions of this part of this Act, other than those relating to the fishing boat register, be subject to the control of and obey any directions given by the Board of Trade.

Control of Board of Trade.

(II.) PROVISIONS APPLYING TO ALL FISHING BOATS OF TWENTY-FIVE TONS TONNAGE AND UPWARDS.

The following sections shall apply to all fishing boats of twenty-five tons tonnage and upwards.

Apprenticeship and Agreements with Boys.

392. A boy under the age of thirteen years shall not enter into any apprenticeship to the sea-fishing service or agreement with respect to that service, and an indenture of apprenticeship or agreement made contrary to this section shall be void.

Restriction on apprenticeships and agreements in the case of young boys.

393.—(1.) A boy under the age of sixteen years shall not be taken to sea for the purpose of serving in any capacity connected with the sea-fishing service, unless he is bound by an indenture of apprenticeship or agreement made in conformity with this part of this Act, and a boy bound by any such agreement is in this Act referred to as a sea-fishing boy.

Boys to be properly apprenticed or have proper agreements.

(2.) If any person takes a boy to sea, or causes a boy to be taken to sea, in contravention of this section, that person shall be liable to a fine not exceeding twenty pounds.

(3.) Boards of guardians in apprenticing boys to the sea-fishing service, shall not cause or permit any such apprenticeship to be made except in conformity with this part of this Act.

(4.) Nothing in this part of this Act shall prevent the daily employment in a fishing boat of any boy under the age of sixteen years, who is under no obligation to remain in that employment for a longer period than one day, and with whom no written agreement has been made.

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Assistance by
superintend-
ents.

394. All superintendents shall give to persons desirous of making indentures of apprenticeship to the sea-fishing service or agreements under this part of this Act, or of causing the same to be made, such assistance as may be in their power in reference thereto, and shall supply forms of indentures or agreements at such reasonable rates (if any) as the Board of Trade may fix, and may receive such fees in respect of those indentures or agreements as the Board of Trade may fix.

Apprentice-
ships and
agreements
with boys to
be made before
superinten-
dent.

395.—(1.) Indentures of apprenticeship to the sea-fishing service, and agreements with boys under the age of sixteen years with respect to that service, shall be made before a superintendent and be in accordance with this Act, and every such indenture or agreement not so made shall be void.

(2.) A superintendent, before allowing any such indenture or agreement to be completed, shall satisfy himself—

(a.) that the indenture or agreement complies with all the requirements of this part of this Act; and

(b.) that the master with whom the indenture or agreement is made is a fit person for the purpose; and

(c.) that the apprentice or boy is not under the age of thirteen years, and is of sufficient health and strength; and

(d.) that the nearest relations of the apprentice or boy or his guardians assent, in the case of an apprentice, to the apprenticeship, and to the stipulations in the indenture of apprenticeship, and in the case of a boy, to the stipulations of the agreement;

and shall make and sign an endorsement that he is so satisfied on the indenture or agreement.

(3.) Where there are no nearest relations or guardians, or where they cannot readily be found, or are not known, the superintendent shall act as guardian for the occasion, and state in his endorsement that he has so acted.

(4.) The superintendent's endorsement shall be admissible in evidence in manner provided by this Act.

(5.) The indentures of apprenticeship and agreements shall be in such form, and contain such covenants, provisions, stipulations, endorsements and certificates as are prescribed by Order in Council made on the recommendation of the Board of Trade, and any directions given in the forms so prescribed shall be complied with.

(6.) The indentures and agreements shall be executed in triplicate, one of which shall be kept by the master, one by the boy, and one by the superintendent before whom it is made.

(7.) All such indentures and agreements made in conformity with this part of this Act, shall be exempt from stamp duty.

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396.—(1.) Where an indenture of apprenticeship to the sea-fishing service, or any agreement with a sea-fishing boy, has been made before a superintendent at a port, the superintendent for the time being at that port may, by proper legal proceedings taken in his own name, enforce on behalf of the apprentice or boy against the master any stipulations in that indenture or agreement.

Enforcement by superintendents of indentures or agreements.

(2.) Where an apprentice or boy is taken to sea from any port under an indenture or agreement which is void, the superintendent at that port, or if there is none the superintendent at the nearest port, may, by proper legal proceedings taken in his own name, enforce, to such extent as he thinks just, on behalf of the apprentice or boy against the master any stipulation in the void indenture or agreement which is in favour of the apprentice or boy.

(3.) Any sums recovered by a superintendent under this section may, so far as necessary, be applied by him in payment of the costs of recovering the same.

397. Where an indenture of apprenticeship to the sea-fishing service, or an agreement with a sea-fishing boy, is made before a superintendent at any port, the superintendent for the time being at that port shall have, and when necessary shall execute, all the powers given to the superintendent by the indenture or agreement.

Powers of superintendent under indenture or agreement.

398. If any person—

(a.) receives any money or valuable consideration from the person to whom an apprentice in the sea-fishing service is bound, or to whom a sea-fishing boy is bound by any agreement, or from any one on that person's behalf, or from the apprentice or boy or any one on the apprentice or boy's behalf, in consideration of the apprentice or boy being so bound ; or

Prohibition on taking money for apprenticeships and boys' agreements.

(b.) makes or causes any such payment to be made ; that person shall in respect of each offence be guilty of a misdemeanour, whether the apprentice or boy was or was not validly bound.

(III.) PROVISIONS APPLYING TO TRAWLERS.

The following sections shall apply only to fishing boats being trawlers and save as otherwise provided only to fishing boats being trawlers of twenty-five tons tonnage and upwards.

Engagement of Seamen.

399.—(1.) The skipper of every fishing boat being a trawler of twenty-five tons tonnage or upwards shall enter

Agreements with crew.

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into an agreement (in this part of this Act called a fishing boat's agreement), in accordance with this part of this Act, with every seaman whom he carries to sea as one of his crew from any port in England or Ireland, and shall not carry to sea any seaman with whom no such agreement has been entered into.

(2.) If a skipper acts in contravention of this section, he shall for each offence be liable to a fine not exceeding five pounds.

(3.) This section shall not apply in the case of a sea-fishing boy.

Form, period
and condition
of agreement.

400.—(1.) A fishing boat's agreement shall be in a form approved by the Board of Trade, and be dated at the time of the first signature thereof, and be signed by the skipper before a seaman signs it.

(2.) A fishing boat's agreement shall contain as terms thereof:—

- (a.) the nature and, as far as practicable, the duration of the intended voyage or engagement:
- (b.) the number and description of the crew:
- (c.) the time at which each seaman is to be on board or to begin work:
- (d.) the capacity in which each seaman is to serve:
- (e.) the remuneration which each seaman is to receive, whether in wages or by share in the catch, or in both ways, and the time from which each seaman's remuneration is to commence:
- (f.) a scale of the provisions to be furnished to each seaman:
- (g.) any regulations as to conduct on board, and as to fines, short allowance of provisions, or other lawful punishment for misconduct, which the Board of Trade have approved as proper and the parties agree to adopt.

(3.) The fishing boat's agreement shall be so framed as to admit of stipulations, to be adopted at the will of the skipper and seaman in each case, as to advance and allotment of wages and may contain any other stipulations that are not contrary to law.

Mode of entering
into
agreements.

401.—(1.) A fishing boat's agreement shall be signed by each seaman, and the skipper shall cause the agreement to be read over and explained to each seaman, or otherwise ascertain that each seaman understands the same before he signs it, and shall attest each signature.

(2.) When the crew is first engaged the agreement shall be signed in duplicate, and one part shall be sent by the skipper to the superintendent at the port of departure and retained by him, and the other part shall be retained by the skipper, and

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shall contain a special place for the descriptions and signatures of substitutes, or persons engaged subsequently to the first departure of the fishing boat.

(3.) Where a substitute is engaged in the place of a seaman who has signed the agreement, and whose services are lost by death, desertion, failure to join, or other unforeseen cause, the skipper shall, before the fishing boat puts to sea, if practicable, and if not as soon afterwards as possible, cause the agreement to be read over and explained to the substitute, and the substitute shall thereupon sign the same in the presence of the skipper, who shall attest the signature.

402.—(1.) Fishing boats' agreements may be made by the owner (or if there are several owners the registered managing owner) instead of by the skipper; and the provisions of this part of this Act with respect to fishing boats' agreements shall apply as if the owner were skipper.

Agreements by owner or for service in two or more fishing boats.

(2.) Fishing boats' agreements may be made for service either in a particular boat or in two or more boats belonging to the same owner, provided that in the latter case the names of the boats and the length and nature of the service, and the rates, periods and method of payment are specified in the agreement.

403.—(1.) Fishing boats' agreements may, if the voyages of the boat average less than six months in duration, be made to extend over two or more voyages or any number of weeks, and agreements so made are in this part of this Act referred to as fishing boats' running agreements.

Fishing boat's running agreements.

(2.) Fishing boats' running agreements shall not extend beyond the next following thirtieth day of June or thirty-first day of December, or the first arrival of the boat at her port of destination in the United Kingdom after that date, or the discharge of cargo consequent on that arrival.

404.—(1.) Where a fishing boat's running agreement has been made for any boat, the skipper shall on every return to a port in the United Kingdom before the final termination of the agreement make and sign an endorsement on the agreement stating either that no engagements or discharges of seamen have been made or are intended to be made before the boat leaves port, or that all those made have been made as required by law.

Endorsement of engagements and discharge on running agreements.

(2.) If a skipper knowingly makes a false statement in any such endorsement, he shall for each offence be liable to a fine not exceeding five pounds.

405.—(1.) The owners of a fishing boat, being a trawler of twenty-five tons tonnage or upwards, shall, within forty-eight

Report of crew.

Merchant Shipping Act, 1894.

hours of her departure from port on any voyage, send or cause to be sent to the superintendent at the port a true report, signed by an owner or the registered managing owner, in a form approved by the Board of Trade, stating the names of the skipper, seamen, and apprentices who have gone to sea in her, and such other particulars as the Board require.

(2.) Where the sole or the registered managing owner or every owner of such a fishing boat goes to sea in her on the voyage, or the voyage commences at a port where there is no owner or registered managing owner, the report may be made and signed on his behalf by that purpose.

(3.) If any requirement of this section is not complied with in the case of any boat, each owner of the boat and the registered managing owner (if any) of the boat shall for each offence be liable to a fine not exceeding five pounds.

(4.) The Board of Trade may in any case they think fit, and subject to such conditions and requirements as in their opinion may be necessary, exempt owners of boats from this section.

Statement of
change of
crew in case
of running
agreements.

406.—(1.) Where a fishing boat's running agreement has been made, the skipper shall, before finally leaving any port for sea during the continuance of the agreement, sign and send to the nearest superintendent an accurate statement, in a form approved by the Board of Trade, of every change which has taken place in his crew, and that statement shall be admissible in evidence in manner provided by this Act.

(2.) If a skipper fails without reasonable cause to comply with this section, he shall for each offence be liable to a fine not exceeding five pounds.

(3.) The Board of Trade may in any case they think fit, and subject to such conditions and requirements as in their opinion may be necessary, exempt skippers of boats from this section.

Alterations,
&c., in agree-
ments to be
attested.

407. Every erasure, interlineation or alteration in a fishing boat's agreement (except additions so made as hereinbefore directed for shipping substitutes or persons engaged subsequently to the first departure of the fishing boat) shall be wholly inoperative unless proved to have been made with the consent of all the persons interested in that erasure, interlineation or alteration.

Offences as to
agreements
with the crew.

408. If a skipper—

- (i.) fraudulently alters, or makes any false entry in, a fishing boat's agreement, or is privy to any such fraudulent alteration or false entry;
- (ii.) delivers, or is privy to the delivery of, a false copy of a fishing boat's agreement;

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he shall for each offence be liable to a fine not exceeding twenty pounds.

Payment of Wages and Discharge of Seamen.

409.—(1.) The owner of a fishing boat, being a trawler of twenty-five tons tonnage or upwards, shall deliver to the skipper, and the owner or skipper of such a boat shall deliver to every seaman of that boat, a full and true account, in a form approved by the Board of Trade, of the wages of the skipper or seaman, as the case may be (not being a share in the catch), and of all deductions to be made therefrom on any account whatever, and a deduction from the wages of the skipper or seaman shall not be allowed unless it is included in the account so delivered, or is in regard of a matter happening after such delivery.

Account of wages.

(2.) The skipper may by notice to the owner, and a seaman may by notice to the skipper, dispense with the delivery of such account.

(3.) Except where the account of wages is dispensed with, the account shall be delivered not less than four hours before the paying off or discharge of the skipper or seaman.

(4.) If the owner or skipper of a boat fails without reasonable cause to comply with this section, he shall for each offence be liable to a fine not exceeding five pounds.

410.—(1.) Upon the discharge of a seaman from a fishing boat, being a trawler of twenty-five tons tonnage or upwards, or on the payment of his wages, the skipper shall sign and deliver to him a certificate of discharge, in a form approved by the Board of Trade, specifying the period of his service, and the time and place of his discharge.

Certificate of discharge.

(2.) If a skipper fails to comply with this section, he shall for each offence be liable to a fine not exceeding five pounds.

411. If a seaman, having signed a fishing boat's agreement, is discharged before the commencement of the voyage, or at any time during the voyage or engagement, without fault on his part justifying the discharge and without his consent, he shall be entitled to recover, in addition to an amount of wages proportionate to the time he has served, sufficient compensation for the damage caused to him by the discharge, and may recover that compensation as wages duly earned.

Compensation to seamen improperly discharged.

412. The provisions of this part of this Act relating to the discharge of seamen and the payment of wages shall apply whether the seaman is serving under an ordinary agreement, or under an agreement to serve in two or more fishing boats belonging to the same owner, or under a fishing boat's running agreement.

Provision a to discharge, &c., to apply in the case of any sort of agreement.

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Certificates of Skippers and Second Hands.

Skippers and second hands to hold certificate of competency.

413.—(1.) A fishing boat, being a trawler of twenty-five tons tonnage or upwards shall not go to sea from any port of England or Ireland unless provided with a duly certificated skipper and a duly certificated second hand.

(2.) If a boat goes to sea contrary to this section, the owner thereof shall for each offence be liable to a fine not exceeding twenty pounds.

(3.) If any person, except in case of necessity—

(a.) having been engaged to serve as skipper or second hand of a fishing boat, being a trawler of twenty-five tons tonnage and upwards, serves as skipper or second hand of that boat without being duly certificated ; or

(b.) employs any person as skipper or second hand of such a boat without ascertaining that he is duly certificated ; that person shall for each offence be liable to a fine not exceeding twenty pounds.

(4.) A skipper or second hand shall not be deemed duly certificated for the purpose of this section unless he holds a certificate under this part of this Act appropriate to his station in the boat or to a higher station.

(5.) Where the skipper of such a boat is absent from his boat a superintendent may, on the request of the owner of the boat, and on being satisfied that the absence is due to an unavoidable cause, authorize the second hand of the boat to act, for a period not exceeding one month, as the skipper of the boat during the skipper's absence, and the second hand when acting under that authority shall for the purposes of this section be deemed to be a duly certificated skipper.

Granting of certificate of competency.

414.—(1.) Certificates of competency as skipper or as second hand of fishing boats, or any particular class of fishing boats, may be granted by the Board of Trade in the same manner as certificates of competency as master or mate under the Second part of this Act, and all the provisions of this Act with respect to or connected with the examination of applicants for certificates and the granting thereof, and the suspension and cancellation thereof, and inquiries and investigations into the conduct of the holders thereof, and all other provisions of this Act relating to or connected with certificates of masters or mates, shall apply to the certificates as skipper or second hand of fishing boats, and the holders thereof, as if the certificates had been granted under Part II. of this Act, and the holders thereof shall be entitled to such privileges, and subject to such liabilities as they would be if such certificates had been so granted.

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(2.) A certificate of competency as skipper of a fishing boat shall not be granted to any person unless he has previously held a certificate as second hand for at least twelve months.

415.—(1.) If any person before the first day of September, one thousand eight hundred and eighty-three, served as a skipper or before the first day of July, one thousand eight hundred and eighty-eight, served as a second hand in fishing boats, being trawlers of twenty-five tons tonnage and upwards or such other fishing boats as the Board of Trade consider will have afforded that person sufficient experience, for a period amounting in all to not less than twelve months, that person shall be entitled to a certificate of service as skipper or second hand, as the case may be, of a fishing boat, limited, if he has been exclusively employed in a particular class of such fishing boats, to that particular class. Certificate of service.

(2.) If a person proves to the Board of Trade that he has served as required by this section and has been generally well conducted on board the boats in which he has served, the Board of Trade shall deliver a certificate of service to him.

(3.) The certificate of service shall differ in form from a certificate of competency, and shall contain particulars of the name, place, and date of birth of the holder, and of the length and nature of his previous service.

(4.) This Act shall apply to a certificate of service so granted and to the holder thereof in like manner as it applies to a certificate of competency granted under this part of this Act and to the holder thereof.

416.—(1.) The Board of Trade may cause a register of certificated skippers and second hands to be kept in such form and by such person, and containing such particulars, as the Board direct. Registers of certificated skippers and second hands.

(2.) Such register shall be admissible in evidence in manner provided by this Act, and the absence of an entry in the register of any person or matter shall be evidence of the non-registration of such person or matter, and if the question is whether the person has been certificated as a skipper or second hand, of his not being so certificated.

Conveyance of Fish from Trawlers.

417.—(1.) The Board of Trade, on the application of any owners of a fleet of fishing boats, or of any association of owners of fishing boats, or of any persons having the charge or command of a fleet of fishing boats, or without such application if the person or association entitled to make the application fails after request by the Board of Trade to do so, may make such regulations respecting the conveyance of fish from fishing Board of Trade regulations as to conveyance of fish from trawlers.

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boats catching fish as trawlers to vessels engaged in collecting and carrying fish to port, as may appear to the Board expedient for preventing loss of life, or danger to life or limb.

(2.) All regulations so made shall be laid for thirty days before both Houses of Parliament while in session, and shall not come into force till the expiration of those thirty days; and if either House within those thirty days resolves that the whole or any part of the regulations laid before them ought not to be in force, the same shall not have any force, without prejudice, nevertheless, to the making of any other regulation in its place.

(3.) All regulations made under this section shall, whilst in force, have effect as if enacted in this Act.

(4.) If any person to whom such a regulation applies fails without reasonable cause to comply therewith, he shall for each offence be liable to a fine not exceeding ten pounds.

(5.) This section shall apply to fishing boats of whatever tonnage.

PART V.

SAFETY.

Prevention of Collisions.

Collision regulations.

418.—(1.) Her Majesty may, on the joint recommendation of the Admiralty and the Board of Trade, by Order in Council, make regulations for the prevention of collisions at sea, and may thereby regulate the lights to be carried and exhibited, the fog signals to be carried and used, and the steering and sailing rules to be observed, by ships, and those regulations (in this Act referred to as the collision regulations), shall have effect as if enacted in this Act.

(2.) The collision regulations, together with the provisions of this part of this Act relating thereto, or otherwise relating to collisions, shall be observed by all foreign ships within British jurisdiction, and in any case arising in a British court concerning matters arising within British jurisdiction foreign ships shall, so far as respects the collision regulations and the said provisions of this Act, be treated as if they were British ships.

Observance of collision regulations.

419.—(1.) All owners and masters of ships shall obey the collision regulations, and shall not carry or exhibit any other lights, or use any other fog signals, than such as are required by those regulations.

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(2.) If an infringement of the collision regulations is caused by the wilful default of the master or owner of the ship, that master or owner shall, in respect of each offence, be guilty of a misdemeanour.

(3.) If any damage to person or property arises from the non-observance by any ship of any of the collision regulations, the damage shall be deemed to have been occasioned by the wilful default of the person in charge of the deck of the ship at the time, unless it is shown to the satisfaction of the court that the circumstances of the case made a departure from the regulation necessary.

(4.) Where in a case of collision it is proved to the court before whom the case is tried, that any of the collision regulations have been infringed, the ship by which the regulation has been infringed shall be deemed to be in fault, unless it is shown to the satisfaction of the court that the circumstances of the case made departure from the regulation necessary.

(5.) The Board of Trade shall furnish a copy of the collision regulations to any master or owner of a ship who applies for it.

420.—(1.) A surveyor of ships may inspect any ship, British or foreign, for the purpose of seeing that the ship is properly provided with lights and the means of making fog signals, in conformity with the collision regulations, and if the surveyor finds that the ship is not so provided, he shall give to the master or owner notice in writing, pointing out the deficiency, and also what is, in his opinion, requisite in order to remedy the same.

Inspection as to lights and fog signals.

(2.) Every notice so given shall be communicated in the manner directed by the Board of Trade to the chief officer of customs at any port at which the ship may seek to obtain a clearance or transire; and the ship shall be detained, until a certificate under the hand of a surveyor of ships is produced to the effect that the ship is properly provided with lights and with the means of making fog signals, in conformity with the collision regulations.

(3.) For the purpose of an inspection under this section a surveyor shall have the powers of a Board of Trade inspector under this Act.

(4.) Where the certificate as to lights and fog signals is refused, an owner may appeal to the court of survey for the port or district where the ship for the time being is in manner directed by the rules of that court.

(5.) On any such appeal the judge of the court of survey shall report to the Board of Trade on the question raised by the appeal, and the Board of Trade, when satisfied that the requirements of the report and of this Act as to lights and fog signals have been complied with, may grant, or direct a sur-

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veyor of ships or other person appointed by them to grant, the certificate.

(6.) Subject to any order made by the judge of court of survey the costs of and incidental to the appeal shall follow the event.

(7.) A surveyor in making an inspection under this section shall, if the owner of the ship so require, be accompanied on the inspection by some person appointed by the owner, and, if in that case the surveyor and the person so appointed agree, there shall be no appeal under this section to the court of survey.

(8.) Such fees as the Board of Trade may determine shall be paid in respect of an inspection of lights and fog signals under this section not exceeding those specified in the Sixteenth Schedule to this Act.

Saving for local rules of navigation in harbours, &c.

421.—(1.) Any rules made before or after the passing of this Act under the authority of any local Act, concerning lights and signals to be carried, or the steps for avoiding collisions to be taken, by vessels navigating the waters of any harbour, river, or other inland navigation, shall, notwithstanding anything in this Act, have full effect.

(2.) Where any such rules are not and cannot be made, Her Majesty in Council on the application of any person having authority over such waters, or, if there is no such person, any person interested in the navigation thereof, may make such rules, and those rules shall, as regards vessels navigating the said waters, be of the same force as if they were part of the collision regulations.

Duty of vessel to assist the other in case of collision.

422.—(1.) In every case of collision between two vessels, it shall be the duty of the master or person in charge of each vessel, if and so far as he can do so without danger to his own vessel, crew and passengers (if any),

(a.) to render to the other vessel, her master, crew and passengers (if any) such assistance as may be practicable, and may be necessary to save them from any danger caused by the collision, and to stay by the other vessel until he has ascertained that she has no need of further assistance, and also

(b.) to give to the master or person in charge of the other vessel the name of his own vessel and of the port to which she belongs, and also the names of the ports from which she comes and to which she is bound.

(2.) If the master or person in charge of a vessel fails to comply with this section, and no reasonable cause for such failure is shown, the collision shall, in the absence of proof to the contrary, be deemed to have been caused by his wrongful act, neglect or default.

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(3.) If the master or person in charge fails without reasonable cause to comply with this section, he shall be guilty of a misdemeanour, and, if he is a certificated officer, an inquiry into his conduct may be held, and his certificate cancelled or suspended.

423.—(1.) In every case of collision, in which it is practicable so to do, the master of every ship shall immediately after the occurrence cause a statement thereof, and of the circumstances under which the same occurred, to be entered in the official log book (if any), and the entry shall be signed by the master, and also by the mate or one of the crew.

Collisions to be entered in official log.

(2.) If the master fails to comply with this section, he shall for each offence be liable to a fine not exceeding twenty pounds.

424. Whenever it is made to appear to Her Majesty in Council that the government of any foreign country is willing that the collision regulations, or the provisions of this part of this Act relating thereto or otherwise relating to collisions or any of those regulations or provisions should apply to the ships of that country, when beyond the limits of British jurisdiction, Her Majesty may, by Order in Council, direct that those regulations and provisions shall, subject to any limitation of time conditions and qualifications contained in the Order, apply to the ships of the said foreign country, whether within British jurisdiction or not, and that such ships shall for the purpose of such regulations and provisions be treated as if they were British ships.

Application of collision regulations to foreign ships.

Report of Accidents and Loss of Ships.

425.—(1.) When a steamship has sustained or caused any accident occasioning loss of life or any serious injury to any person, or has received any material damage affecting her seaworthiness or her efficiency either in her hull or in any part of her machinery, the owner or master shall, within twenty-four hours after the happening of the accident or damage, or as soon thereafter as possible, transmit to the Board of Trade, by letter signed by the owner or master, a report of the accident or damage, and of the probable occasion thereof, stating the name of the ship, her official number (if any), the port to which she belongs, and the place where she is.

Report to Board of Trade of accidents to steam ships.

(2.) If the owner or master of a steamship fails without reasonable cause to comply with this section, he shall for each offence be liable to a fine not exceeding fifty pounds.

(3.) This section shall apply to all British ships, and to all foreign steamships carrying passengers between places in the United Kingdom.

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Notice of loss of British ship to be given to the Board of Trade.

426.—(1.) If the managing owner or, in the event of there being no managing owner, the ship's husband, of any British ship has reason, owing to the non-appearance of the ship or to any other circumstance, to apprehend that the ship has been wholly lost, he shall, as soon as conveniently may be, send to the Board of Trade notice in writing of the loss and of the probable occasion thereof, stating the name of the ship, her official number (if any), and the port to which she belongs.

(2.) If a managing owner or ship's husband fails without reasonable cause to comply with this section within a reasonable time, he shall for each offence be liable to a fine not exceeding fifty pounds.

Life-saving Appliances.

Rules as to life-saving appliances.

427.—(1.) The Board of Trade may make rules (in this Act called rules for life-saving appliances) with respect to all or any of the following matters, namely :—

(a.) the arranging of British ships into classes, having regard to the services in which they are employed, to the nature and duration of the voyage, and to the number of persons carried ;

(b.) the number and description of the boats, life-boats, life-rafts, life-jackets, and life-buoys to be carried by British ships, according to the class in which they are arranged, and the mode of their construction, also the equipments to be carried by the boats and rafts, and the methods to be provided to get the boats and other life-saving appliances into the water which methods may include oil for use in stormy weather ; and

(c.) the quantity, quality, and description of buoyant apparatus to be carried on board British ships carrying passengers, either in addition to or in substitution for boats, life-boats, life-rafts, life-jackets, and life-buoys.

(2.) All such rules shall be laid before Parliament so soon as may be after they are made, and shall not come into operation until they have lain for forty days before both Houses of Parliament during the session of Parliament ; and on coming into operation shall have effect as if enacted in this Act.

(3.) Rules under this section shall not apply to any fishing boat for the time being entered in the fishing boat register under Part IV. of this Act.

Duties of owners and masters as to carrying life-saving appliances.

428. It shall be the duty of the owner and master of every British ship to see that his ship is provided, in accordance with the rules for life-saving appliances, with such of those appliances as, having regard to the nature of the service on which the ship is employed, and the avoidance of undue encumbrance of the ship's deck, are best adapted for securing the safety of her crew and passengers.

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429.—(1.) For the purpose of preparing and advising on the rules for life-saving appliances, the Board of Trade may appoint a committee, the members of which shall be nominated by the Board in accordance with the Seventeenth Schedule to this Act. Appointment of consultative committee for framing rules.

(2.) A member of the committee shall hold office for two years from the date of his appointment, but shall be eligible for reappointment.

(3.) There shall be paid to the members of the committee, out of the Mercantile Marine Fund, such travelling and other allowances as the Board of Trade may fix.

(4.) Her Majesty may, by Order in Council, alter the Seventeenth Schedule to this Act.

430.—(1.) In the case of any ship—

(a.) if the ship is required by the rules for life-saving appliances to be provided with such appliances and proceeds on any voyage or excursion without being so provided in accordance with the rules applicable to the ship; or

(b.) if any of the appliances with which the ship is so provided are lost or rendered unfit for service in the course of the voyage or excursion through the wilful fault or negligence of the owner or master; or

(c.) if the master wilfully neglects to replace or repair on the first opportunity any such appliances lost or injured in the course of the voyage or excursion; or

(d.) if such appliances are not kept so as to be at all times fit and ready for use;

then the owner of the ship (if in fault) shall for each offence be liable to a fine not exceeding one hundred pounds, and the master of the ship (if in fault) shall for each offence be liable to a fine not exceeding fifty pounds.

(2.) Nothing in the foregoing enactments with respect to life-saving appliances shall prevent any person from being liable under any other provision of this Act, or otherwise, to any other or higher fine or punishment than is provided by those enactments, provided that a person shall not be punished twice for the same offence.

(3.) If the court before whom a person is charged with an offence punishable under those enactments thinks that proceedings ought to be taken against him for the offence under any other provision of this Act, or otherwise, the court may adjourn the case to enable such proceedings to be taken.

431.—(1.) A surveyor of ships may inspect any ship for the purpose of seeing that she is properly provided with life-saving appliances in conformity with this Act, and for the purpose of that inspection shall have all the powers of a Board of Trade inspector under this Act. Survey of ship with respect to life-saving appliances.

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(2.) If the said surveyor finds that the ship is not so provided, he shall give to the master or owner notice in writing pointing out the deficiency, and also pointing out what in his opinion is requisite to remedy the same.

(3.) Every notice so given shall be communicated in the manner directed by the Board of Trade to the chief officer of customs of any port at which the ship may seek to obtain a clearance or transire, and the ship shall be detained until a certificate under the hand of any such surveyor is produced to the effect that the ship is properly provided with life-saving appliances in conformity with this Act.

General Equipment.

Adjustment
of compasses
and provision
of hose.

432.—(1.) Every British sea-going steamship if employed to carry passengers, shall have her compasses properly adjusted from time to time; and every British seagoing steamship not used wholly as a tug shall be provided with a hose capable of being connected with the engines of the ship, and adapted for extinguishing fire in any part of the ship:

(2.) If any such British sea-going steamship plies or goes to sea from any port in the United Kingdom and any requirement of this section is not complied with, then for each matter in which default is made, the owner (if in fault) shall be liable to a fine not exceeding one hundred pounds, and the master (if in fault) shall be liable to a fine not exceeding fifty pounds.

Placing undue
weight on
safety valve.

433. A person shall not place an undue weight on the safety valve of any steamship, and if he does so he shall, in addition to any other liability he may incur by so doing, be liable for each offence to a fine not exceeding one hundred pounds.

Signals of Distress.

Signals of
distress.

434.—(1.) Her Majesty in Council may make rules as to what signals shall be signals of distress, and the signals fixed by those rules shall be deemed to be signals of distress.

(2.) If a master of a vessel uses or displays, or causes or permits any person under his authority to use or display, any of those signals of distress, except in the case of a vessel being in distress, he shall be liable to pay compensation for any labour undertaken, risk incurred, or loss sustained in consequence of that signal having been supposed to be a signal of distress, and that compensation may, without prejudice to any other remedy, be recovered in the same manner in which salvage is recoverable.

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435.—(1.) Where a ship is a sea-going passenger steamer or emigrant ship within the meaning of the Third Part of this Act, the ship shall be provided to the satisfaction of the Board of Trade—

Provision of signals of distress, inextinguishable lights, and life-buoys.

(a.) with means for making the said signals of distress at night, including means of making flames on the ship which are inextinguishable in water, or such other means of making signals of distress as the Board of Trade may previously approve; and

(b.) with a proper supply of lights inextinguishable in water, and fitted for attachment to life-buoys.

(2.) If any such ship goes to sea from any port of the United Kingdom without being provided as required by this section, then for each default in any of the above requisites, the owner (if in fault) shall be liable to a fine not exceeding one hundred pounds, and the master (if in fault) shall be liable to a fine not exceeding fifty pounds.

Draught of Water and Load-Line.

436.—(1.) The Board of Trade may, in any case or class of cases in which they think it expedient to do so, direct any person appointed by them for the purpose, to record, in such manner and with such particulars as they direct, the draught of water of any sea-going ship, as shown on the scale of feet on her stem and stern post, and the extent of her clear side in feet and inches, upon her leaving any dock, wharf, port, or harbour for the purpose of proceeding to sea, and the person so appointed shall thereupon keep that record, and shall forward a copy thereof to the Board of Trade.

Ship's draught of water to be recorded.

(2.) That record or copy, if produced out of the custody of the Board of Trade, shall be admissible in evidence in manner provided by this Act.

(3.) 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 and the extent of her clear side in the official log book (if any), and shall produce the record to any chief officer of customs whenever required by him, and if he fails without reasonable cause to produce the record shall for each offence be liable to a fine not exceeding twenty pounds.

(4.) The master of a sea-going ship shall, upon the request of any person appointed to record the ship's draught of water, permit that person to enter the ship and to make such inspections, and take such measurements as may be requisite for the purpose of the record; and if any master fails to do so, or impedes, or suffers any one under his control to impede, any person so appointed in the execution of his duty, he shall for each offence be liable to a fine not exceeding five pounds.

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(5.) In this section the expression "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.

Marking of
deck-lines.

437.—(1.) Every British ship (except ships under eighty tons register employed solely in the coasting trade, ships employed solely in fishing, and pleasure yachts, and ships employed exclusively in trading or going from place to place in any river or inland water the whole or part of which is in any British possession), shall be permanently and conspicuously marked with lines (in this Act called deck-lines) of not less than twelve inches in length and one inch in breadth, painted longitudinally on each side amidships, or as near thereto as is practicable, and indicating the position of each deck which is above water.

(2.) The upper edge of each of the deck lines must be level with the upper side of the deck plank next the waterway at the place of marking.

(3.) The deck-lines must be white or yellow on a dark ground, or black on a light ground.

(4.) In this section the expression "amidships" means the middle of the length of the load water-line as measured from the fore side of the stem to the aft side of the stern-post.

Marking of
load-line.

438.—(1.) The owner of every British ship proceeding to sea from a port in the United Kingdom (except ships under eighty tons register employed solely in the coasting trade, ships employed solely in fishing, and pleasure yachts) shall, before the time hereinafter mentioned, mark upon each of her sides, amidships within the meaning of the last preceding section, or as near thereto as is practicable, in white or yellow on a dark ground, or in black on a light ground, a circular disc twelve inches in diameter, with an horizontal line eighteen inches in length drawn through its centre.

(2.) The centre of this disc shall be placed at such level as may be approved by the Board of Trade below the deck-line marked under this Act and specified in the certificate given thereunder, and shall indicate the maximum load-line in salt water to which it shall be lawful to load the ship.

(3.) The position of the disc shall be fixed in accordance with the tables used at the time of the passing of this Act by the Board of Trade, subject to such allowance as may be made necessary by any difference between the position of the deck-line marked under this Act and the position of the line from which freeboard is measured under the said tables, and subject also to such modifications, if any, of the tables and the application thereof as may be approved by the Board of Trade.

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(4.) In approving any such modifications the Board of Trade shall have regard to any representations made to them by any corporation or association for the survey or registry of shipping for the time being appointed or approved by the Board of Trade, as hereinafter mentioned, for the purpose of approving and certifying the position of the load-line.

439. If a ship is so loaded as to submerge in salt water the centre of the disc indicating the load-line, the ship shall be deemed to be an unsafe ship within the meaning of the provisions hereafter contained in this part of this Act, and such submersion shall be a reasonable and probable cause for the detention of the ship.

Ships with submerged load-lines deemed unsafe.

440.—(1.) Where a ship proceeds on any voyage from a port in the United Kingdom for which the owner is required to enter the ship outwards, the disc indicating the load-line shall be marked, before so entering her, or, if that is not practicable, as soon afterwards as may be.

Time, &c., for marking of load-line in case of foreign going vessels.

(2.) The owner of the ship shall upon entering her outwards insert in the form of entry a statement in writing of the distance in feet and inches between the centre of this disc and the upper edge of each of the deck lines which is above that centre, and if default is made in inserting that statement, the ship may be detained.

(3.) The master of the ship shall enter a copy of that statement in the agreement with the crew before it is signed by any member of the crew, and a superintendent shall not proceed with the engagement of the crew until that entry is made.

(4.) The master of the ship shall also enter a copy of that statement in the official log book.

(5.) When a ship to which this section applies has been marked with a disc indicating the load-line, she shall be kept so marked until her next return to a port of discharge in the United Kingdom.

441.—(1.) Where a ship employed in the coasting trade is required to be marked with the disc indicating the load-line, she shall be so marked before the ship proceeds to sea from any port; and the owner shall also once in every twelve months, immediately before the ship proceeds to sea, transmit or deliver to the chief officer of customs of the port of registry of the ship a statement in writing of the distance in feet and inches between the centre of the disc and the upper edge of each of the deck lines which is above that centre.

Time, &c., for marking of load-line in case of coasting vessels.

(2.) The owner, before the ship proceeds to sea after any renewal or alteration of the disc, shall transmit or deliver to the chief officer of customs of the port of registry of the ship

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notice in writing of that renewal or alteration, together with such statement in writing as before mentioned of the distance between the centre of the disc and the upper edge of each of the deck-lines.

(3.) If default is made in transmitting or delivering any notice or statement under this section, the owner shall, for each offence, be liable to a fine not exceeding one hundred pounds.

(4.) When a ship to which this section applies has been marked with a disc indicating the load-line, she shall be kept so marked until notice is given of an alteration.

Penalty for offences in relation to marking of load-line.

442.—(1.) If—

(a.) any owner or master of a British ship fails without reasonable cause to cause his ship to be marked as by this part of this Act required, or to keep her so marked, or allows the ship to be so loaded as to submerge in salt water the centre of the disc indicating the load-line; or

(b.) any person conceals, removes, alters, defaces, or obliterates, or suffers any person under his control to conceal, remove, alter, deface, or obliterate, any of the said marks, except in the event of the particulars thereby denoted being lawfully altered, or except for the purpose of escaping capture by an enemy,

he shall for each offence be liable to a fine not exceeding one hundred pounds.

(2.) If any mark required by this part of this Act is in any respect inaccurate so as to be likely to mislead, the owner of the ship shall for each offence be liable to a fine not exceeding one hundred pounds.

Regulations as to load-line.

443.—(1.) The Board of Trade shall appoint the Committee of Lloyd's Register of British and Foreign Shipping, or, at the option of the owner of the ship, any other corporation or association for the survey or registry of shipping approved by the Board of Trade, or any officer of the Board of Trade specially selected by the Board for that purpose, to approve and certify on their behalf from time to time the position of any disc indicating the load-line, and any alteration thereof, and may appoint fees to be taken in respect of any such approval or certificate.

(2.) The Board of Trade may make regulations—

(a.) determining the lines or marks to be used in connection with the disc, in order to indicate the maximum load-line under different circumstances and at different seasons, and declaring that this part of this Act is to have effect as if any such line were drawn through the centre of the disc; and

(b.) as to the mode in which the disc and the lines or marks to be used in connection therewith are to be marked or affixed on the ship, whether by painting, cutting or otherwise; and

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(c.) as to the mode of application for, and form of, certificates under this section ; and

(d.) requiring the entry of those certificates, and other particulars as to the draught of water and freeboard of the ship, in the official log book of the ship, or other publication thereof on board the ship, and requiring the delivery of copies of those entries.

(3.) All such regulations shall, while in force, have effect as if enacted in this Act, and if any person fails without reasonable cause to comply with any such regulation made with respect to the entry, publication, or delivery of copies of certificates or other particulars as to the draught of water and freeboard of a ship, he shall for each offence be liable to a fine not exceeding one hundred pounds.

(4.) Where in pursuance of the regulations any such certificate is required to be delivered, a statement in writing as to the disc and deck-lines of a ship need not be inserted in the form of entry or transmitted or delivered to a chief officer of customs under the provisions hereinbefore contained.

444. Where the legislature of any British possession by any enactment provides for the fixing, marking, and certifying of load-lines on ships registered in that possession, and it appears to Her Majesty the Queen that that enactment is based on the same principles as the provisions of this part of this Act relating to load-lines, and is equally effective for ascertaining and determining the maximum load-lines to which those ships can be safely loaded in salt water, and for giving notice of the load-line to persons interested, Her Majesty in Council may declare that any load-line fixed and marked and any certificate given in pursuance of that enactment shall, with respect to ships so registered, have the same effect as if it had been fixed, marked, or given in pursuance of this part of this Act.

Provision as to colonial ships with respect to load-lines.

445.—(1.) Where the Board of Trade certify that the laws and regulations for the time being in force in any foreign country and relating to overloading and improper loading are equally effective with the provisions of this Act relating thereto, Her Majesty in Council may direct that on proof of a ship of that country having complied with those laws and regulations, she shall not, when in a port of the United Kingdom, be liable to detention for non-compliance with the said provisions of this Act, nor shall there arise any liability to any fine or penalty which would otherwise arise for non-compliance with those provisions.

Provision as to foreign ships with respect to load-lines.

(2.) Provided that this section shall not apply in the case of ships of any foreign country in which it appears to Her Majesty that corresponding provisions are not extended to British ships.

*Merchant Shipping Act, 1894.**Dangerous Goods.*

Restrictions
on carriage of
dangerous
goods.

446.—(1.) A person shall not send or attempt to send by any vessel, British or foreign, and a person not being the master or owner of the vessel, shall not carry or attempt to carry in any such vessel, any dangerous goods, without distinctly marking their nature on the outside of the package containing the same, and giving written notice of the nature of those goods and of the name and address of the sender or carrier thereof to the master or owner of the vessel at or before the time of sending the same to be shipped or taking the same on board the vessel.

(2.) If any person fails without reasonable cause to comply with this section, he shall for each offence be liable to a fine not exceeding one hundred pounds; or if he shows that he was merely an agent in the shipment of any such goods as aforesaid, and was not aware and did not suspect and had no reason to suspect that the goods shipped by him were of a dangerous nature, then not exceeding ten pounds.

(3.) For the purpose of this part of this Act the expression “dangerous goods” means aquafortis, vitriol, naphtha, benzine, gunpowder, lucifer matches, nitro-glycerine, petroleum, any explosives within the meaning of the Explosives Act, 1875, and any other goods which are of a dangerous nature.

38-39 V., c. 17.

Penalty for
misdescription
of dangerous
goods.

447. A person shall not knowingly send or attempt to send by, or carry or attempt to carry in, any vessel, British or foreign, any dangerous goods under a false description, and shall not falsely describe the sender or carrier thereof, and if he acts in contravention of this section he shall for each offence be liable to a fine not exceeding five hundred pounds.

Power to deal
with goods
suspected of
being dangerous.

448.—(1.) The master or owner of any vessel, British or foreign, may refuse to take on board any package or parcel which he suspects to contain any dangerous goods, and may require it to be opened to ascertain the fact.

(2.) Where any dangerous goods, or any goods which, in the judgment of the master or owner of the vessel, are dangerous goods, have been sent or brought aboard any vessel, British or foreign, without being marked as aforesaid, or without such notice having been given as aforesaid, the master or owner of the vessel may cause those goods to be thrown overboard, together with any package or receptacle in which they are contained; and neither the master nor the owner of the vessel shall be subject to any liability, civil or criminal, in any court for so throwing the goods overboard.

Forfeiture of
dangerous
goods impro-

449.—(1.) Where any dangerous goods have been sent or carried, or attempted to be sent or carried, on board any

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vessel, British or foreign, without being marked as aforesaid, or without such notice having been given as aforesaid, or under a false description, or with a false description of the sender or carrier thereof, any court having Admiralty jurisdiction may declare those goods, and any package or receptacle in which they are contained, to be, and they shall thereupon be, forfeited, and when forfeited shall be disposed of as the court direct.

perly sent or
carried.

(2.) The court shall have, and may exercise, the aforesaid powers of forfeiture and disposal notwithstanding that the owner of the goods has not committed any offence under the provisions of this Act relating to dangerous goods, and is not before the court, and has not notice of the proceedings, and notwithstanding there is no evidence to show to whom the goods belong; nevertheless the court may, in their discretion, require such notice as they may direct to be given to the owner or shipper of the goods before they are forfeited.

450. The provisions of this part of this Act relating to the carriage of dangerous goods shall be deemed to be in addition to and not in substitution for, or in restraint of, any other enactment for the like object, so nevertheless that nothing in the said provisions shall be deemed to authorize any person to be sued or prosecuted twice in the same matter.

Saving for
other enact-
ments relating
to dangerous
goods.

Loading of Timber.

451.—(1.) If a ship, British or foreign, arrives between the last day of October and the sixteenth day of April in any year at any port in the United Kingdom from any port out of the United Kingdom, carrying as deck cargo, that is to say, in any uncovered space upon deck, or in any covered space not included in the cubical contents forming the ship's registered tonnage, any wood goods as hereinafter defined, the master of that ship, and also the owner, if he is privy to the offence, shall be liable to a fine not exceeding five pounds for every hundred cubic feet of wood goods carried in contravention of this section.

Loading of
timber.

(2.) Provided that a master or owner shall not be liable to any fine under this section—

- (a.) in respect of any wood goods which the master has considered it necessary to place or keep on deck during the voyage on account of the springing of any leak, or of any other damage to the ship received or apprehended; or
- (b.) if he proves that the ship sailed from the port at which the wood goods were loaded as deck cargo at such time before the last day of October as allowed a sufficient interval according to the ordinary duration of the voyage for the ship to arrive before that day at the said port in

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the United Kingdom, but was prevented from so arriving by stress of weather or circumstances beyond his control; or

(c.) if he proves that the ship sailed from the port at which the wood goods were loaded as deck cargo at such time before the sixteenth day of April as allowed a reasonable interval according to the ordinary duration of the voyage for the ship to arrive after that day at the said port in the United Kingdom, and by reason of an exceptionally favourable voyage arrived before that day.

(3.) For the purposes of this section, the expression "wood goods" means—

- (a.) any square, round, waney, or other timber, or any pitch pine, mahogany, oak, teak, or other heavy wood goods whatever; or
- (b.) any more than five spare spars or store spars, whether or not made, dressed, and finally prepared for use; or
- (c.) any deals, battens or other light wood goods of any description to a height exceeding three feet above the deck;

(4.) Nothing in this section shall affect any ship not bound to a port in the United Kingdom which comes into any port of the United Kingdom under stress of weather, or for repairs, or for any other purpose than the delivery of her cargo.

Carriage of Grain.

Obligation to take precautions to prevent grain cargo from shifting.

452.—(1.) Where a grain cargo is laden on board any British ship all necessary and reasonable precautions (whether mentioned in this part of this Act or not) shall be taken in order to prevent the grain cargo from shifting.

(2.) If those precautions have not been taken in the case of any British ship, the master of the ship and any agent of the owner who was charged with the loading of the ship or the sending of her to sea, shall each be liable to a fine not exceeding three hundred pounds, and the owner of the ship shall also be liable to the same fine, unless he shows that he took all reasonable means to enforce the observance of this section, and was not privy to the breach thereof.

Precautions against shifting of grain cargo laden in port in Mediterranean or Black Sea or on coast of North America.

453.—(1.) Where a British ship laden with a grain cargo at any port in the Mediterranean or Black Sea is bound to ports outside the Straits of Gibraltar, or where a British ship is laden with a grain cargo on the coast of North America, the precautions to prevent the grain cargo from shifting, set out in the Eighteenth Schedule to this Act, shall be adopted, unless the ship is loaded in accordance with regulations for the time being approved by the Board of Trade, or is constructed and loaded in accordance with any plan approved by the Board of Trade.

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(2.) If this section is not complied with in the case of any ship, reasonable precautions to prevent the grain cargo of that ship from shifting shall be deemed not to have been taken, and the owner and master of the ship and any agent charged with loading her or sending her to sea shall be liable accordingly to a fine under this part of this Act.

(3.) Nothing in this section shall exempt a person from any liability, civil or criminal, to which he would otherwise be subject for failing to adopt any reasonable precautions which, although not mentioned in this section, are reasonably required to prevent grain cargo from shifting.

454.—(1.) Before a British ship laden with grain cargo at any port in the Mediterranean or Black Sea, and bound to ports outside the Straits of Gibraltar, or laden with grain cargo on the coast of North America, leaves her final port of loading, or within forty-eight hours after leaving that port, the master shall deliver or cause to be delivered to the British consular officer, or, if the port is in a British possession, to the chief officer of customs at that port, a notice stating—

Notice by
master of kind
and quantity
of grain cargo.

(a.) the draught of water and clear side, as defined by this part of this Act, of the said ship after the loading of her cargo has been completed at the said final port of loading; and

(b.) the following particulars in respect to the grain cargo; namely,

- (i.) the kind of grain and the quantity thereof, which quantity may be stated in cubic feet, or in quarters, or bushels, or in tons weight; and
- (ii.) the mode in which the grain cargo is stowed; and
- (iii.) the precautions taken against shifting.

(2.) The master shall also deliver a similar notice to the proper officer of customs in the United Kingdom, together with the report required to be made by the Customs Consolidation Act, 1876, on the arrival of the ship in the United Kingdom.

39-40 V., c. 36.

(3.) Every such notice shall be sent to the Board of Trade, as soon as practicable, by the officer receiving the same.

(4.) If the master fails to deliver any notice required by this section, or if in any such notice he wilfully makes a false statement or wilfully omits a material particular, he shall for each offence be liable to a fine not exceeding one hundred pounds.

(5.) The Board of Trade may, by notice published in the *London Gazette*, or in such other way as the Board think expedient, exempt ships laden at any particular port or any class of those ships from this section.

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Power of Board of Trade for enforcing provisions as to carriage of grain.

455. For securing the observance of the provisions of this part of this Act with respect to grain cargo, any officer having authority in that behalf from the Board of Trade, either general or special, shall have power to inspect any grain cargo, and the mode in which the same is stowed, and for that purpose shall have all the powers of a Board of Trade inspector under this Act.

Definition of grain, &c.

456. For the purpose of the provisions of this part of this Act with respect to grain cargo—

The expression “grain” means any corn, rice, paddy, pulse, seeds, nuts, or nut kernels.

The expression “ship laden with a grain cargo” means a ship carrying a cargo of which the portion consisting of grain is more than one-third of the registered tonnage of the ship, and that third shall be computed, where the grain is reckoned in measures of capacity, at the rate of one hundred cubic feet for each ton of registered tonnage, and where the grain is reckoned in measures of weight, at the rate of two tons weight for each ton of registered tonnage.

Unseaworthy Ships.

Sending unseaworthy ship to sea a misdemeanour

457.—(1.) If any person sends or attempts to send, or is party to sending or attempting to send, a British ship to sea in such an unseaworthy state that the life of any person is likely to be thereby endangered, he shall in respect of each offence be guilty of a misdemeanour, unless he proves either that he used all reasonable means to ensure her being sent to sea in a seaworthy state, or that her going to sea in such an unseaworthy state was, under the circumstances, reasonable and justifiable, and for the purpose of giving that proof he may give evidence in the same manner as any other witness.

(2.) If the master of a British ship knowingly takes the same to sea in such an unseaworthy state that the life of any person is likely to be thereby endangered, he shall in respect of each offence be guilty of a misdemeanour, unless he proves that her going to sea in such an unseaworthy state was, under the circumstances, reasonable and justifiable, and for the purpose of giving such proof he may give evidence in the same manner as any other witness.

(3.) A prosecution under this section shall not, except in Scotland, be instituted otherwise than by, or with the consent of, the Board of Trade, or of the governor of the British possession in which the prosecution takes place.

(4.) A misdemeanour under this section shall not be punishable upon summary conviction.

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(5.) This section shall not apply to any ship employed exclusively in trading or going from place to place in any river or inland water of which the whole or part is in any British possession.

458.—(1.) In every contract of service, express or implied, between the owner of a ship and the master or any seaman thereof, and in every instrument of apprenticeship whereby any person is bound to serve as an apprentice on board any ship, there shall be implied, notwithstanding any agreement to the contrary, an obligation on the owner of the ship, that the owner of the ship, and the master, and every agent charged with the loading of the ship, or the preparing of the ship for sea, or the sending of the ship to sea, shall use all reasonable means to ensure the seaworthiness of the ship for the voyage at the time when the voyage commences, and to keep her in a seaworthy condition for the voyage during the voyage.

Obligation of shipowner to crew with respect to use of reasonable efforts to secure seaworthiness.

(2.) Nothing in this section—

- (a.) shall subject the owner of a ship to any liability by reason of the ship being sent to sea in an unseaworthy state where, owing to special circumstances, the sending of the ship to sea in such a state was reasonable and justifiable; or
- (b.) shall apply to any ship employed exclusively in trading or going from place to place in any river or inland water of which the whole or part is in any British possession.

459.—(1.) Where a British ship, being in any port in the United Kingdom, is an unsafe ship, that is to say, is by reason of the defective condition of her hull, equipments, or machinery, or by reason of overloading or improper loading, unfit to proceed to sea without serious danger to human life, having regard to the nature of the service for which she is intended, such ship may be provisionally detained for the purpose of being surveyed, and either finally detained or released as follows:—

Power to detain unsafe ships, and procedure for detention.

- (a.) The Board of Trade, if they have reason to believe, on complaint or otherwise, that a British ship is unsafe, may order the ship to be provisionally detained as an unsafe ship for the purpose of being surveyed.
- (b.) When a ship has been provisionally detained there shall be forthwith served on the master of the ship a written statement of the grounds of her detention, and the Board of Trade may, if they think fit, appoint some competent person or persons to survey the ship and report thereon to the Board.
- (c.) The Board of Trade on receiving the report may either order the ship to be released or, if in their opinion the ship is unsafe, may order her to be finally detained, either absolutely, or until the performance of such conditions

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with respect to the execution of repairs or alterations, or the unloading or reloading of cargo, as the Board think necessary for the protection of human life, and the Board may vary or add to any such order.

(d.) Before the order for final detention is made a copy of the report shall be served upon the master of the ship, and within seven days after that service the owner or master of the ship may appeal to the court of survey for the port or district where the ship is detained in manner directed by the rules of that court.

(e.) Where a ship has been provisionally detained, the owner or master of the ship, at any time before the person appointed under this section to survey the ship makes that survey, may require that he shall be accompanied by such person as the owner or master may select out of the list of assessors for the court of survey, and in that case if the surveyor and assessor agree, the Board of Trade shall cause the ship to be detained or released accordingly, but if they differ, the Board of Trade may act as if the requisition had not been made, and the owner and master shall have the like appeal touching the report of the surveyor as is before provided by this section.

(f.) Where a ship has been provisionally detained, the Board of Trade may at any time, if they think it expedient, refer the matter to the court of survey for the port or district where the ship is detained.

(g.) The Board of Trade may at any time, if satisfied that a ship detained under this section is not unsafe, order her to be released either upon or without any conditions.

(2.) Any person appointed by the Board of Trade for the purpose (in this Act referred to as a detaining officer) shall have the same power as the Board have under this section of ordering the provisional detention of a ship for the purpose of being surveyed, and of appointing a person or persons to survey her; and if he thinks that a ship so detained by him is not unsafe may order her to be released.

(3.) A detaining officer shall forthwith report to the Board of Trade any order made by him for the detention or release of a ship.

(4.) An order for the detention of a ship, provisional or final, and an order varying the same, shall be served as soon as may be on the master of the ship.

(5.) A ship detained under this section shall not be released by reason of her British register being subsequently closed.

(6.) The Board of Trade may with the consent of the Treasury appoint fit persons to act as detaining officers under this section, and may remove any such officer; and a detaining officer shall be paid such salary or remuneration (if any) out of money pro-

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vided by Parliament as the Treasury direct, and shall for the purpose of his duties have all the powers of a Board of Trade inspector under this Act.

(7.) A detaining officer and a person authorized to survey a ship under this section shall for that purpose have the same power as a person appointed by a court of survey to survey a ship, and the provisions of this Act with respect to the person so appointed shall apply accordingly.

460.—(1.) If it appears that there was not reasonable and probable cause, by reason of the condition of the ship or the act or default of the owner, for the provisional detention of a ship under this part of this Act as an unsafe ship, the Board of Trade shall be liable to pay to the owner of the ship his costs of and incidental to the detention and survey of the ship, and also compensation for any loss or damage sustained by him by reason of the detention or survey.

Liability for costs and damages.

(2.) If a ship is finally detained under this Act, or if it appears that a ship provisionally detained was, at the time of that detention, an unsafe ship within the meaning of this part of this Act, the owner of the ship shall be liable to pay to the Board of Trade their costs of and incidental to the detention and survey of the ship, and those costs shall, without prejudice to any other remedy, be recoverable as salvage is recoverable.

(3.) For the purpose of this section the costs of and incidental to any proceeding before a court of survey, and a reasonable amount in respect of the remuneration of the surveyor or officer of the Board of Trade, shall be part of the costs of the detention and survey of the ship, and any dispute as to the amount of those costs may be referred to one of the officers following, namely, in England or Ireland to one of the masters or registrars of the High Court, and in Scotland to the Auditor of the Court of Session, and the officer shall, on request by the Board of Trade, ascertain and certify the proper amount of those costs.

(4.) An action for any costs or compensation payable by the Board of Trade under this section may be brought against the secretary of that Board by his official title as if he were a corporation sole, and if the cause of action arises in Ireland, and the action is brought in the High Court, that court may order that the summons or writ may be served on the Crown and Treasury Solicitor for Ireland in such manner and on such terms respecting extension of time and otherwise as the court thinks fit, and that that service shall be sufficient service of the summons or writ upon the secretary of the Board of Trade.

461.—(1.) Where a complaint is made to the Board of Trade or a detaining officer that a British ship is unsafe, the Board or officer may, if they or he think fit, require the com-

Power to require from complainant security for costs.

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plainant to give security to the satisfaction of the Board for the costs and compensation which he may become liable to pay as hereinafter mentioned.

(2.) Provided that such security shall not be required where the complaint is made by one-fourth, being not less than three, of the seamen belonging to the ship, and is not in the opinion of the Board or officer frivolous or vexatious, and the Board or officer shall, if the complaint is made in sufficient time before the sailing of the ship, take proper steps for ascertaining whether the ship ought to be detained.

(3.) Where a ship is detained in consequence of any complaint, and the circumstances are such that the Board of Trade are liable under this Act to pay to the owner of the ship any costs or compensation, the complainant shall be liable to pay to the Board of Trade all such costs and compensation as the Board incur or are liable to pay in respect of the detention and survey of the ship.

Application
to foreign
ships of provi-
sions as to
detention.

462. Where a foreign ship has taken on board all or any part of her cargo at a port in the United Kingdom, and is whilst at that port unsafe by reason of overloading or improper loading, the provisions of this part of this Act with respect to the detention of ships shall apply to that foreign ship as if she were a British ship, with the following modifications:—

- (i.) a copy of the order for the provisional detention of the ship shall be forthwith served on the consular officer for the country to which the ship belongs at or nearest to the said port;
- (ii.) where a ship has been provisionally detained, the consular officer, on the request of the owner or master of the ship, may require that the person appointed by the Board of Trade to survey the ship shall be accompanied by such person as the consular officer may select, and in that case, if the surveyor and that person agree, the Board of Trade shall cause the ship to be detained or released accordingly, but if they differ, the Board of Trade may act as if the requisition had not been made, and the owner and master shall have the like appeal to a court of survey touching the report of the surveyor as is hereinafter provided in the case of a British ship; and
- (iii.) Where the owner or master of the ship appeals to the court of survey, the consular officer, on his request, may appoint a competent person to be assessor in the case in lieu of the assessor who, if the ship were a British ship, would be appointed otherwise than by the Board of Trade.

Survey of
ships alleged

463.—(1.) Whenever in any proceeding against any seaman or apprentice belonging to any ship for the offence of

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desertion, or absence without leave or for otherwise being absent from his ship without leave, it is alleged by one-fourth, or if their number exceeds twenty by not less than five, of the seamen belonging to the ship, that the ship is by reason of unseaworthiness, overloading, improper loading, defective equipment, or for any other reason, not in a fit condition to proceed to sea, or that the accommodation in the ship is insufficient, the court having cognizance of the case shall take such means as may be in their power to satisfy themselves concerning the truth or untruth of the allegation, and shall for that purpose receive the evidence of the persons making the same, and may summon any other witnesses whose evidence they may think it desirable to hear, and shall, if satisfied that the allegation is groundless, adjudicate in the case, but if not so satisfied shall before adjudication cause the ship to be surveyed.

by seamen to
be unsea-
worthy.

(2.) A seaman or apprentice charged with desertion, or with quitting his ship without leave, shall not have any right to apply for a survey under this section unless he has before quitting his ship complained to the master of the circumstances so alleged in justification.

(3.) For the purposes of this section the court shall require any surveyor of ships appointed under this Act, or any person appointed for the purpose by the Board of Trade, or, if such a surveyor or person cannot be obtained without unreasonable expense or delay, or is not, in the opinion of the court, competent to deal with the special circumstances of the case, then any other impartial surveyor appointed by the court, and having no interest in the ship, her freight, or cargo, to survey the ship, and to answer any question concerning her which the court think fit to put.

(4.) Such surveyor or other person shall survey the ship, and make his written report to the court, including an answer to every question put to him by the court, and the court shall cause the report to be communicated to the parties, and, unless the opinions expressed in the report are proved to the satisfaction of the court to be erroneous, shall determine the questions before them in accordance with those opinions.

(5.) Any person making a survey under this section shall for the purposes thereof have all the powers of a Board of Trade inspector under this Act.

(6.) 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.

(7.) If it is proved that the ship is in a fit condition to proceed to sea, or that the accommodation is sufficient, as the case may be, the cost of the survey shall be paid by the person upon whose demand, or in consequence of whose allegation

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the survey was made, and may be deducted by the master or owner out of the wages due or to become due to that person, and shall be paid over to the Board of Trade.

(8.) If it is proved that the ship is not in a fit condition to proceed to sea, or that the accommodation is insufficient, as the case may be, the master or owner of the ship shall pay the costs of the survey to the Board of Trade, and shall be liable to pay to the seaman or apprentice, who has been detained in consequence of the said proceeding before the court under this section, such compensation for his detention as the court may award.

PART VI.

SPECIAL SHIPPING INQUIRIES AND COURTS.

Inquiries and Investigations as to Shipping Casualties.

Shipping
casualties.

464. For the purpose of inquiries and investigations under this part of this Act a shipping casualty shall be deemed to occur :—

- (1.) when on or near the coasts of the United Kingdom any ship is lost, abandoned, or materially damaged ;
- (2.) when on or near the coasts of the United Kingdom any ship has been stranded or damaged, and any witness is found in the United Kingdom ;
- (3.) when on or near the coasts of the United Kingdom any ship causes loss or material damage to any other ship ;
- (4.) when any loss of life ensues by reason of any casualty happening to or on board any ship on or near the coasts of the United Kingdom ;
- (5.) when in any place any such loss, abandonment, material damage, or casualty as above mentioned occurs, and any witness is found in the United Kingdom ;
- (6.) when in any place any British ship is stranded or damaged, and any witness is found in the United Kingdom ;
- (7.) when any British ship is lost or is supposed to have been lost, and any evidence is obtainable in the United Kingdom as to the circumstances under which she proceeded to sea or was last heard of.

Preliminary
inquiry into
shipping
casualties.

465.--(1.) Where a shipping casualty has occurred a preliminary inquiry may be held respecting the casualty by the following persons, namely :—

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- (a.) where the shipping casualty occurs on or near the coasts of the United Kingdom, by the inspecting officer of the coastguard or chief officer of customs residing at or near the place at which the casualty occurs ; or
- (b.) where the shipping casualty occurs elsewhere, by the inspecting officer of the coastguard or chief officer of customs residing at or near any place at which the witnesses with respect to the casualty arrive or are found or can be conveniently examined ; or
- (c.) in any case by any person appointed for the purpose by the Board of Trade.
- (2.) For the purpose of any such inquiry the person holding the same shall have the powers of a Board of Trade inspector under this Act.

466.—(1.) A person authorized as aforesaid to make a preliminary inquiry shall in any case where it appears to him requisite or expedient (whether upon a preliminary inquiry or without holding such an inquiry) that a formal investigation should be held, and in any case where the Board of Trade so directs, apply to a court of summary jurisdiction to hold a formal investigation, and that court shall thereupon hold the formal investigation.

Formal investigation of shipping casualties.

(2.) A wreck commissioner appointed under this Act shall at the request of the Board of Trade hold any formal investigation into a shipping casualty under this section, and any reference to the court holding an investigation under this section includes a wreck commissioner holding such an investigation.

(3.) The court holding any such formal investigation shall hold the same with the assistance of one or more assessors of nautical, engineering, or other special skill or knowledge, to be appointed out of a list of persons for the time being approved for the purpose by a Secretary of State in such manner and according to such regulations as may be prescribed by rules made under this part of this Act with regard thereto.

(4.) Where a formal investigation involves or appears likely to involve any question as to the cancelling or suspension of the certificate of a master, mate, or engineer, the court shall hold the investigation with the assistance of not less than two assessors having experience in the merchant service.

(5.) It shall be the duty of the person who has applied to a court to hold a formal investigation to superintend the management of the case, and to render such assistance to the court as is in his power.

(6.) The court after hearing the case shall make a report to the Board of Trade containing a full statement of the case and of the opinion of the court thereon, accompanied by such

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report of, or extracts from, the evidence, and such observations as the court think fit.

(7.) Each assessor shall either sign the report or state in writing to the Board of Trade his dissent therefrom and the reasons for that dissent.

(8.) The court may make such order as the court think fit respecting the costs of the investigation, or any part thereof, and such order shall be enforced by the court as an order for costs under the Summary Jurisdiction Acts.

(9.) The Board of Trade may, if in any case they think fit so to do, pay the costs of any such formal investigation.

(10.) For the purposes of this section the court holding a formal investigation shall have all the powers of a court of summary jurisdiction when acting as a court in exercise of their ordinary jurisdiction.

(11.) Every formal investigation into a shipping casualty shall be conducted in such a manner that if a charge is made against any person, that person shall have an opportunity of making a defence.

(12.) Formal investigations into shipping casualties under this section shall be held in some town hall, assize or county court, or public building, or in some other suitable place to be determined accordingly to rules made under this part of this Act with regard thereto, and, unless no other suitable place is in the opinion of the Board of Trade available, shall not be held in a court ordinarily used as a police court, and all enactments relating to the court shall for the purposes of the investigation have effect as if the place at which the court is held were a place appointed for the exercise of the ordinary jurisdiction of the court.

(13.) Where an investigation is to be held in Scotland, the Board of Trade may remit the same to the Lord Advocate to be prosecuted in such manner as he may direct.

List of assessors.

467.—(1.) The list of persons approved as assessors for the purpose of formal investigations into shipping casualties shall be in force for three years only, but persons whose names are on any such list may be approved for any subsequent list.

(2.) The Secretary of State may at any time add or withdraw the name of any person to or from the list.

(3.) The list of assessors in force at the passing of this Act shall, subject as aforesaid, continue in force till the end of the year one thousand eight hundred and ninety-five.

Inquiry in case of loss of life from fishing vessel's boat.

468. When any loss of life arises by reason of any casualty happening to or on board any boat belonging to a fishing vessel, the Board of Trade may, if they think fit, cause an inquiry to be made or a formal investigation to be held as in the case of a shipping casualty, and the provisions of this Act relating thereto shall apply accordingly.

*Merchant Shipping Act, 1894.**Power as to Certificates of Officers, &c.*

169. The Board of Trade may suspend or cancel the certificate of any master, mate, or engineer if it is shown that he has been convicted of any offence.

Power of Board of Trade as to certificate.

170.—(1.) The certificate of a master, mate, or engineer may be cancelled or suspended—

Power of court of investigation or inquiry as to certificates.

(a.) by a court holding a formal investigation into a shipping casualty under this part of this Act, or by a naval court constituted under this Act, if the court find that the loss or abandonment of, or serious damage to, any ship, or loss of life, has been caused by his wrongful act or default, provided that, if the court holding a formal investigation is a court of summary jurisdiction, that court shall not cancel or suspend a certificate unless one at least of the assessors concurs in the finding of the court :

(b.) by a court holding an inquiry under this part of this Act into the conduct of a master, mate, or engineer, if they find that he is incompetent, or has been guilty of any gross act of misconduct, drunkenness, or tyranny, or that in a case of collision he has failed to render such assistance or give such information as is required under the Fifth Part of this Act :

(c.) by any naval or other court where under the powers given by this part of this Act the holder of the certificate is superseded or removed by that court.

(2.) Where any case before any such court as aforesaid involves a question as to the cancelling or suspending of a certificate, that court shall, at the conclusion of the case or as soon afterwards as possible, state in open court the decision to which they have come with respect to the cancelling or suspending thereof.

(3.) The court shall in all cases send a full report on the case with the evidence to the Board of Trade, and shall also, if they determine to cancel or suspend any certificate, send the certificate cancelled or suspended to the Board of Trade with their report.

(4.) A certificate shall not be cancelled or suspended by a court under this section, unless a copy of the report, or a statement of the case on which the investigation or inquiry has been ordered, has been furnished before the commencement of the investigation or inquiry to the holder of the certificate.

171.—(1.) If the Board of Trade, either on the report of a local marine board or otherwise, have reason to believe that any master, mate, or certificated engineer is from incompetency or misconduct unfit to discharge his duties, or that in a case of

Inquiry into conduct of certificated officer.

Merchant Shipping Act, 1894.

collision he has failed to render such assistance or give such information as is required under the Fifth Part of this Act, the Board may cause an inquiry to be held.

(2.) The Board may either themselves appoint a person to hold the inquiry or direct the local marine board at or nearest the place at which it is convenient for the parties or witnesses to attend to hold the same, or where there is no local marine board before which the parties and witnesses can conveniently attend, or the local marine board is unwilling to hold the inquiry, may direct the inquiry to be held before a court of summary jurisdiction.

(3.) Where the inquiry is held by a local marine board, or by a person appointed by the Board of Trade, that board or person—

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

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

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

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

(e.) shall send a report upon the case to the Board of Trade.

(4.) Where the inquiry is held by a court of summary jurisdiction, the inquiry shall be conducted and the results reported in the same manner, and the court shall have the like powers, as in the case of a formal investigation into a shipping casualty under this part of this Act, provided that, if the Board of Trade so direct, it shall be the duty of the person who has brought the charge against the master, mate, or engineer, to the notice of the Board of Trade to conduct the case, and that person shall in that case, for the purpose of this Act, be deemed to be the party having the conduct of the case.

Removal of
master by
Admiralty
Court.

472.—(1.) Any of the following courts, namely:—

In England and Ireland the High Court,

In Scotland the Court of Session,

Elsewhere in Her Majesty's dominions any colonial court of Admiralty or Vice-Admiralty court,

may remove the master of any ship within the jurisdiction of that court, if that removal is shown to the satisfaction of the court by evidence on oath to be necessary.

(2.) The removal may be made upon the application of any owner of the ship or his agent, or of the consignee of the ship, or of any certificated mate, or of one-third or more of the crew of the ship.

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(3.) The court may appoint a new master instead of the one removed; but, where the owner, agent, or consignee of the ship is within the jurisdiction of the court, such an appointment shall not be made without the consent of that owner, agent, or consignee.

(4.) The court may also make such order and require such security in respect of the costs of the matter as the court thinks fit.

473.—(1.) A master, mate, or engineer whose certificate is cancelled or suspended by any court or by the Board of Trade shall deliver his certificate—

Delivery of certificate cancelled or suspended.

(a.) if cancelled or suspended by a court to that court on demand:

(b.) if not so demanded, or if it is cancelled or suspended by the Board of Trade, to that Board, or as that Board direct.

(2.) If a master, mate, or engineer fail to comply with this section, he shall, for each offence, be liable to a fine not exceeding fifty pounds.

474. The Board of Trade may, if they think that the justice of the case requires it, re-issue and return the certificate of a master, mate, or engineer which has been cancelled or suspended, whether in the United Kingdom or in a British possession, or shorten the time for which it is suspended, or grant in place thereof a certificate of the same or any lower grade.

Power of Board of Trade to restore certificate.

Re-hearing of Investigations and Inquiries.

475.—(1.) The Board of Trade may, in any case where under this part of this Act a formal investigation as aforesaid into a shipping casualty, or an inquiry into the conduct of a master, mate, or engineer has been held, order the case to be re-heard either generally or as to any part thereof, and shall do so,

Re-hearing of inquiries and investigations.

(a.) if new and important evidence which could not be produced at the investigation or inquiry has been discovered; or

(b.) if for any other reason there has in their opinion been ground for suspecting that a miscarriage of justice has occurred.

(2.) The Board of Trade may order the case to be re-heard, either by the court or authority by whom the case was heard in the first instance, or by the wreck commissioner, or in England or Ireland by the High Court, or in Scotland by the Senior Lord Ordinary, or any other judge in the Court of

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Session whom the Lord President of that court may appoint for the purpose, and the case shall be so re-heard accordingly.

(3.) Where on any such investigation or inquiry, a decision has been given with respect to the cancelling or suspension of the certificate of a master, mate, or engineer, and an application for a re-hearing under this section has not been made or has been refused, an appeal shall lie from the decision to the following courts; namely,

(a.) If the decision is given in England or by a naval court, to the High Court:

(b.) If the decision is given in Scotland, to either division of the Court of Session:

(c.) If the decision is given in Ireland, to the High Court in Ireland.

(4.) Any re-hearing or appeal under this section shall be subject to and conducted in accordance with such conditions and regulations as may be prescribed by rules made in relation thereto under the powers contained in this part of this Act.

Supplemental Provisions as to Investigations and Inquiries.

Investigations before stipendiary magistrate.

476.—(1.) Where a stipendiary magistrate is in any place a member of the local marine board, a formal investigation at that place into a shipping casualty shall, whenever he happens to be present, be held before that stipendiary magistrate.

(2.) There shall be paid out of the Mercantile Marine Fund to the stipendiary magistrate, if he is not remunerated out of money provided by Parliament under this Act, such remuneration by way of an annual increase of salary, or otherwise, as a Secretary of State, with the consent of the Board of Trade, may direct.

Power to appoint wreck commissioners.

477. The Lord Chancellor may appoint some fit person or persons to be a wreck commissioner or wreck commissioners for the United Kingdom, so that there shall not be more than three of those commissioners at any one time, and may remove any such wreck commissioner; and in case it becomes necessary to appoint a wreck commissioner in Ireland the Lord Chancellor of Ireland shall have the power to appoint and remove that wreck commissioner.

Authority for colonial court to make inquiries into shipping casualties and conduct of officers.

478.—(1.) The legislature of any British possession may authorize any court or tribunal to make inquiries as to shipwrecks, or other casualties affecting ships, or as to charges of incompetency, or misconduct on the part of masters, mates, or engineers of ships, in the following cases, namely:—

(a.) where a shipwreck or casualty occurs to a British ship on or near the coasts of the British possession or to a British ship in the course of a voyage to a port within the British possession:

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- (b.) where a shipwreck or casualty occurs in any part of the world to a British ship registered in the British possession :
- (c.) where some of the crew of a British ship which has been wrecked or to which a casualty has occurred, and who are competent witnesses to the facts, are found in the British possession :
- (d.) where the incompetency or misconduct has occurred on board a British ship on or near the coasts of the British possession, or on board of a British ship in the course of a voyage to a port within the British possession :
- (e.) where the incompetency or misconduct has occurred on board a British ship registered in the British possession :
- (f.) when the master, mate, or engineer of a British ship who is charged with incompetency or misconduct on board that British ship is found in the British possession.
- (2.) A court or tribunal so authorized shall have the same jurisdiction over the matter in question as if it had occurred within their ordinary jurisdiction, but subject to all provisions, restrictions, and conditions which would have been applicable if it had so occurred.
- (3.) An inquiry shall not be held under this section into any matter which has once been the subject of an investigation or inquiry and has been reported on by a competent court or tribunal in any part of Her Majesty's dominions, or in respect of which the certificate of a master, mate, or engineer has been cancelled or suspended by a naval court.
- (4.) Where an investigation or inquiry has been commenced in the United Kingdom with reference to any matter, an inquiry with reference to the same matter shall not be held, under this section, in a British possession.
- (5.) The court or tribunal holding an inquiry under this section shall have the same powers of cancelling and suspending certificates, and shall exercise those powers in the same manner as a court holding a similar investigation or inquiry in the United Kingdom.
- (6.) The Board of Trade may order the re-hearing of any inquiry under this section in like manner as they may order the re-hearing of a similar investigation or inquiry in the United Kingdom, but if an application for re-hearing either is not made or is refused, an appeal shall lie from any order or finding of the court or tribunal holding the inquiry to the High Court in England : provided that an appeal shall not lie—
- (a.) from any order or finding on an inquiry into a casualty affecting a ship registered in a British possession, or
- (b.) from a decision affecting the certificate of a master, mate, or engineer, if that certificate has not been granted either in the United Kingdom or in a British possession, under the authority of this Act.

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(7.) The appeal shall be conducted in accordance with such conditions and regulations as may from time to time be prescribed by rules made in relation thereto under the powers contained in this part of this Act.

Rules as to investigations and inquiries.

179.—(1.) The Lord Chancellor may (with the consent of the Treasury so far as relates to fees) make general rules for carrying into effect the enactments relating to formal investigations, and to the re-hearing of, or an appeal from, any investigation or inquiry held under this part of this Act, and in particular with respect to the appointment and summoning of assessors, the procedure, the parties, the persons allowed to appear, the notice to those parties or persons or to persons affected, the amount and application of fees, and the place in which formal investigations are to be held.

(2.) Any rule made under this section while in force shall have effect as if it were enacted in this Act.

(3.) Any rule made under this section with regard to the re-hearing of, or appeals from, any investigation or inquiries, as as to the appointment of assessors, and as to the place in which formal investigations are to be held, shall be laid before both Houses of Parliament as soon as may be after it is made.

Naval Courts on the High Seas and Abroad.

Cases in which naval courts may be summoned.

180. A court (in this Act called a naval court) may be summoned by any officer in command of any of Her Majesty's ships on any foreign station, or, in the absence of such an officer, by any consular officer, in the following cases; (that is to say,)

- (i.) Whenever a complaint which appears to that officer to require immediate investigation is made to him by the master of any British ship, or by a certificated mate, or by any one or more of the seamen belonging to any such ship;
- (ii.) Whenever the interest of the owner of any British ship or of the cargo thereof appears to that officer to require it; and
- (iii.) Whenever any British ship is wrecked, abandoned, or otherwise lost at or near the place where that officer may be, or whenever the crew or part of the crew of any British ship which has been wrecked, abandoned, or lost abroad arrive at that place.

Constitution of naval courts.

181.—(1.) A naval court shall consist of not more than five and not less than three members, of whom, if possible, one shall be an officer in the naval service of Her Majesty not below the rank of lieutenant, one a consular officer, and one a master of a

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British merchant ship, and the rest shall be either officers in the naval service of Her Majesty, masters of British merchant ships, or British merchants, and the court may include the officer summoning the same, but shall not include the master or consignee of the ship to which the parties complaining or complained against belong.

(2.) The naval or consular officer in the court, if there is only one such officer, or, if there is more than one, the naval or consular officer who, according to any regulations for settling their respective ranks for the time being in force, is of the highest rank, shall be the president of the court.

182.—(1.) A naval court shall hear the complaint or other matter brought before them under this Act, or investigate the cause of the wreck, abandonment, or loss, and shall do so in such manner as to give every person against whom any complaint or charge is made an opportunity of making a defence.

Functions of
naval courts.

(2.) A naval court may, for the purpose of the hearing and investigation, administer an oath, summon parties and witnesses, and compel their attendance and the production of documents.

183.—(1.) Every naval court may, after hearing and investigating the case, exercise the following powers; (that is to say,)

Powers of
naval courts.

- (a.) the court may, if unanimous that the safety of the ship or crew or the interest of the owner absolutely requires it, remove the master, and appoint another person to act in his stead; but no such appointment shall be made without the consent of the consignee of the ship if at the place where the case is heard:
- (b.) the court may, in cases in which they are authorized by this Act and subject to the provisions of this Act, cancel or suspend the certificate of any master, mate, or engineer:
- (c.) the court may discharge a seaman from his ship:
- (d.) the court may order the wages of a seaman so discharged or any part of those wages to be forfeited, and may direct the same either to be retained by way of compensation to the owner, or to be paid into the Exchequer, in the same manner as fines under this Act:
- (e.) the court may decide any questions as to wages or fines or forfeitures arising between any of the parties to the proceedings:
- (f.) the court may direct that all or any of the costs incurred by the master or owner of any ship in procuring the imprisonment of any seaman or apprentice in a foreign port, or in his maintenance whilst so imprisoned, shall be paid out of and deducted from the wages of that seaman or apprentice, whether then or subsequently earned:

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- (g.) the court may exercise the same powers with regard to persons charged before them with the commission of offences at sea or abroad as British consular officers can under the Thirteenth Part of this Act :
- (h.) the court may punish any master of a ship or any of the crew of a ship respecting whose conduct a complaint is brought before them for any offence against this Act, which, when committed by the said master or member of the crew, is punishable on summary conviction, and shall for that purpose have the same powers as a court of summary jurisdiction would have if the case were tried in the United Kingdom : Provided that—
- (i.) where an offender is sentenced to imprisonment, the senior naval or consular officer present at the place where the court is held shall in writing confirm the sentence and approve the place of imprisonment, whether on land or on board ship, as a proper place for the purpose ; and,
 - (ii.) copies of all sentences passed by any naval court summoned to hear any such complaint as aforesaid, shall be sent to the commander in chief or senior naval officer of the station :
- (j.) the court may, if it appears expedient, order a survey of any ship which is the subject of investigation to be made, and such survey shall accordingly be made, in the same way, and the surveyor who makes the same shall have the same powers as if such survey had been directed by a competent court in pursuance of the Fifth Part of this Act, in the course of proceedings against a seaman or apprentice for the offence of desertion.
- (k.) the court may order the costs of the proceedings before them, or any part of those costs, to be paid by any of the parties thereto, and may order any person making a frivolous or vexatious complaint to pay compensation for any loss or delay caused thereby ; and any costs or compensation so ordered to be paid shall be paid by that person accordingly, and may be recovered in the same manner in which the wages of seamen are recoverable, or may, if the case admits, be deducted from the wages due to that person.
- (2.) All orders duly made by a naval court under the powers hereby given to it, shall in any subsequent legal proceedings be conclusive as to the rights of the parties.
 - (3.) All orders made by any naval court shall, whenever practicable, be entered in the official log book of the ship to which the parties to the proceedings before the court belong, and signed by the president of the court.

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484.—(1.) Every naval court shall make a report to the Board of Trade containing the following particulars (that is to say) :—

Report of proceedings of naval courts.

(a.) a statement of the proceedings of the court, together with the order made by the court, and a report of the evidence ;

(b.) an account of the wages of any seaman or apprentice who is discharged from his ship by the court ;

(c.) if summoned to inquire into a case of wreck or abandonment, a statement of the opinion of the court as to the cause of that wreck or abandonment, with such remarks on the conduct of the master and crew as the circumstances require.

(2.) Every such report shall be signed by the president of the court, and shall be admissible in evidence in manner provided by this Act.

485. If any person wilfully and without due cause prevents or obstructs the making of any complaint to an officer empowered to summon a naval court, or the conduct of any hearing or investigation by any naval court, he shall for each offence be liable to a fine not exceeding fifty pounds, or be liable to imprisonment, with or without hard labour, for any period not exceeding twelve weeks.

Penalty for preventing complaint or obstructing investigation.

486.—(1.) The provisions of this part of this Act with regard to naval courts on the high seas and abroad shall apply to all sea-going ships registered in the United Kingdom (with the exception in their application elsewhere than in Scotland, of fishing boats exclusively employed in fishing on the coasts of the United Kingdom) and to all ships registered in a British possession, when those ships are out of the jurisdiction of their respective governments, and where they apply to a ship, shall apply to the owners, master, and crew of that ship.

Application of provisions as to naval courts.

(2.) For the purpose of the said provisions an unregistered British ship shall be deemed to have been registered in the United Kingdom.

Courts of Survey.

487.—(1.) A court of survey for a port or district shall consist of a judge sitting with two assessors.

Constitution of court of survey.

(2.) The judge shall be such person as may be summoned for the case in accordance with the rules made under this Act with respect to that court, out of a list approved for the port or district by a Secretary of State, of wreck commissioners appointed under this Act, stipendiary or metropolitan police magistrates, judges of county courts and other fit persons ;

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but in any special case in which the Board of Trade think it expedient to appoint a wreck commissioner, the judge shall be such wreck commissioner.

(3.) The assessors shall be persons of nautical, engineering, or other special skill and experience; subject to the provisions of the Fifth Part of this Act as regards foreign ships, one of them shall be appointed by the Board of Trade, either generally or in each case, and the other shall be summoned, in accordance with the rules made as aforesaid, by the registrar of the court, out of a list of persons periodically nominated for the purpose by the local marine board of the port, or, if there is no such board, by a body of local shipowners or merchants approved for the purpose by a Secretary of State, or, if there is no such list, shall be appointed by the judge: If a Secretary of State thinks fit at any time, on the recommendation of the government of any British possession or any foreign country, to add any persons to any such list, those persons shall, until otherwise directed by the Secretary of State, be added to the list, and if there is no such list shall form the list.

(4.) The county court registrar or such other fit person as a Secretary of State may from time to time appoint shall be the registrar of the court, and shall, on receiving notice of an appeal or a reference from the Board of Trade, immediately summon the court to meet forthwith in manner directed by the rules.

(5.) The name of the registrar and his office, together with the rules made as aforesaid, relating to the court of survey, shall be published in the manner directed by the rules.

(6.) In the application of this section to Scotland the expression "judge of a county court" means a sheriff, and the expression "county court registrar" means sheriff clerk.

(7.) In the application of this section to Ireland the expression "stipendiary magistrate" includes any of the justices of the peace in Dublin metropolis and any resident magistrate.

(8.) In the application of this section to the Isle of Man the expression "judge of a county court" means the water bailiff, the expression "stipendiary magistrate" means the high bailiff, the expression "registrar of a county court" means a clerk to a deemster or a clerk to justices of the peace.

Power and
procedure of
court of sur-
vey.

488.—(1.) The court of survey shall hear every case in open court.

(2.) The judge and each assessor of the court may survey the ship, and shall have for the purposes of this Act all the powers of a Board of Trade inspector under this Act.

(3.) The judge of the court may appoint any competent person or persons to survey the ship and report thereon to the court.

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(4.) The judge of the court, any assessor of the court, and any person appointed by the judge of the court to survey a ship, may go on board the ship and inspect the same and every part thereof, and the machinery, equipments and cargo, and may require the unloading or removal of any cargo, ballast, or tackle, and any person who wilfully impedes such judge, assessor or person in the execution of the survey, or fails to comply with any requisition made by him, shall for each offence be liable to a fine not exceeding ten pounds.

(5.) The judge of the court shall have the same power as the Board of Trade have to order the ship to be released or finally detained, but, unless one of the assessors concurs in an order for the detention of the ship, the ship shall be released.

(6.) The owner and master of the ship, and any person appointed by the owner or master, and also any person appointed by the Board of Trade, may attend at any inspection or survey made in pursuance of this section.

(7.) The judge of the court shall send to the Board of Trade such report as may be directed by the rules, and each assessor shall either sign the report or report to the Board of Trade the reasons for his dissent.

489. The Lord Chancellor may (with the consent of the Treasury as far as relates to fees) make general rules to carry into effect the provisions of this Act with respect to a court of survey, and in particular with respect to the summoning of, and procedure before, the court, the requiring on an appeal security for costs and damages, the amount and application of fees, and the publication of the rules, and those rules shall have effect as if enacted in this Act.

Rules for procedure of court of survey, &c.

Scientific Referees.

490.—(1.) If the Board of Trade are of opinion that an appeal to a court of survey involves a question of construction or design or of scientific difficulty or important principle, they may refer the matter to such one or more out of a list of scientific referees from time to time approved by a Secretary of State, as may appear to possess the special qualifications necessary for the particular case, and may be selected by agreement between the Board of Trade and the appellant, or in default of any such agreement by a Secretary of State and thereupon the appeal shall be determined by the referee or referees instead of by the court of survey.

Reference in difficult cases to scientific persons.

(2.) The Board of Trade, if the appellant in any appeal so requires and gives security to the satisfaction of the Board to pay the costs of and incidental to the reference, shall refer that appeal to a referee or referees so selected as aforesaid.

(3.) The referee or referees shall have the same powers as a judge of the court of survey.

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Payments to Officers of Courts.

Payments to
officers of
courts.

491. There may be paid out of money provided by Parliament to any wreck commissioner, judge of a court of survey, assessor in any court of survey or investigation under this part of this Act, registrar of a court of survey, scientific referee, or any other officer or person appointed for the purpose of any court of survey or investigation under this part of this Act, such salary or remuneration (if any) as the Treasury may direct.

PART VII.

DELIVERY OF GOODS.

Delivery of Goods and Lien for Freight.

Definitions
under Part
VII.

492. In this part of this Act unless the context otherwise requires—

The expression “goods” includes every description of wares and merchandise :

The expression “wharf” includes all wharfs, quays, docks, and premises in or upon which any goods, when landed from ships, may be lawfully placed :

The expression “warehouse” includes all warehouses, buildings, and premises in which goods, when landed from ships, may be lawfully placed :

The expression “report” means the report required by the customs laws to be made by the master of an importing ship :

The expression “entry” means the entry required by the customs laws to be made for the landing or discharge of goods from an importing ship :

The expression “shipowner” includes the master of the ship and every other person authorized to act as agent for the owner or entitled to receive the freight, demurrage, or other charges payable in respect of the ship :

The expression “owner” used in relation to goods means every person who is for the time entitled, either as owner or agent for the owner, to the possession of the goods, subject in the case of a lien (if any), to that lien :

The expression “wharfinger” means the occupier of a wharf as hereinbefore defined :

The expression “warehouseman” means the occupier of a warehouse as hereinbefore defined.

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493.—(1.) Where the owner of any goods imported in any ship from foreign parts into the United Kingdom fails to make entry thereof, or, having made entry thereof, to land the same or take delivery thereof, and to proceed therewith with all convenient speed, by the times severally hereinafter mentioned, the shipowner may make entry of and land or unship the goods at the following times:—

Power of shipowner to enter and land goods on default by owner of goods.

- (a.) If a time for the delivery of the goods is expressed in the charter party, bill of lading, or agreement, then at any time after the time so expressed:
- (b.) If no time for the delivery of the goods is expressed in the charter party, bill of lading, or agreement, then at any time after the expiration of seventy-two hours exclusive of a Sunday or holiday, from the time of the report of the ship.
- (2.) Where a shipowner lands goods in pursuance of this section he shall place them, or cause them to be placed—
- (a.) If any wharf or warehouse is named in the charter party, bill of lading, or agreement, as the wharf or warehouse where the goods are to be placed and if they can be conveniently there received, on that wharf or in that warehouse; and
- (b.) In any other case on some wharf or in some warehouse on or in which goods of a like nature are usually placed; the wharf or warehouse being, if the goods are dutiable, a wharf or warehouse duly approved by the Commissioners of Customs for the landing of dutiable goods.
- (3.) If at any time before the goods are landed or unshipped the owner of the goods is ready and offers to land or take delivery of the same, he shall be allowed to do so, and his entry shall in that case be preferred to any entry which may have been made by the shipowner.
- (4.) If any goods are, for the purpose of convenience in assorting the same, landed at the wharf where the ship is discharged, and the owner of the goods at the time of that landing has made entry and is ready and offers to take delivery thereof, and to convey the same to some other wharf or warehouse, the goods shall be assorted at landing, and shall, if demanded, be delivered to the owner thereof within twenty-four hours after assortment; and the expense of and consequent on that landing and assortment shall be borne by the shipowner.
- (5.) If at any time before the goods are landed or unshipped the owner thereof has made entry for the landing and warehousing thereof at any particular wharf or warehouse other than that at which the ship is discharging, and has offered and been ready to take delivery thereof, and the shipowner has failed to make that delivery, and has also failed at the

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time of that offer to give the owner of the goods correct information of the time at which the goods can be delivered, then the shipowner shall, before landing or unshipping the goods, in pursuance of this section, give to the owner of the goods or of such wharf or warehouse as last aforesaid twenty-four hours' notice in writing of his readiness to deliver the goods, and shall, if he lands or unships the same without that notice, do so at his own risk and expense.

Lien for
freight on
landing goods.

494. If at the time when any goods are landed from any ship, and placed in the custody of any person as a wharfinger or warehouseman, the shipowner gives to the wharfinger or warehouseman notice in writing that the goods are to remain subject to a lien for freight or other charges payable to the shipowner to an amount mentioned in the notice, the goods so landed shall, in the hands of the wharfinger or warehouseman, continue subject to the same lien, if any, for such charges as they were subject to before the landing thereof; and the wharfinger or warehouseman receiving those goods shall retain them until the lien is discharged as hereinafter mentioned, and shall, if he fails so to do, make good to the shipowner any loss thereby occasioned to him.

Discharge of
lien.

495. The said lien for freight or other charges shall be discharged—

- (1.) upon the production to the wharfinger or warehouseman of a receipt for the amount claimed as due, and delivery to the wharfinger or warehouseman of a copy thereof of a release of freight from the shipowner, and
- (2.) upon the deposit by the owner of the goods with the wharfinger or warehouseman of a sum of money equal in amount to the sum claimed as aforesaid by the shipowner; but in the latter case the lien shall be discharged without prejudice to any other remedy which the shipowner may have for the recovery of the freight.

Provisions as
to deposits by
owners of
goods.

496.—(1.) When a deposit as aforesaid is made with the wharfinger or warehouseman, the person making the same may, within fifteen days after making it, give to the wharfinger or warehouseman notice in writing to retain it, stating in the notice the sums, if any, which he admits to be payable to the shipowner, or, as the case may be, that he does not admit any sum to be so payable, but if no such notice is given, the wharfinger or warehouseman may, at the expiration of the fifteen days, pay the sum deposited over to the shipowner.

(2.) If a notice is given as aforesaid the wharfinger or warehouseman shall immediately apprise the shipowner of it, and shall pay or tender to him out of the sum deposited the

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sum, if any, admitted by the notice to be payable, and shall retain the balance, or, if no sum is admitted to be payable, the whole of the sum deposited, for thirty days from the date of the notice.

(3.) At the expiration of those thirty days unless legal proceedings have in the meantime been instituted by the shipowner against the owner of the goods to recover the said balance or sum, or otherwise for the settlement of any disputes which may have arisen between them concerning the freight or other charges as aforesaid, and notice in writing of those proceedings has been served on the wharfinger or warehouseman, the wharfinger or warehouseman shall pay the balance or sum to the owner of the goods.

(4.) A wharfinger or warehouseman shall by any payment under this section be discharged from all liability in respect thereof.

497.—(1.) If the lien is not discharged, and no deposit is made as aforesaid, the wharfinger or warehouseman may, and, if required by the shipowner, shall, at the expiration of ninety days from the time when the goods were placed in his custody, or, if the goods are of a perishable nature, at such earlier period as in his discretion he thinks fit, sell by public auction, either for home use or for exportation, the goods or so much thereof as may be necessary to satisfy the charges hereinafter mentioned.

Sale of goods
by ware-
housemen.

(2.) Before making the sale the wharfinger or warehouseman shall give notice thereof by advertisement in two local newspapers circulating in the neighbourhood, or in one daily newspaper published in London, and in one local newspaper, and also, if the address of the owner of the goods has been stated on the manifest of the cargo, or on any of the documents which have come into the possession of the wharfinger or warehouseman, or is otherwise known to him, send notice of the sale to the owner of the goods by post.

(3.) The title of a bona fide purchaser of the goods shall not be invalidated by reason of the omission to send the notice required by this section, nor shall any such purchaser be bound to inquire whether the notice has been sent.

498. The proceeds of sale shall be applied by the wharfinger or warehouseman as follows, and in the following order:

Application of
proceeds of
sale.

- (i.) First, if the goods are sold for home use, in payment of any customs or excise duties owing in respect thereof; then
- (ii.) In payment of the expenses of the sale; then
- (iii.) In payment of the charges of the wharfinger or warehouseman and the shipowner according to such priority

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as may be determined by the terms of the agreement (if any) in that behalf between them ; or, if there is no such agreement :—

(a.) in payment of the rent, rates, and other charges due to the wharfinger or warehouseman in respect of the said goods : and then

(b.) in payment of the amount claimed by the shipowner as due for freight or other charges in respect of the said goods ;

and the surplus, if any, shall be paid to the owner of the goods.

Warehouse-
man's rent
and expenses.

499. Whenever any goods are placed in the custody of a wharfinger or warehouseman, under the authority of this part of this Act, the wharfinger or warehouseman shall be entitled to rent in respect of the same, and shall also have power, at the expense of the owner of the goods, to do all such reasonable acts as in the judgment of the wharfinger or warehouseman are necessary for the proper custody and preservation of the goods, and shall have a lien on the goods for the rent and expenses.

Warehouse-
men's protec-
tion.

500. Nothing in this part of this Act shall compel any wharfinger or warehouseman to take charge of any goods which he would not have been liable to take charge of if this Act had not been passed ; nor shall he be bound to see to the validity of any lien claimed by any shipowner under this part of this Act.

Saving for
powers under
local Acts.

501. Nothing in this part of this Act shall take away or abridge any powers given by any local Act to any harbour authority, body corporate, or persons, whereby they are enabled to expedite the discharge of ships or the landing or delivery of goods ; nor shall anything in this part of this Act take away or diminish any rights or remedies given to any shipowner or wharfinger or warehouseman by any local Act.

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PART VIII.

LIABILITY OF SHIPOWNERS.

502. The owner of a British sea-going ship, or any share therein, shall not be liable to make good to any extent whatever any loss or damage happening without his actual fault or privity in the following cases, namely:—

Limitation of shipowner's liability in certain cases of loss of, or damage to, goods.

- (i.) where any goods, merchandise, or other things whatsoever taken in or put on board his ship are lost or damaged by reason of fire on board the ship; or
- (ii.) where any gold, silver, diamonds, watches, jewels, or precious stones taken in or put on board his ship, the true nature and value of which have not at the time of shipment been declared by the owner or shipper thereof to the owner or master of the ship in the bills of lading or otherwise in writing, are lost or damaged by reason of any robbery, embezzlement, making away with, or secret- ing thereof.

503.—(1.) The owners of a ship, British or foreign, shall not, where all or any of the following occurrences take place without their actual fault or privity; (that is to say,)

Limitation of owner's liability in certain cases of loss of life, injury, or damage.

- (a.) where any loss of life or personal injury is caused to any person being carried in the ship;
- (b.) where any damage or loss is caused to any goods, merchandise, or other things whatsoever on board the ship;
- (c.) where any loss of life or personal injury is caused to any person carried in any other vessel by reason of the improper navigation of the ship;
- (d.) where any loss or damage is caused to any other vessel, or to any goods, merchandise, or other things whatsoever on board any other vessel, by reason of the improper navigation of the ship;

be liable to damages beyond the following amounts; (that is to say,)

- (i.) in respect of loss of life or personal injury, either alone or together with loss of or damage to vessels, goods, merchandise, or other things, an aggregate amount not exceeding fifteen pounds for each ton of their ship's tonnage; and
- (ii.) in respect of loss of, or damage to, vessels, goods, merchandise, or other things, whether there be in addition loss of life or personal injury or not, an aggregate amount not exceeding eight pounds for each ton of their ship's tonnage.

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(2.) For the purposes of this section—

(a.) The tonnage of a steamship shall be her gross tonnage without deduction on account of engine-room; and the tonnage of a sailing ship shall be her registered tonnage:

Provided that there shall not be included in such tonnage any space occupied by seamen or apprentices and appropriated to their use which is certified under the regulations scheduled to this Act with regard thereto.

(b.) Where a foreign ship has been or can be measured according to British law, her tonnage, as ascertained by that measurement shall, for the purpose of this section, be deemed to be her tonnage.

(c.) Where a foreign ship has not been and cannot be measured according to British law, the surveyor general of ships in the United Kingdom, or the chief measuring officer of any British possession abroad, shall, on receiving from or by the direction of the court hearing the case, in which the tonnage of the ship is in question, such evidence concerning the dimensions of the ship as it may be practicable to furnish, give a certificate under his hand stating what would in his opinion have been the tonnage of the ship if she had been duly measured according to British law, and the tonnage so stated in that certificate shall, for the purposes of this section, be deemed to be the tonnage of the ship.

(3.) The owner of every sea-going ship or share therein shall be liable in respect of every such loss of life, personal injury, loss of or damage to vessels, goods, merchandise, or things as aforesaid arising on distinct occasions to the same extent as if no other loss, injury, or damage had arisen.

Power of
courts to con-
solidate claims
against
owners, &c.

504. Where any liability is alleged to have been incurred by the owner of a British or foreign ship in respect of loss of life, personal injury, or loss of or damage to vessels or goods, and several claims are made or apprehended in respect of that liability, then, the owner may apply in England and Ireland to the High Court, or in Scotland to the Court of Session, or in a British possession to any competent court, and that court may determine the amount of the owner's liability and may distribute that amount ratably among the several claimants, and may stay any proceedings pending in any other court in relation to the same matter, and may proceed in such manner and subject to such regulations as to making persons interested parties to the proceedings, and as to the exclusion of any claimants who do not come in within a certain time, and as to requiring security from the owner, and as to payment of any costs, as the court thinks just.

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505. All sums paid for or on account of any loss or damage in respect whereof the liability of owners is limited under the provisions of this part of the Act, and all costs incurred in relation thereto, may be brought into account among part owners of the same ship in the same manner as money disbursed for the use thereof.

Part owners to account in respect of damages.

506. An insurance effected against the happening, without the owner's actual fault or privity, of any or all of the events in respect of which the liability of owners is limited under this part of this Act shall not be invalid by reason of the nature of the risk.

Insurances of certain risks not invalid.

507. In any proceeding under this part of this Act against the owner of a ship or share therein with respect to loss of life, the passenger lists under the third part of this Act shall be received as evidence that the person upon whose death proceedings are taken under this part of this Act was a passenger on board the ship at the time of death.

Proof of passengers on board ship.

508. Nothing in this part of this Act shall be construed to lessen or take away any liability to which any master or seaman, being also owner or part owner of the ship to which he belongs, is subject in his capacity of master or seaman, or to extend to any British ship which is not recognized as a British ship within the meaning of this Act.

Liability in certain cases not affected.

509. This part of this Act shall, unless the context otherwise requires, extend to the whole of Her Majesty's dominions.

Extent of Part VIII.

PART IX.

WRECK AND SALVAGE.

Vessels in Distress.

510. In this part of this Act unless the context otherwise requires—

Definition of "wreck" and "salvage."

- (1.) The expression "wreck" includes jetsam, flotsam, lagan, and derelict found in or on the shores of the sea or any tidal water.
- (2.) The expression "salvage" includes all expenses properly incurred by the salvor in the performance of the salvage services.

511.—(1.) Where a British or foreign vessel is wrecked, stranded or in distress at any place on or near the coasts of the United Kingdom or any tidal water within the limits of the

Duty of receiver where vessel in distress.

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United Kingdom, the receiver of wreck for the district in which that place is situate shall, upon being made acquainted with the circumstance, forthwith proceed there, and upon his arrival shall take the command of all persons present, and shall assign such duties and give such directions to each person as he thinks fit for the preservation of the vessel and of the lives of the persons belonging to the vessel (in this part of this Act referred to as shipwrecked persons) and of the cargo and apparel of the vessel.

(2.) If any person wilfully disobeys the directions of the receiver, he shall for each offence be liable to a fine not exceeding fifty pounds; but the receiver shall not interfere between the master and the crew of the vessel in reference to the management thereof, unless he is requested to do so by the master.

Powers of the receiver in case of vessels in distress.

512.—(1.) The receiver may, with a view to such preservation as aforesaid of shipwrecked persons or of the vessel, cargo, or apparel—

- (a.) require such persons as he thinks necessary to assist him:
- (b.) require the master, or other person having the charge, of any vessel near at hand to give such aid with his men, or vessel, as may be in his power:
- (c.) demand the use of any wagon, cart, or horses that may be near at hand.

(2.) If any person refuses without reasonable cause to comply with any such requisition or demand, that person shall, for each refusal, be liable to a fine not exceeding one hundred pounds; but a person shall not be liable to pay any duty in respect of any such wagon, cart, or horses, by reason only of the use of the same under this section.

Power to pass over adjoining lands.

513.—(1.) Whenever a vessel is wrecked, stranded, or in distress as aforesaid, all persons may, for the purpose of rendering assistance to the vessel, or of saving the lives of the shipwrecked persons, or of saving the cargo or apparel of the vessel, unless there is some public road equally convenient, pass and repass, either with or without carriages or horses, over any adjoining lands without being subject to interruption by the owner or occupier, so that they do as little damage as possible, and may also, on the like condition, deposit on those lands any cargo or other article recovered from the vessel.

(2.) Any damage sustained by an owner or occupier in consequence of the exercise of the rights given by this section shall be a charge on the vessel, cargo, or articles in respect of or by which the damage is occasioned, and the amount payable in respect of the damage shall, in case of dispute, be deter-

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mined and shall, in default of payment, be recoverable in the same manner as the amount of salvage is under this part of this Act determined or recoverable.

(3.) If the owner or occupier of any land—

(a) impedes or hinders any person in the exercise of the rights given by this section by locking his gates, or refusing, upon request, to open the same, or otherwise; or

(b.) impedes or hinders the deposit of any cargo or other article recovered from the vessel as aforesaid on the land; or

(c.) prevents or endeavours to prevent any such cargo or other article from remaining deposited on the land for a reasonable time until it can be removed to a safe place of public deposit;

he shall for each offence be liable to a fine not exceeding one hundred pounds.

514.—(1.) Whenever a vessel is wrecked, stranded, or in distress as aforesaid, and any person plunders, creates disorder, or obstructs the preservation of the vessel or of the shipwrecked persons or of the cargo or apparel of the vessel, the receiver may cause that person to be apprehended.

Power of receiver to suppress plunder and disorder by force.

(2.) The receiver may use force for the suppression of any such plundering, disorder or obstruction, and may command all Her Majesty's subjects to assist him in so using force.

(3.) If any person is killed, maimed, or hurt by reason of his resisting the receiver or any person acting under the orders of the receiver in the execution of the duties by this part of this Act committed to the receiver, neither the receiver nor the person acting under his orders shall be liable to any punishment, or to pay any damages by reason of the person being so killed, maimed or hurt.

515. Where a vessel is wrecked, stranded, or in distress as aforesaid, and the vessel or any part of the cargo and apparel thereof, is plundered, damaged, or destroyed by any persons riotously and tumultuously assembled together, whether on shore or afloat, compensation shall be made to the owner of the vessel, cargo, or apparel;

Liability for damage in case of a vessel plundered.

In England in the same manner, by the same authority, and out of the same rate, as if the plundering, damage, injury, or destruction were an injury, stealing, or destruction in respect of which compensation is payable under the provisions of the Riot (Damages) Act, 1886, and in the case of the vessel, cargo, or apparel not being in any police district, as if the plundering, damage, injury, or destruction took place in the nearest police district;

49-50 V., c. 38.

*Merchant Shipping Act, 1894.*1 Geo. 1. st. 2,
c. 5.

16-17 V., c. 38.

In Scotland by the inhabitants of the county, city, or borough in or nearest to which such offence is committed, in manner provided by the Riot Act, with respect to prosecutions for repairing the damages of any churches and other buildings, or as near thereto as circumstances permit, and

In Ireland in manner provided by the Act of the session held in the sixteenth and seventeenth years of the reign of Her present Majesty, chapter thirty-eight, intituled "An Act to extend the remedies for the compensation of malicious injuries to property in Ireland" with respect to damage to any dwelling-house or other property therein mentioned.

Exercise of
powers of re-
ceiver in his
absence.

516.—(1.) Where a receiver is not present, the following officers or persons in succession (each in the absence of the other, in the order in which they are named) namely, any chief officer of customs, principal officer of the coast guard, officer of inland revenue, sheriff, justice of the peace, commissioned officer on full pay in the naval service of Her Majesty, or commissioned officer on full pay in the military service of Her Majesty, may do anything by this part of this Act authorized to be done by the receiver.

(2.) An officer acting under this section for a receiver shall, with respect to any goods or articles belonging to a vessel the delivery of which to the receiver is required by this Act, be considered as the agent of the receiver, and shall place the same in the custody of the receiver; but he shall not be entitled to any fees payable to receivers, or be deprived by reason of his so acting of any right to salvage to which he would otherwise be entitled.

Examination
in respect of
ships in dis-
tress.

517.—(1.) Where any ship, British or foreign, is or has been in distress on the coasts of the United Kingdom, a receiver of wreck, or at the request of the Board of Trade a wreck commissioner or deputy approved by the Board, or, in the absence of the persons aforesaid, a justice of the peace, shall, as soon as conveniently may be, examine on oath (and they are hereby respectively empowered to administer the oath) any person belonging to the ship, or any other person who may be able to give any account thereof or of the cargo or stores thereof, as to the following matters; that is to say,—

- (a.) the name and description of the ship;
- (b.) the name of the master and of the owners;
- (c.) the names of the owners of the cargo;
- (d.) the ports from and to which the ship was bound;
- (e.) the occasion of the distress of the ship;
- (f.) the services rendered; and
- (g.) such other matters or circumstances relating to the ship, or to the cargo on board the same, as the person holding the examination thinks necessary.

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(2.) The person holding the examination shall take the same down in writing, and shall send one copy thereof to the Board of Trade, and another to the secretary of Lloyd's in London, and the secretary shall place it in some conspicuous situation for inspection.

(3.) The person holding the examination shall, for the purposes thereof, have all the powers of a Board of Trade inspector under this Act.

Dealing with Wreck.

518.—(1.) Where any person finds or takes possession of any wreck within the limits of the United Kingdom he shall,—

Provision as to wreck found in the United Kingdom.

(a.) if he is the owner thereof, give notice to the receiver of the district stating that he has found or taken possession of the same, and describing the marks by which the same may be recognized;

(b.) if he is not the owner thereof, as soon as possible deliver the same to the receiver of the district:

and if any person fails, without reasonable cause, to comply with this section, he shall, for each offence, be liable to a fine not exceeding one hundred pounds, and shall in addition, if he is not the owner, forfeit any claim to salvage, and shall be liable to pay to the owner of the wreck if it is claimed, or, if it is unclaimed to the person entitled to the same, double the value thereof, to be recovered in the same way as a fine of a like amount under this Act.

519.—(1.) Where a vessel is wrecked, stranded, or in distress at any place on or near the coasts of the United Kingdom or any tidal water within the limits of the United Kingdom, any cargo or other articles belonging to or separated from the vessel, which may be washed on shore or otherwise lost or taken from the vessel shall be delivered to the receiver.

Penalty for taking wreck at time of casualty.

(2.) If any person, whether the owner or not, secretes or keeps possession of any such cargo or article, or refuses to deliver the same to the receiver or any person authorized by him to demand the same, that person shall for each offence be liable to a fine not exceeding one hundred pounds.

(3.) The receiver or any person authorized as aforesaid may take any such cargo or article by force from the person so refusing to deliver the same.

520. Where a receiver takes possession of any wreck he shall within forty-eight hours—

Notice of wreck to be given by receiver.

(a.) cause to be posted in the custom-house nearest to the place where the wreck was found or was seized by him a description thereof and of any marks by which it is distinguished; and

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- (b.) if in his opinion the value of the wreck exceeds twenty pounds, also transmit a similar description to the secretary of Lloyd's in London, and the secretary shall post it in some conspicuous position for inspection.

Claims of owners to wreck.

521.—(1.) The owner of any wreck in the possession of the receiver upon establishing his claim to the same to the satisfaction of the receiver within one year from the time at which the wreck came into the possession of the receiver, shall, upon paying the salvage, fees, and expenses due, be entitled to have the wreck or the proceeds thereof delivered up to him.

(2.) Where any articles belonging to or forming part of a foreign ship, which has been wrecked on or near the coasts of the United Kingdom, or belonging to and forming part of the cargo, are found on or near those coasts, or are brought into any port in the United Kingdom, the consul general of the country to which the ship or in the case of cargo to which the owners of the cargo may have belonged, or any consular officer of that country authorized in that behalf by any treaty or arrangement with that country, shall, in the absence of the owner and of the master or other agent of the owner, be deemed to be the agent of the owner, so far as relates to the custody and disposal of the articles.

Immediate sale of wreck by receiver in certain cases.

522. A receiver may at any time sell any wreck in his custody, if in his opinion—

- (a.) it is under the value of five pounds, or
 (b.) it is so much damaged or of so perishable a nature that it cannot with advantage be kept, or
 (c.) it is not of sufficient value to pay for warehousing, and the proceeds of the sale shall, after defraying the expenses thereof, be held by the receiver for the same purposes and subject to the same claims, rights, and liabilities as if the wreck had remained unsold.

Unclaimed Wreck.

Right of Crown to unclaimed wreck

523. Her Majesty and her royal successors are entitled to all unclaimed wreck found in any part of Her Majesty's dominions, except in places where Her Majesty or any of her royal predecessors has granted to any other person the right to that wreck.

Notice of unclaimed wreck to be given to persons entitled.

524.—(1.) Where any admiral, vice-admiral, lord of the manor, heritable proprietor duly infeft, or other person is entitled for his own use to unclaimed wreck found on any place within the district of a receiver, he shall deliver to the receiver a statement containing the particulars of his title, and an address to which notices may be sent.

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(2.) When a statement has been so delivered and the title proved to the satisfaction of the receiver, the receiver shall, on taking possession of any wreck found at a place to which the statement refers, within forty-eight hours send to the address delivered a description of the wreck and of any marks by which it is distinguished.

525. Where no owner establishes a claim to any wreck, found in the United Kingdom and in the possession of a receiver, within one year after it came into his possession, the wreck shall be dealt with as follows; that is to say,

Disposal of unclaimed wreck.

- (1.) if the wreck is claimed by any admiral, vice-admiral, lord of a manor, heritable proprietor, or other person who has delivered such a statement to the receiver as hereinbefore provided, and has proved to the satisfaction of the receiver his title to receive unclaimed wreck found at the place where that wreck was found, the wreck after payment of all expenses, costs, fees, and salvage due in respect thereof, shall be delivered to him;
- (2.) if the wreck is not claimed by any admiral, vice-admiral, lord of a manor, heritable proprietor, or other person as aforesaid, the receiver shall sell the same and shall pay the proceeds of the sale (after deducting therefrom the expenses of the sale, and any other expenses incurred by him, and his fees, and paying thereout to the salvors such amount of salvage as the Board of Trade may in each case, or by any general rule, determine) for the benefit of the Crown, as follows, that is to say:—
 - (a.) if the wreck is claimed in right of Her Majesty's duchy of Lancaster, to the receiver-general of that duchy or his deputies as part of the revenues of that duchy;
 - (b.) if the wreck is claimed in right of the duchy of Cornwall, to the receiver-general of that duchy or his deputies as part of the revenues of that duchy; and
 - (c.) if the wreck is not so claimed, the receiver shall pay the proceeds of sale to the Mercantile Marine Fund during the life of Her present Majesty, and after the decease of Her present Majesty to her heirs and successors.

526.—(1.) Where any dispute arises between any such admiral, vice-admiral, lord of a manor, heritable proprietor, or other person as aforesaid and the receiver respecting title to wreck found at any place, or, where more persons than one claim title to that wreck and a dispute arises between them as to that title, that dispute may be referred and determined in the same manner as if it were a dispute as to salvage to be determined summarily under this part of this Act.

Disputed title to unclaimed wreck.

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(2.) If any party to the dispute is unwilling to have the same so referred and determined, or is dissatisfied with the decision on that determination, he may within three months after the expiration of a year from the time when the wreck has come into the receiver's hands, or from the date of the decision, as the case may be, take proceedings in any court having jurisdiction in the matter for establishing his title.

Delivery of unclaimed wreck by receivers not to prejudice title.

527. Upon delivery of wreck or payment of the proceeds of sale of wreck by a receiver, in pursuance of the provisions of this part of this Act, the receiver shall be discharged from all liability in respect thereof, but the delivery thereof shall not prejudice or affect any question which may be raised by third parties concerning the right or title to the wreck, or concerning the title to the soil of the place on which the wreck was found.

Power to Board of Trade to purchase rights to wreck.

528.—(1.) The Board of Trade may, with the consent of the Treasury, out of the revenue arising under this part of this Act, purchase for and on behalf of Her Majesty any rights to wreck possessed by any person other than Her Majesty.

(2.) For the purpose of a purchase under this section, the provisions of the Lands Clauses Acts relating to the purchase of lands by agreement shall be incorporated with this part of this Act, and in the construction of those Acts for the purposes of this section this part of this Act shall be deemed to be the special Act, and any such right to wreck as aforesaid shall be deemed to be an interest in land authorized to be taken by the special Act, and Her Majesty shall be deemed to be the promoter of the undertaking.

Admiral not to interfere with wreck.

529. No admiral, vice-admiral, or other person, under whatever denomination, exercising Admiralty jurisdiction, shall, as such, by himself or his agents, receive, take, or interfere with any wreck except as authorized by this Act.

Removal of Wrecks.

Removal of wreck by harbour or conservancy authority.

530. Where any vessel is sunk, stranded, or abandoned in any harbour or tidal water under the control of a harbour or conservancy authority, or in or near any approach thereto, in such manner as in the opinion of the authority to be, or be likely to become, an obstruction or danger to navigation or to lifeboats engaged in lifeboat service in that harbour or water or in any approach thereto, that authority may—

- (a.) take possession of, and raise, remove, or destroy the whole or any part of the vessel; and
- (b.) light or buoy any such vessel or part until the raising, removal, or destruction thereof; and

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(c.) sell, in such manner as they think fit, any vessel or part so raised or removed, and also any other property recovered in the exercise of their powers under this section, and out of the proceeds of the sale reimburse themselves for the expenses incurred by them in relation thereto under this section, and the authority shall hold the surplus, if any, of the proceeds in trust for the persons entitled thereto.

Provided as follows:

- (1.) A sale shall not (except in the case of property which is of a perishable nature, or which would deteriorate in value by delay) be made under this section until at least seven clear days' notice of the intended sale has been given by advertisement in some local newspaper circulating in or near the district over which the authority have control; and
- (2.) At any time before any property is sold under this section, the owner thereof shall be entitled to have the same delivered to him on payment to the authority of the fair market value thereof, to be ascertained by agreement between the authority and the owner, or failing agreement by some person to be named for the purpose by the Board of Trade, and the sum paid to the authority as the value of any property under this provision shall, for the purposes of this section, be deemed to be the proceeds of sale of that property.

531.—(1.) Where any vessel is sunk, stranded, or abandoned in any fairway, or on the seashore or on or near any rock, shoal, or bank, in the British Islands, or any of the adjacent seas or islands, and there is not any harbour or conservancy authority having power to raise, remove, or destroy the vessel, the general lighthouse authority for the place in or near which the vessel is situate shall, if in their opinion the vessel is, or is likely to become, an obstruction or danger to navigation or to lifeboats engaged in the lifeboat service, have the same powers in relation thereto as are by this part of this Act conferred upon a harbour or conservancy authority.

Power of lighthouse authority to remove wreck.

(2.) All expenses incurred by the general lighthouse authority under this section, and not reimbursed in manner provided by this part of this Act, shall be paid out of the Mercantile Marine Fund, but shall be subject to the like estimate, account, and sanction as the expenses of a general lighthouse authority, other than establishment expenses.

532. The provisions of this part of this Act relating to removal of wrecks shall apply to every article or thing or collection of things being or forming part of the tackle, equip-

Powers of removal to extend to tackle, cargo, &c.

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ments, cargo, stores, or ballast of a vessel in the same manner as if it were included in the term "vessel," and for the purposes of these provisions any proceeds of sale arising from a vessel and from the cargo thereof, or any other property recovered therefrom, shall be regarded as a common fund.

Power for Board of Trade to determine certain questions between authorities.

533. If any question arises between a harbour or conservancy authority on the one hand and a general lighthouse authority on the other hand as to their respective powers under this part of this Act for the removal of wrecks, in relation to any place being in or near an approach to a harbour or tidal water, that question shall, on the application of either authority, be referred to the decision of the Board of Trade, and the decision of that Board shall be final.

Powers to be cumulative.

534. The powers conferred by this part of this Act on a harbour, conservancy, or lighthouse, authority, for the removal of wrecks shall be in addition to and not in derogation of any other powers for a like object.

Offences in respect of Wreck.

Taking wreck to foreign port.

535. If any person takes into any foreign port any vessel, stranded, derelict, or otherwise in distress, found on or near the coasts of the United Kingdom or any tidal water within the limits of the United Kingdom, or any part of the cargo or apparel thereof, or anything belonging thereto, or any wreck found within those limits, and there sells the same, that person shall be guilty of felony, and on conviction thereof shall be liable to be kept in penal servitude for a term not less than three years and not exceeding five years.

Interfering with wrecked vessel or wreck.

536.—(1.) A person shall not without the leave of the master board or endeavour to board any vessel which is wrecked, stranded, or in distress, unless that person is, or acts by command of, the receiver or a person lawfully acting as such, and if any person acts in contravention of this enactment, he shall for each offence be liable to a fine not exceeding fifty pounds, and the master of the vessel may repel him by force.

(2.) A person shall not—

- (a.) impede or hinder, or endeavour in any way to impede or hinder, the saving of any vessel stranded or in danger of being stranded, or otherwise in distress on or near any coast or tidal water, or of any part of the cargo or apparel thereof, or of any wreck;
- (b.) secrete any wreck, or deface or obliterate any marks thereon; or

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(c.) wrongfully carry away or remove any part of a vessel stranded or in danger of being stranded, or otherwise in distress, on or near any coast or tidal water, or any part of the cargo or apparel thereof, or any wreck, and if any person acts in contravention of this enactment, he shall be liable for each offence to a fine not exceeding fifty pounds, and that fine may be inflicted in addition to any punishment to which he may be liable by law under this Act or otherwise.

537.—(1.) Where a receiver suspects or receives information that any wreck is secreted or in the possession of some person, who is not the owner thereof or that any wreck is otherwise improperly dealt with, he may apply to any justice of the peace for a search warrant, and that justice shall have power to grant such a warrant, and the receiver, by virtue thereof may enter any house, or other place, wherever situate, and also any vessel, and search for, seize, and detain any such wreck there found.

Summary procedure for concealment of wreck.

(2.) If any such seizure of wreck is made in consequence of information given by any person to the receiver, on a warrant being issued under this section, the informer shall be entitled, by way of salvage, to such sum not exceeding in any case five pounds as the receiver may allow.

Marine Store Dealers.

538.—(1.) Every person dealing in, buying, or selling, any of the articles following, that is to say, anchors, cables, sails, old junk, or old iron, or other marine stores of any kind (in this part of this Act called a marine store dealer) shall have his name, together with the words "dealer in marine stores," distinctly painted, in letters of not less than six inches in length on every warehouse and place of deposit belonging to him.

Marine store dealer to have his name and trade painted on his shop.

(2.) If a marine store dealer fails to comply with the requirements of this section, he shall for each offence be liable to a fine not exceeding twenty pounds.

539.—(1.) Every marine store dealer shall keep proper books, and enter therein an account of all marine stores of which he becomes possessed, stating in respect of each article the time at which and the person from whom he purchased or received the same, and a description of the business and place of abode of that person.

Marine store dealer to keep proper books.

(2.) If a marine shore dealer fails to comply with the requirements of this section, he shall be liable to a fine for the first offence not exceeding twenty pounds, and for every subsequent offence not exceeding fifty pounds.

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Marine store dealer not to purchase from person under sixteen.

540.—(1.) A marine store dealer shall not by himself or his agents purchase marine stores of any description from any person apparently under the age of sixteen years.

(2.) If a marine store dealer so purchases any marine store, he shall be liable to a fine for the first offence not exceeding five pounds, and for every subsequent offence not exceeding twenty pounds.

Marine store dealer not to cut up cable, &c.

541.—(1.) A marine store dealer shall not, on any pretense, cut up any cable or other like article exceeding five fathoms in length, or unlay the same into twine or paper stuff without obtaining a written permit as required by this section

(2.) In order to obtain a written permit a marine store dealer shall make a declaration before some justice of the peace having jurisdiction where the dealer resides, stating—

(a.) the quality and description of the cable or other like article about to be cut up or unlayd ;

(b.) the name and description of the person from whom he purchased or received the same ; and

(c.) that he has purchased or otherwise acquired the same without fraud and without any knowledge or suspicion that it has been come by dishonestly :

and either the justice of the peace before whom the declaration is made, or the receiver of the district, upon the production of the declaration, may grant a permit authorizing the marine store dealer to cut up or unlay the cable or other article.

(3.) If a marine store dealer cuts up or unlays any cable or other article without complying with the provisions of this section he shall be liable to a fine for the first offence not exceeding twenty pounds, and for every subsequent offence not exceeding fifty pounds.

Permit to be advertised before dealer proceeds to act thereon.

542.—(1.) A marine store dealer who has obtained a permit as aforesaid shall not proceed by virtue thereof to cut up or unlay any cable or other article until he has for the space of one week, at the least, published in some newspaper circulating in the place where he resides one or more advertisements, notifying the fact of his having so obtained a permit, and specifying the nature of the cable or article mentioned in the permit, and the place where it is deposited, and the time at which it is intended to be so cut up or unlayd.

(2.) If any person suspects or believes that the cable or other article is his property he may apply to a justice of the peace for a warrant, and that justice may, on the sworn statement of the applicant, grant a warrant entitling the applicant to require the production by the marine store dealer of the cable or article mentioned in the permit, and also of the books required under this part of this Act to be kept by the marine store dealer, and authorizing the applicant to inspect and examine the cable or article or books.

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(3.) If a marine store dealer fails without reasonable cause to comply with any of the requirements of this section, he shall be liable for the first offence to a fine not exceeding twenty pounds, and for every subsequent offence to a fine not exceeding fifty pounds.

Marking of Anchors.

543.—(1.) Every manufacturer of anchors shall mark on every anchor manufactured by him in legible characters and both on the crown and also on the shank under the stock his name or initials, and shall in addition mark on the anchor a progressive number and the weight of the anchor. Marking of anchors.

(2.) If a manufacturer of anchors fails without reasonable cause to comply with this section, he shall be liable for each offence to a fine not exceeding five pounds.

Salvage.

544.—(1.) Where services are rendered wholly or in part within British waters in saving life from any British or foreign vessel, or elsewhere in saving life from any British vessel, there shall be payable to the salvor by the owner of the vessel, cargo, or apparel saved, a reasonable amount of salvage, to be determined in case of dispute in manner hereinafter mentioned. Salvage payable for saving life.

(2.) Salvage in respect of the preservation of life when payable by the owners of the vessel shall be payable in priority to all other claims for salvage.

(3.) Where the vessel, cargo, and apparel are destroyed, or the value thereof is insufficient, after payment of the actual expenses incurred, to pay the amount of salvage payable in respect of the preservation of life, the Board of Trade may, in their discretion, award to the salvor, out of the mercantile marine fund, such sum as they think fit in whole or in part satisfaction of any amount of salvage so left unpaid.

545. When it is made to appear to Her Majesty that the government of any foreign country is willing that salvage should be awarded by British courts for services rendered in saving life from ships belonging to that country, when the ship is beyond the limits of British jurisdiction, Her Majesty may, by Order in Council, direct that the provisions of this part of this Act with reference to salvage of life shall, subject to any conditions and qualifications contained in the Order, apply, and those provisions shall accordingly apply to those services as if they were rendered in saving life from ships within British jurisdiction. Salvage of life from foreign vessels.

546. Where any vessel is wrecked, stranded, or in distress at any place on or near the coasts of the United Kingdom or Salvage of cargo or wreck.

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any tidal water within the limits of the United Kingdom, and services are rendered by any person in assisting that vessel or saving the cargo or apparel of that vessel or any part thereof, and where services are rendered by any person other than a receiver in saving any wreck, there shall be payable to the salvor by the owner of the vessel, cargo, apparel, or wreck, a reasonable amount of salvage to be determined in case of dispute in manner hereinafter mentioned.

Procedure in Salvage.

Determina-
tion of salvage
disputes.

547.—(1.) Disputes as to the amount of salvage whether of life or property, and whether rendered within or without the United Kingdom arising between the salvor and the owners of any vessel, cargo, apparel, or wreck, shall, if not settled by agreement, arbitration, or otherwise, be determined summarily in manner provided by this Act, in the following cases, namely:—

- (a.) In any case where the parties to the dispute consent:
- (b.) In any case where the value of the property saved does not exceed one thousand pounds:
- (c.) In any case where the amount claimed does not exceed in Great Britain three hundred pounds, and in Ireland two hundred pounds.

(2.) Subject as aforesaid, disputes as to salvage shall be determined by the High Court in England or Ireland, or in Scotland the Court of Session, but if the claimant does not recover in any such court in Great Britain more than three hundred pounds, and in any such court in Ireland more than two hundred pounds, he shall not be entitled to recover any costs, charges, or expenses incurred by him in the prosecution of his claim, unless the court before which the case is tried certify that the case is a fit one to be tried otherwise than summarily in manner provided by this Act.

(3.) Disputes relating to salvage may be determined on the application either of the salvor or of the owner of the property saved, or of their respective agents.

(4.) Where a dispute as to salvage is to be determined summarily under this section it shall be referred and determined as follows:—

- (a.) In England it shall be referred to and determined by a county court having Admiralty jurisdiction by virtue of the County Courts Admiralty Jurisdiction Act, 1868, or any Act amending the same:
- (b.) In Scotland it shall be referred to and determined by the sheriff's court:
- (c.) In Ireland it shall be referred to the arbitration of and determined by two justices of the peace, or a stipendiary magistrate, or the recorder of any borough having a

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recorder, or the chairman of quarter sessions in any county, and any such justices, stipendiary magistrate, recorder, or chairman are hereinafter included in the expression "arbitrators."

(5.) Nothing in this Act relating to the procedure in salvage cases shall affect the jurisdiction or procedure in salvage cases of a county court having Admiralty jurisdiction by virtue of the County Courts Admiralty Jurisdiction Act, 1868, or the Court of Admiralty (Ireland) Act, 1867, or any Act amending either of those Acts. 30-31 V., c. 114.

- 548.**—(1.) Disputes as to salvage which are to be determined summarily in manner provided by this Act shall—
- (a.) where the dispute relates to the salvage of wreck be referred to a court or arbitrators having jurisdiction at or near the place where the wreck is found :
- (b.) where the dispute relates to salvage in the case of services rendered to any vessel or to the cargo or apparel thereof or in saving life therefrom be referred to a court or arbitrators having jurisdiction at or near the place where the vessel is lying, or at or near the port in the United Kingdom into which the vessel is first brought after the occurrence by reason whereof the claim of salvage arises.
- (2.) Any court or arbitrators to whom a dispute as to salvage is referred for summary determination may, for the purpose of determining any such dispute, call in to their assistance any person conversant with maritime affairs as assessor, and there shall be paid as part of the costs of the proceedings to every such assessor in respect of his services such sum not exceeding five pounds as the Board of Trade may direct.
- Determination of disputes as to salvage summarily.

- 549.**—(1.) Where a dispute relating to salvage has been determined summarily in manner provided by this Act, any party aggrieved by the decision may appeal therefrom—
- (a.) in Great Britain, in like manner as in the case of any other judgment in an Admiralty or maritime cause of the county court or sheriff's court, as the case may be ; and
- (b.) in Ireland, to the High Court, but only if the sum in dispute exceeds fifty pounds, and the appellant within ten days after the date of the award gives notice to the arbitrators of his intention to appeal and, within twenty days after the date of the award, takes such proceedings as, according to the practice of the High Court, are necessary for the institution of an appeal.
- (2.) In the case of an appeal from arbitrators in Ireland the arbitrators shall transmit to the proper officer of the court of appeal a copy on unstamped paper certified under their hands
- Appeal in case of salvage disputes.

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to be a true copy of the proceedings had before them or their umpire (if any) and of the award so made by them or him, accompanied with their or his certificate in writing of the gross value of the article respecting which salvage is claimed; and such copy and certificate shall be admitted in the court of appeal as evidence in the case.

As to arbitra-
tors in Ire-
land.

550.—(1.) The Lord Lieutenant in Ireland may appoint, out of the justices for any borough or county, a rota of justices, by whom jurisdiction in salvage cases under this part of this Act shall be exercised.

(2.) Where no such rota is appointed the salvors may, by writing addressed to the justices' clerk, name one justice and the owner of the property saved may in like manner name another justice to be arbitrators; and if either party fails to name a justice within a reasonable time the case may be tried by two or more justices at petty sessions.

(3.) Where a dispute as to salvage is referred to justices under this Act, they may, if a difference of opinion arises between them, or without such difference, if they think fit, appoint some person conversant with maritime affairs as umpire to decide the point in dispute.

(4.) The arbitrators, within forty-eight hours after any such dispute has been referred to them, and the umpire (if any) within forty-eight hours after his appointment, shall make an award as to the amount of salvage payable, with power nevertheless for such arbitrators or umpire, by writing, duly signed, to extend the time for so making the award.

(5.) There shall be paid to every umpire appointed as aforesaid, in respect of his services, such sum not exceeding five pounds as the Board of Trade may direct.

(6.) All the costs of such arbitration, including any such payment to an umpire as aforesaid, shall be paid by the parties to the dispute, in such manner, and in such shares and proportions, as the arbitrators or umpire may direct by the award.

(7.) The arbitrators or umpire may call for the production of any documents in the possession or power of either party which they or he may think necessary for determining the question in dispute, and may examine the parties and their witnesses on oath, and administer the oaths necessary for that purpose.

(8.) A Secretary of State may determine the scale of costs to be awarded in salvage cases determined by arbitrators under this part of this Act.

Valuation of
property by
receiver.

551.—(1.) Where any dispute as to salvage arises, the receiver of the district where the property is in respect of which the salvage claim is made, may, on the application of

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either party, appoint a valuer to value that property, and shall give copies of the valuation to both parties.

(2.) Any copy of the valuation purporting to be signed by the valuer, and to be certified as a true copy by the receiver, shall be admissible as evidence in any subsequent proceeding.

(3.) There shall be paid in respect of the valuation by the person applying for the same such fee as the Board of Trade may direct.

552.—(1.) Where salvage is due to any person under this Act, the receiver shall—

Detention of property liable for salvage by a receiver.

(a.) if the salvage is due in respect of services rendered in assisting any vessel, or in saving life therefrom, or in saving the cargo or apparel thereof, detain the vessel and cargo or apparel; and

(b.) if the salvage is due in respect of the saving of any wreck, and the wreck is not sold as unclaimed under the Act, detain the wreck.

(2.) Subject as hereinafter mentioned, the receiver shall detain the vessel and the cargo and apparel, or the wreck (hereinafter referred to as detained property) until payment is made for salvage, or process is issued for the arrest or detention thereof by some competent court.

(3.) A receiver may release any detained property if security is given to his satisfaction or, if the claim for salvage exceeds two hundred pounds and any question is raised as to the sufficiency of the security, to the satisfaction in England or Ireland of the High Court, and in Scotland of the Court of Session, including any division of that court, or the lord ordinary officiating on the bills during vacation.

(4.) Any security given for salvage in pursuance of this section to an amount exceeding two hundred pounds may be enforced by such court as aforesaid in the same manner as if bail had been given in that court.

553.—(1.) The receiver may sell any detained property if the persons liable to pay the salvage in respect of which the property is detained are aware of the detention, in the following cases, namely—

Sale of detained property by receiver.

(a.) where the amount is not disputed, and payment of the amount due is not made within twenty days after the amount is due, or,

(b.) where the amount is disputed, but no appeal lies from the first court to which the dispute is referred, and payment is not made within twenty days after the decision of the first court, or

(c.) where the amount is disputed and an appeal lies from the decision of the first court to some other court, and within twenty days of the decision of the first court

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neither payment of the sum due is made nor proceedings are commenced for the purpose of appeal.

(2.) The proceeds of sale of detained property shall, after payment of the expenses of the sale, be applied by the receiver in payment of the expenses, fees, and salvage, and, so far as not required for that purpose, shall be paid to the owners of the property, or any other persons entitled to receive the same.

Agreement as to salvage.

554.—(1.) Where services for which salvage is claimed are rendered either by the commander or crew or part of the crew of any of Her Majesty's ships or of any other ship, and the salvor voluntarily agrees to abandon his lien upon the ship, cargo, and property alleged to be salvaged, then, upon the master entering into a written agreement attested by two witnesses to abide the decision of the High Court in England, or of a Vice-Admiralty Court or Colonial Court of Admiralty, and thereby giving security in that behalf to an amount agreed on by the parties to the agreement, that agreement shall bind the ship, and the cargo, and freight respectively, and the respective owners of the ship, cargo, and freight, and their respective heirs, executors, and administrators, for the salvage which may be adjudged to be payable in respect of the ship, cargo, and freight respectively to the extent of the security given.

(2.) Any agreement made under this section may be adjudicated on and enforced in the same manner as a bond executed under the provisions of this part of this Act relating to salvage by Her Majesty's ships, and on any such agreement being made the salvor and the master shall respectively make the statements required by this part of this Act to be made in the case of the bond, but their statements need not be made on oath.

(3.) The salvor shall transmit the statements made as soon as practicable to the court in which the agreement is to be adjudicated upon.

Apportionment of salvage under 200*l.* by receiver.

555.—(1.) Where the aggregate amount of salvage payable in respect of salvage services rendered in the United Kingdom has been finally determined, either summarily in manner provided by this Act or by agreement, and does not exceed two hundred pounds, but a dispute arises as to the apportionment thereof among several claimants, the person liable to pay the amount may apply to the receiver for liberty to pay the same to him; and the receiver shall, if he thinks fit, receive the same accordingly, and shall grant to the person paying the amount a certificate of the amount paid and of the service in respect of which it is paid, and that certificate shall be a full

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discharge and indemnity to the person by whom the money is paid, and to his vessel, cargo, apparel, and effects against the claims of all persons whomsoever in respect of the services mentioned in the certificate.

(2.) The receiver shall with all convenient speed distribute any amount received by him under this section among the persons entitled to the same on such evidence, and in such shares and proportions, as he thinks fit, and may retain any money which appears to him to be payable to any person who is absent.

(3.) A distribution made by a receiver in pursuance of this section shall be final and conclusive as against all persons claiming to be entitled to any portion of the amount distributed.

556. Whenever the aggregate amount of salvage payable in respect of salvage service rendered in the United Kingdom has been finally ascertained, and exceeds two hundred pounds, and whenever the aggregate amount of salvage payable in respect of salvage services rendered elsewhere has been finally ascertained, whatever that amount may be, then, if any delay or dispute arises as to the apportionment thereof, any court having Admiralty jurisdiction may cause the same to be apportioned amongst the persons entitled thereto in such manner as it thinks just, and may for that purpose, if it thinks fit, appoint any person to carry that apportionment into effect, and may compel any person in whose hands or under whose control the amount may be to distribute the same, or to bring the same into court to be there dealt with as the court may direct, and may for the purposes aforesaid issue such processes as it thinks fit.

Apportionment of salvage by Admiralty courts.

Salvage by Her Majesty's Ships.

557.—(1.) Where salvage services are rendered by any ship belonging to Her Majesty or by the commander or crew thereof, no claim shall be allowed for any loss, damage, or risk caused to the ship or her stores, tackle, or furniture, or for the use of any stores or other articles belonging to Her Majesty, supplied in order to effect those services, or for any other expense or loss sustained by Her Majesty by reason of that service, and no claim for salvage services by the commander or crew, or part of the crew of any of Her Majesty's ships shall be finally adjudicated upon, unless the consent of the Admiralty to the prosecution of that claim is proved.

Salvage by Her Majesty's ships.

(2.) Any document purporting to give the consent of the Admiralty for the purpose of this section, and to be signed by the secretary to the Admiralty or on his behalf, shall be evidence of that consent.

(3.) If a claim is prosecuted and the consent is not proved, the claim shall stand dismissed with costs.

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Salvage by
Her Majesty's
ships abroad.

558.—(1.) Where services are rendered at any place out of the limits of the United Kingdom or the four seas adjoining thereto by the commander or any of the crew of any of Her Majesty's ships, in saving any vessel or cargo or property belonging to a vessel, the vessel, cargo, or property, alleged to be saved shall, if the salvor is justified by the circumstances of the case in detaining it, be taken to some port where there is a consular officer or a Colonial Court of Admiralty, or a Vice-Admiralty Court.

(2.) The salvor and the master, or other person in charge of the vessel, cargo, or property, saved shall within twenty-four hours after arriving at the port each deliver to the consular officer or judge of the Colonial Court of Admiralty or Vice-Admiralty Court, as the case may be, a statement on oath, specifying so far as possible, and so far as those particulars are applicable, the particulars set out in the first part of the Nineteenth Schedule to this Act, and also in the case of the master or other person his willingness to execute a bond in the form, so far as circumstances will permit, set out in the second part of that Schedule.

Provisions as
to bond to be
executed.

559.—(1.) The bond shall be in such sum as the consular officer or judge thinks sufficient to answer the demand for salvage service, but the sum fixed shall not exceed one-half of the amount which, in the opinion of the consular officer or judge, is the value of the property in respect of which salvage has been rendered.

(2.) Where the vessel, cargo, or property in respect of which salvage services are rendered is not owned by persons domiciled in Her Majesty's dominions, the master shall procure such security for the due performance of the bond as the consular officer or judge thinks sufficient to be lodged with that officer or judge, or with that officer or judge and such other persons jointly as the salvor may appoint.

(3.) The consular officer or judge shall fix the amount of the bond within four days after the receipt of the statements required by this part of this Act, but if either of those statements is not delivered within the time required by this part of this Act, he may proceed *ex parte*.

(4.) A consular officer may for the purposes of this section take affidavits.

(5.) Nothing in this section shall authorize the consular officer or judge to require the cargo of any ship to be unladen.

Execution of
bond.

560.—(1.) The consular officer or judge on fixing the sum to be inserted in the bond shall send notice thereof to the salvor and master, and on the execution of the bond by the master in the sum fixed in the presence of the consular officer

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or judge (who shall attest the same), and upon delivery thereof to the salvor, and in cases where security is to be lodged, on that security being duly lodged, the right of the salvor to detain the vessel, cargo, or property shall cease.

(2.) The bond shall bind the respective owners of the vessel, cargo, and freight, and their heirs, executors, and administrators, for the salvage adjudged to be payable in respect of the vessel, cargo, and freight respectively.

561.—(1.) The bond shall be adjudicated on and enforced in the High Court of England, unless the salvor and master agree at the time of the execution of the bond that the bond may be adjudicated on and enforced in any specified Colonial Court of Admiralty or Vice-Admiralty Court, but that court shall in that case have the same power and authorities for the purpose as the High Court in England. Enforcement of bond.

(2.) The High Court in England shall have power to enforce any bond given in pursuance of this part of this Act in any Colonial Court of Admiralty or Vice-Admiralty Court in any part of Her Majesty's dominions, and any court exercising Admiralty jurisdiction in Scotland, Ireland, the Isle of Man, or the Channel Islands shall assist that court in enforcing those bonds.

(3.) Where security has been given for the performance of a bond, the persons with whom the security is lodged shall deal with the same as the court adjudicating upon the bond direct.

(4.) The consular officer or judge shall at the earliest opportunity transmit the statements and documents delivered to him, and the notice of the sum fixed in the bond to the High Court in England or the Colonial Court of Admiralty or Vice-Admiralty Court in which the bond is to be enforced, as the case may be.

562.—(1.) Nothing contained in this part of this Act shall prejudice the right of the salvor, where salvage services have been rendered by one of Her Majesty's ships, or by the commander or any of the crew thereof, to proceed for the enforcement of the salvage claim otherwise than in manner provided by this Act, but the salvor shall have no right to detain the vessel, cargo, or property saved, unless he elects to proceed under this part of this Act. Saving for other salvage rights.

(2.) Nothing contained in this part of this Act shall affect the right of the salvor, where salvage services have been rendered by one of Her Majesty's ships or by the commander or any of the crew thereof, in any case which is not provided for therein.

563. Any bond, statement, agreement, or other document, made or executed in pursuance of the provisions of this part Exemption from stamp duty.

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of this Act relating to salvage by Her Majesty's ships shall, if made or executed out of the United Kingdom, be exempt from stamp duty.

Punishment
for forgery
and false re-
presentations.

564. If any person in any proceeding under the provisions of this part of this Act relating to salvage by Her Majesty's ships—

- (a.) forges, assists in forging, or procures to be forged, fraudulently alters, assists in fraudulently altering, or procures to be fraudulently altered, any document; or
- (b.) puts off or makes use of any forged or altered document, knowing the same to be so forged or altered; or
- (c.) gives or makes, or assists in giving or making, or procures to be given or made, any false evidence or representation, knowing the same to be false,

that person shall for each offence be liable to imprisonment, with or without hard labour, for any period not exceeding two years, or, on summary conviction, to imprisonment, with or without hard labour, for any period not exceeding six months.

Jurisdiction of High Court in Salvage.

Jurisdiction of
High Court in
salvage.

565. Subject to the provisions of this Act, the High Court, and in Scotland the Court of Session, shall have jurisdiction to decide upon all claims whatsoever relating to salvage, whether the services in respect of which salvage is claimed were performed on the high seas or within the body of any county, or partly on the high seas and partly within the body of any county, and whether the wreck in respect of which salvage is claimed is found on the sea or on the land, or partly on the sea and partly on the land.

Appointment of Receivers of Wreck.

Appointment
of receivers of
wreck.

566. The Board of Trade shall have the general superintendence throughout the United Kingdom of all matters relating to wreck, and may, with the consent of the Treasury, appoint any officer of customs or of the coastguard, or any officer of inland revenue, or, where it appears to such Board to be more convenient, any other person, to be a receiver of wreck (in this part of this Act referred to as a receiver), in any district, and to perform the duties of receiver under this part of this Act, and shall give due notice of the appointment.

Fees of Receivers of Wreck.

Receivers'
fees.

567.—(1.) There shall be paid to every receiver the expenses properly incurred by him in the performance of his duties, and also, in respect of the several matters specified in the Twentieth Schedule to this Act, such fees not exceeding

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the amounts therein mentioned as may be directed by the Board of Trade, but a receiver shall not be entitled to any remuneration other than those payments.

(2.) The receiver shall, in addition to all other rights and remedies for the recovery of those expenses or fees, have the same rights and remedies in respect thereof as a salvor has in respect of salvage due to him.

(3.) Whenever any dispute arises in any part of the United Kingdom as to the amount payable to any receiver in respect of expenses or fees, that dispute shall be determined by the Board of Trade, and the decision of that Board shall be final.

(4.) All fees received by a receiver in respect of any services performed by him as receiver shall be carried to and form part of the Mercantile Marine Fund, but a separate account shall be kept of those fees, and the moneys arising from them shall be applied in defraying any expenses duly incurred in carrying into effect this Act in such manner as the Board of Trade direct.

568.—(1.) Where services are rendered by any officers or men of the coastguard service in watching or protecting shipwrecked property, then, unless it can be shown that those services have been declined by the owner of the property or his agent at the time they were tendered, or that salvage has been claimed and awarded for those services, the owner of the property shall pay in respect of those services remuneration according to a scale to be fixed by the Board of Trade; and that remuneration shall be recoverable by the same means, and shall be paid to the same persons, and accounted for and applied in the same manner as fees received by receivers under the provisions of this part of this Act.

Remuneration for services by coastguard.

(2.) The scale fixed by the Board of Trade shall not exceed the scale by which remuneration to officers and men of the coastguard for extra duties in the ordinary service of the Commissioners of Customs is for the time being regulated.

Duties on Wreck.

569.—(1.) All wreck, being foreign goods brought or coming into the United Kingdom or Isle of Man, shall be subject to the same duties as if the same was imported into the United Kingdom or Isle of Man respectively, and if any question arises as to the origin of the goods, they shall be deemed to be the produce of such country as the Commissioners of Customs may on investigation determine.

Provisions as to duties, &c., on wrecked goods.

(2.) The Commissioners of Customs and Inland Revenue shall permit all goods, wares, and merchandise saved from any ship stranded or wrecked on her homeward voyage to be forwarded to the port of her original destination, and all goods,

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wares, and merchandise saved from any ship stranded or wrecked on her outward voyage to be returned to the port at which the same were shipped; but those commissioners shall take security for the due protection of the revenue in respect of those goods.

Supplemental.

Powers of
sheriff in
Scotland.

570. Any matter or thing which may be done under this part of this Act by or to a justice of the peace, or a court of summary jurisdiction, may in Scotland be done by or to the sheriff of the county.

Saving for
Cinque ports.

571. Nothing in this part of this Act shall prejudice or affect any jurisdiction or powers of the Lord Warden or any officers of the Cinque ports or of any court of those ports or of any court having concurrent jurisdiction within the boundaries of these ports, and disputes as to salvage arising within those boundaries shall be determined in the manner in which they have been hitherto determined.

PART X.

PILOTAGE.

Preliminary.

Application
of Part X.

572. This part of this Act extends to the United Kingdom and the Isle of Man only, but applies to all ships British and foreign.

Pilotage
authority.

573. In this Act the expression "pilotage authority" includes 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.

Continuance
of existing
pilotage au-
thorities.

574. Every pilotage authority shall retain all powers and jurisdiction which they now lawfully possess, so far as the same are consistent with the provisions of this Act; but no law relating to that authority, or to the pilots licensed by them, and no act done by that authority, shall, if inconsistent with any provision of this Act, be of any force whatever.

Powers of Board of Trade as to Pilotage Districts and Authorities.

Constitution
of new pilot-
age authori-
ties.

575.—(1.) The Board of Trade may by provisional order—
(a.) in any area where there is no pilotage authority, consti-
tute new pilotage authorities and districts; and

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(b.) extend the limits of any pilotage district by including therein any area in which there is no pilotage authority.

(2.) There shall be no compulsory pilotage and no restriction on the power of duly qualified persons to obtain licenses as pilots in any new pilotage district constituted under this section, or in any area included in a pilotage district under this section.

576.—(1.) Whenever any pilotage authority residing or having their place of business at one port have or exercise jurisdiction in matters of pilotage in any other port, the Board of Trade may by provisional order—

Transfer of pilotage jurisdiction.

(a.) transfer so much of the jurisdiction as concerns the last-mentioned port, either to any harbour authority or other body exercising any local jurisdiction in marine matters at that port, or to any body to be constituted for the purpose by the provisional order, or (where the said pilotage authority is not the Trinity House) to the Trinity House; or

(b.) transfer the whole or any part of the jurisdiction of the said pilotage authority to a new body to be constituted for the purpose by the provisional order, so as to represent the interests of the several ports concerned.

(2.) For the purpose of any transfer under this section, the Board of Trade may by provisional order—

(a.) incorporate the body to whom the transfer is made if it is a new body;

(b.) make the body to whom the transfer is made a pilotage authority, with such powers as may be mentioned in the provisional order;

(c.) determine the limits of the district of the pilotage authority to whom the transfer is made;

(d.) sanction a scale of pilotage rates to be taken by the pilots licensed by that authority;

(e.) determine to what extent and under what conditions any pilots then already licensed by the pilotage authority from whom the transfer is made are to continue to act under the pilotage authority to whom the transfer is made;

(f.) sanction arrangements for the apportionment of any pilotage funds belonging to the pilots licensed by the pilotage authority from whom the transfer is made, between the pilots remaining under the jurisdiction of that authority, and the pilots who are transferred to the jurisdiction of the authority to whom the transfer is made;

(g.) provide for such compensation or superannuation as may be just to officers employed by the pilotage authority from whom the transfer is made, and not continued by the pilotage authority to whom the transfer is made.

577. The Board of Trade may by provisional order make provision or further provision for the direct representation of

Direct representation of pilots, &c., on

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pilotage authority.

pilots, and, if it seems expedient, also of shipowners, on the pilotage authority of any district, or if there is a pilotage committee of that authority, or any body of commissioners or sub-commissioners appointed by that authority, then on that committee or body.

Exemption from compulsory pilotage.

578. The Board of Trade may by provisional order exempt the masters and owners of all ships, or of any classes of ships, from being obliged to employ pilots in any pilotage district or in any part of any pilotage district, or from being obliged to pay for pilots when not employing them in any district or in any part of any pilotage district, and annex any terms and conditions to those exemptions.

Power of Board of Trade to give facilities with respect to licenses, rates, &c.

579.—(1.) Where the pilotage is not compulsory, and there is no restriction on the power of duly qualified persons to obtain licenses as pilots, the Board may by provisional order give any pilotage authority power to license pilots, and to fix pilotage rates for their district or any part of their district for which no such licenses or rates for the time being exist, and to raise all or any of the pilotage rates in force in their district or any part of their district; and, where there is also no restriction on the number of pilots, to give additional facilities for the recovery of pilotage rates, and for preventing the employment of unqualified pilots.

(2.) The Board of Trade may by provisional order give facilities for enabling duly qualified persons, after examination as to their qualifications, to obtain licenses as pilots.

Making and confirming provisional orders.

580.—(1.) The Board of Trade may make a provisional order under this part of this Act on the application in writing of some person interested in the pilotage of the district or in the operation of the laws or regulations relating to that pilotage.

(2.) Notice of the application having been made shall be published once at least in each of two successive weeks in the month immediately succeeding the date of the application in the *Shipping Gazette*, and in some newspaper or newspapers circulating in the county, or, if there are more than one county, in the counties adjacent to the pilotage district to which the application relates.

(3.) The notice shall state the objects which it is proposed to effect by the provisional order.

(4.) The Board of Trade on receiving the application shall refer the same to the pilotage authority or authorities of the district, and shall receive and consider any objections which may be made to the proposed provisional order, and shall for that purpose allow at least six weeks to elapse between the

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date on which the application is referred to the pilotage authority and that on which the provisional order is made.

(5.) The Board of Trade shall, after considering all objections, determine whether to proceed with the provisional order or not; and shall, if they determine to proceed with the order, settle the order in such manner and with such terms and conditions, not being inconsistent with the provisions of this Act, as they may think fit; and shall, when they have settled the order, forward copies thereof to the persons making the application and to the pilotage authority of any district to which it refers.

(6.) A provisional order under this part of this Act shall not take effect unless and until it is confirmed by Parliament; and for the purpose of that confirmation the Board of Trade shall introduce into Parliament a public general bill in which, or in the schedule to which, the provisional order or provisional orders to be thereby confirmed shall be set out at length.

(7.) If any petition is presented to either House of Parliament against any such provisional order in the progress through Parliament of the bill confirming the same, so much of the bill as relates to the order petitioned against may be referred to a select committee, and the petitioner shall in that case be allowed to appear and oppose as in the case of private bills.

By-laws by Pilotage Authorities.

581. Every pilotage authority may, by by-law made under this part of this Act, exempt the masters of any ships or of any classes of ships from being compelled to employ qualified pilots, and annex any terms and conditions to those exemptions, and revise or extend any such exemptions or any exemptions existing by virtue of any Act of Parliament, law, charter, or usage, upon such terms and conditions and in such manner as may appear desirable to the authority.

Power of pilotage authorities as to exemptions from compulsory pilotage.

582. Subject to the provisions of this part of this Act, a pilotage authority may by by-law made under this part of this Act:—

Power of pilotage authorities to make by-laws.

- (1.) determine the qualification in respect of age, time of service, skill, character, and otherwise, to be required from persons applying to be licensed as pilots:
- (2.) make regulations respecting the approval and licensing of pilot boats in their district:
- (3.) provide for the establishment and regulation of companies for the support of those pilot boats and for a participation of profits therein:

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- (4.) fix the terms and conditions of granting licenses to pilots and apprentices and pilotage certificates for masters and mates :
- (5.) make regulations for the government of the pilots and apprentices licensed by them, and of masters and mates holding pilotage certificates granted by them, and for ensuring their good conduct and constant attendance to, and effectual performance of, their duty whether at sea or on shore, and provide for the punishment of any breach of those regulations by the withdrawal or suspension of the license or certificate of the person guilty of that breach, or by the infliction of fines not exceeding twenty pounds to be recoverable as fines are recoverable under this Act :
- (6.) fix the rates and prices or other remuneration to be demanded and received for the time being by the pilots licensed by them, and alter the mode of remuneration of those pilots in such manner as they think fit, so, however, that no higher rates or prices are demanded or received in the case of the Trinity House than those set out in the table contained in the Twenty-first Schedule to this Act, and in the case of any other pilotage authority than those which might have been lawfully fixed or demanded by that authority under any Act, charter, or custom in force immediately before the first day of May in the year one thousand eight hundred and fifty-five :
- (7.) make such arrangements with any other pilotage authority for altering the limits of their respective districts, and for extending the powers of that other authority or the privileges of the pilots licensed by that other authority or any of them to all or any part of its own district, or for limiting its own powers or the privileges of its own pilots or any of them, or for sharing the said last-mentioned powers and privileges with that other authority and the pilots licensed by it, or for delegating or surrendering those powers and privileges or any of them to any other pilotage authority already constituted or to be constituted by agreement between those authorities, and to the pilots licensed by it, as may appear to those pilotage authorities to be desirable for the purpose of facilitating navigation or of reducing charges on shipping :
- (8.) establish, either alone or in conjunction with any other pilotage authority or authorities, funds for the relief of superannuated or infirm qualified pilots, or of their wives, widows, or children ; and make any new regulations with respect to any funds for the time being applicable to those purposes or any of them, with power to determine the amount, manner, time, and persons (those persons to be

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in the service of the pilotage authority) to and in which and by and upon whom the contributions in support of those existing or future funds may be made or levied, and declare what persons or class of persons (the person or class of persons being limited to the men in the service of the pilotage authority, their wives, widows, or children) are entitled to participate in the benefits of any existing or future funds, and the terms and conditions upon which, if entitled, they are to be so entitled :

- (9.) require masters and mates who hold pilotage certificates granted by them or by the Board of Trade under this part of this Act to contribute towards the pilotage fund of the district, and to make a periodical return to them of the pilotage services rendered by them ; provided that the contribution so required from a master or mate shall not exceed such proportion of the pilotage dues which would have been payable in respect of his ship if he had not held a pilotage certificate, as may be fixed by the Board of Trade.
- (10.) provide for the granting by them of special licenses qualifying the persons to whom those licenses are granted to act as pilots for any part of the sea or channels beyond the limits of their pilotage district, so however that no pilot so licensed be entitled to supersede an unlicensed pilot outside the district of the authority by which he is licensed.

583.—(1.) A by-law under this part of this Act shall not take effect until it is submitted to Her Majesty in Council and confirmed by Order in Council. Confirmation of by-laws.

(2.) Any by-law proposed to be made under this part of this Act shall, before it is submitted for confirmation, be published in such manner as the Board of Trade direct.

584. If at any port either—

- (a.) the majority of the qualified pilots belonging to the port ; or,
 (b.) the local marine board ; or,
 (c.) where there is no local marine board, any number of persons not less than six, being masters, owners, or insurers of ships,

Appeal against by-laws or regulations not made under this Act.

consider themselves aggrieved by any regulation or by-law of a pilotage authority in force before the first day of May, one thousand eight hundred and fifty-five, or made under any power other than a power contained in this Act or in any Act repealed by this Act, or by a defect or omission in any such regulation or by-law, they may appeal to the Board of Trade, and the Board may thereupon by order revoke, alter, or make

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additions to that regulation or by-law, in such manner as, having regard to the interests of the persons concerned, appears to them to be just and expedient, and any order so made shall be conclusive as to the matter in respect of which it is made.

Returns by Pilotage Authorities.

Returns by pilotage authorities to Board of Trade.

585.—(1.) Every pilotage authority shall deliver periodically to the Board of Trade, in the form and at the time required by that Board, returns of the following particulars with regard to pilotage within their district,—

- (a.) all by-laws or other regulations whether made under this Act or not relating to pilots or pilotage for the time being in force :
- (b.) the names and ages of all pilots or apprentices licensed or authorized to act by the authority making the return, and of all pilots or apprentices acting either directly or indirectly under that authority, whether so licensed or authorized or not :
- (c.) the service for which each pilot or apprentice is licensed :
- (d.) the rates of pilotage for the time being in force including therein the rates and descriptions of all charges upon shipping made for or in respect of pilots or pilotage :
- (e.) the total amount received for pilotage, distinguishing the several amounts received from British ships and from foreign ships respectively, and the several amounts received in respect of different classes of ships paying different rates of pilotage, according to the scale of those rates for the time being in force, and the several amounts received for the several classes of service rendered by pilots ; and also the amount paid by such ships (if any) as have, before reaching the outer limits of pilotage water if outward bound, or their port of destination if inward bound, to take or pay for two or more pilots, whether licensed by the same or by different pilotage authorities ; together with the numbers of the ships of each of the several classes paying such several amounts as aforesaid :
- (f.) the receipt and expenditure of all moneys received by or on behalf of the authority making the return, or by or on behalf of any sub-commissioners appointed by them, in respect of pilots or pilotage :
- (g.) the receipts and expenditure, under separate accounts, in respect of any pension or superannuation funds administered by or under the control of the authority making the return.

(2.) Every pilotage authority shall allow the Board of Trade, or any person appointed by the Board of Trade for the purpose, to inspect any books or documents in the posses-

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sion of that authority relating to any matter in respect of which a return is required under this section.

(3.) The Board shall cause any returns made to them under this section to be laid before both Houses of Parliament without delay.

(4.) If any pilotage authority (other than the Trinity House, or sub-commissioners of pilotage appointed by them under this part of this Act) fail, without reasonable cause, to deliver to the Board of Trade any return required under this section within one year after the time fixed by the Board of Trade for the purpose, or fail without reasonable cause to comply with the requirements of this section with regard to the inspection of books and documents, Her Majesty may, by Order in Council, direct that all the rights and powers of that authority in respect of pilotage shall cease or be suspended during such time as Her Majesty directs, and thereupon the Trinity House shall thereafter, or during the time for which the suspension continues, have the same powers of appointing sub-commissioners of pilotage, and of licensing pilots, and of establishing and altering rates of pilotage within the district of the authority making default, as the Trinity House are by this Act authorized to exercise in a district within which no particular provision for the appointment of pilots is made by any Act of Parliament or charter, and shall also during that time have the same rights, title, and powers to and in respect of any pilotage funds or other pilotage property which the pilotage authority making default would or might have had if the rights and powers of that authority had not ceased or been suspended.

Licensing of Pilots.

586.—(1.) A pilot shall be deemed a qualified pilot for the purposes of this Act, if duly licensed by any pilotage authority to conduct ships to which he does not belong. Registration of pilot licenses.

(2.) Every qualified pilot, on his appointment, shall receive a license containing his name and usual place of abode, a description of his person, and a specification of the limits within which he is qualified to act.

(3.) The chief officer of customs at the place at or nearest to which any qualified pilot resides shall, on his request, register his license, and a qualified pilot shall not be entitled to act as such, until his license is so registered.

(4.) Every qualified pilot acting beyond the limits for which he is qualified by his license shall be considered an unqualified pilot.

587. Every qualified pilot shall, on receiving his license, be furnished with a copy of this part of this Act, and with a copy of the rates, by-laws, and regulations established within the Copies of pilotage provisions to be furnished to pilot.

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district for which he is licensed; and he shall produce those copies to the master of any ship, or other person employing him, when required to do so, and if he fails without reasonable cause to do so, shall be liable to a fine not exceeding five pounds.

Licensed pilot to produce license to employer.

588.—(1.) Every qualified pilot when acting in that capacity shall be provided with his license and shall produce the same to every person by whom he is employed or to whom he offers his services as pilot.

(2.) If a qualified pilot refuses, on the request of any such person, to produce his license, he shall for each offence be liable to a fine not exceeding ten pounds, and shall be subject to suspension or dismissal by the pilotage authority by whom he is licensed.

Production and return of license to pilotage authority.

589.—(1.) Every qualified pilot, when required to do so by the pilotage authority by whom he is licensed, shall produce or deliver up his license to that authority.

(2.) On the death of any qualified pilot, the person into whose hands his license comes shall without delay transmit it to the pilotage authority who licensed the deceased pilot.

(3.) If any pilot or other person fails to comply with the requirements of this section, he shall for each offence be liable to a fine not exceeding ten pounds.

Penalty on fraudulent use of license.

590. If an unqualified pilot for the purpose of making himself appear to be a qualified pilot uses a license which he is not entitled to use, he shall for each offence be liable to a fine not exceeding fifty pounds.

Recovery of Pilotage Dues and other Rights of Pilots.

Recovery of pilotage dues.

591.—(1.) The following persons shall be liable to pay pilotage dues for any ship for which the services of a qualified pilot are obtained, namely:—

(a.) the owner or master:

(b.) as to pilotage inwards, such consignees or agents as have paid or made themselves liable to pay any other charge on account of the ship in the port of her arrival or discharge:

(c.) as to pilotage outwards, such consignees or agents as have paid or made themselves liable to pay any other charge on account of the ship in the port from which she clears out;

and those dues may be recovered in the same manner as fines of like amount under this Act, but that recovery shall not take place until a previous demand has been made in writing.

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(2.) Any consignee or agent (not being the owner or master of the ship) who is hereby made liable for the payment of pilotage dues in respect of any ship may, out of any moneys received by him on account of that ship or belonging to the owner thereof, retain the amount of all dues paid by him, together with any reasonable expenses he may have incurred by reason of the payment of the dues or his liability to pay the dues.

592. A qualified pilot shall not demand or receive, and a master shall not offer or pay to any pilot, any other rate in respect of pilotage services, whether greater or less, than the rate which may be demanded by law, and, if a pilot or master acts in contravention of this enactment, he shall for each offence be liable to a fine not exceeding ten pounds.

Receiving or offering improper rates of pilotage.

593. If any boat or ship having on board a qualified pilot leads any ship which has not a qualified pilot on board when the last-mentioned ship cannot from particular circumstances be boarded, the pilot so leading the last-mentioned ship shall be entitled to the full pilotage rate for the distance run as if he had actually been on board and had charge of that ship.

Pilotage rate for leading ships.

594.—(1.) A pilot, except under circumstances of unavoidable necessity, shall not, without his consent, be taken to sea or beyond the limits for which he is licensed in any ship whatever, and if he is so taken under circumstances of unavoidable necessity, or without his consent, shall be entitled, over and above his pilotage dues, to the sum of ten shillings and sixpence a day.

Allowance to licensed pilot taken out of his district.

(2.) The sum so to be paid shall be computed from and inclusive of the day on which the ship passes the limit up to which the pilot was engaged to pilot her, and up to and inclusive of either the day of his being returned in the said ship to the place where he was taken on board, or, if he is discharged from the ship at a distance from that place, such day as will allow him sufficient time to return thereto; and in the last-mentioned case he shall be entitled to his reasonable travelling expenses.

595.—(1.) The master of a ship, on being requested by any qualified pilot having the charge of his ship, shall declare her draught of water.

Penalty on making a false declaration to pilot as to draught of ship.

(2.) If a master refuses so to declare the draught of water, or himself makes, or is privy to any other person making, a false declaration to the pilot in relation thereto, he shall for each offence be liable to a fine not exceeding double the amount of pilotage dues which would have been payable to that pilot.

(3.) If the master of a ship, or any other person interested in the ship, makes, or is privy to the making of, any fraudulent

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alteration in the marks on the stem or stern post of the ship denoting the draught of water, he shall for each offence be liable to a fine not exceeding five hundred pounds.

Occasions on which unqualified pilots may act.

596. An unqualified pilot may, within any pilotage district, without subjecting himself or his employer to any penalty, take charge of a ship as pilot :—

- (a.) when no qualified pilot has offered to take charge of that ship, or made a signal for that purpose :
- (b.) when a ship is in distress, or under circumstances making it necessary for the master to avail himself of the best assistance which can be found at the time : or
- (c.) for the purpose of changing the moorings of any ship in port, or of taking her into or out of any dock, in cases where the act can be done by an unqualified pilot without infringing the regulations of the port, or any orders which the harbour master is legally empowered to give.

Power of qualified to supersede unqualified pilot.

597. A qualified pilot may supersede an unqualified pilot, but the master shall pay to the unqualified pilot a proportionate sum for his services, and deduct that sum from the charge of the qualified pilot ; and in case of dispute the pilotage authority by whom the qualified pilot is licensed shall determine the proportionate sums to which each party is entitled.

Penalties as to employment of unqualified pilot.

598.—(1.) If an unqualified pilot, whether within a district in which pilotage is compulsory or outside such a district, assumes or continues in the charge of a ship after a qualified pilot has offered to take charge of the ship he shall for each offence be liable to a fine not exceeding fifty pounds.

(2.) If a master of a ship whether navigating within a district in which pilotage is compulsory or outside such a district, knowingly employs or continues to employ an unqualified pilot after a qualified pilot has offered to take charge of the ship or has made a signal for that purpose, he shall for each offence be liable to a fine of double the amount of pilotage which could be demanded for the conduct of the ship.

Pilotage Certificates for Masters and Mates.

Grant of pilotage certificates to masters and mates.

599.—(1.) A pilotage authority may, if they think fit, on the application of the master or mate of any ship, and on payment by him of the usual expenses, examine him as to his capacity to pilot the ship of which he is master or mate, or any one or more ships belonging to the same owner as that ship, within any part of the district of the pilotage authority.

(2.) A pilotage authority, if on examination they find that any master or mate is competent, shall grant him a certificate (in this Act referred to as a pilotage certificate), specifying—

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- (a.) the name of the person to whom it is granted :
 - (b.) the ship or ships in respect of which it is granted :
 - (c.) the limits within which the master or mate is entitled to pilot the ship or ships : and
 - (d.) the date on which it is granted.
- (3.) The person to whom a pilotage certificate is granted shall, while he is acting as master or mate of any of the ships specified in the certificate, be entitled to pilot that ship within the limits specified in the certificate, without incurring any penalty for not employing a qualified pilot.
- (4.) A pilotage certificate so granted shall not be in force for more than the period of one year from its date, but it may be renewed from year to year by an endorsement under the hand of the secretary or other proper officer of the pilotage authority who have granted the certificate.

600.—(1.) If it appears to the Board of Trade upon complaint made to them—

Appeal by
master or mate
to Board of
Trade.

- (a.) that a pilotage authority have without reasonable cause refused or neglected to examine a master or mate who has applied to them for the purpose ; or
- (b.) that a pilotage authority have without reasonable cause refused or neglected to grant a pilotage certificate after examination ; or
- (c.) that an examination of a master or mate has been unfairly or improperly conducted ; or
- (d.) that a pilotage authority have imposed unfair or improper terms or conditions on the granting of a certificate ; or
- (e.) that a pilotage certificate has been improperly withdrawn from the holder thereof,

the Board of Trade, if the circumstances of the case appear to them to require it, may appoint persons to examine the master or mate, and, if he is found competent, grant him a pilotage certificate upon such terms and conditions as they think fit.

(2.) The pilotage certificate so granted shall contain the same particulars, be of the same effect, and be in force for the same period as a certificate granted by a pilotage authority, and may be renewed either by the pilotage authority of the district, or if the Board of Trade think fit by that Board, and the renewal, if it is granted by the Board of Trade, shall be endorsed on the certificate by some person appointed by the Board of Trade for the purpose, and, if it is granted by a pilotage authority, shall be endorsed on the certificate in the same manner as in the case of certificates of pilotage originally granted by them.

601. The Board of Trade or a pilotage authority, as the case may be, may respectively withdraw any pilotage certificate

Withdrawal
of certificate.

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granted by them if it appear to them that the holder thereof has been guilty of misconduct or has shown himself incompetent to pilot his ship, and a certificate so withdrawn shall cease to be of effect.

Fees for
pilotage c-rti-
ficates.

602.—(1.) Masters and mates shall pay such fees upon the granting and renewal of pilotage certificates as—

(a.) in the case of certificates granted or renewed by a pilotage authority may be fixed by that authority with the consent of the Board of Trade :

(b.) in the case of certificates granted or renewed by the Board of Trade may be fixed by that Board, provided that they are not less than the fees paid by qualified pilots in the same district in respect of the granting and renewal of licenses.

(2.) The fees so received by a pilotage authority in respect of certificates shall be applicable to the expenses of and incidental to the examinations for the certificates and to the payment of such charges in connection with the preparation and renewal thereof as may be approved by the Board of Trade, and the surplus (if any) shall be applied for the benefit of the pilots' superannuation fund of the port or district (if any), or otherwise for the benefit of the qualified pilots of the port or district to which the certificates apply in such manner as the pilotage authority may think fit.

(3.) The fees received by the Board of Trade in respect of pilotage certificates shall be applicable to the expense of the examinations for those certificates, and the surplus (if any) shall be applied for the benefit of the qualified pilots of the port or district to which the certificates apply in such manner as the Board thinks fit.

Compulsory Pilotage.

Compulsory
pilotage.

603.—(1.) Subject to any alteration to be made by the Board of Trade or by any pilotage authority in pursuance of the powers hereinbefore contained, the employment of pilots shall continue to be compulsory in all districts where it was compulsory immediately before the commencement of this Act, but all exemptions from that compulsory pilotage shall continue to be in force.

(2.) If, within a district where pilotage is compulsory, the master of an unexempted ship after a qualified pilot has offered to take charge of the ship, or has made a signal for the purpose, pilots his ship himself without holding the necessary certificate, he shall be liable for each offence to a fine of double the amount of the pilotage dues that could be demanded for the conduct of the ship.

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604.—(1.) The master of every ship carrying passengers between any place in the British Islands, and any other place so situate, shall, while navigating within the limits of any district for which pilots are licensed under this or any other Act, employ a qualified pilot, unless he or the mate of his ship holds a pilotage certificate or a certificate granted under this section applying to this district, and, if he fails to do so, shall for each offence be liable to a fine not exceeding one hundred pounds.

Home-trade passenger ships to carry pilots.

(2.) The Board of Trade on the application of the master or mate of any such ship as aforesaid, and on being satisfied, by examination or otherwise, as the Board may deem expedient, of the competency of that master or mate, may grant him a certificate authorizing him to pilot any ship or ships belonging to the same owner and not being of greater draught of water than that stated in the certificate within the limits aforesaid, and any master or mate to whom the certificate is granted shall be entitled to conduct any such ship as is specified in the certificate within the limits specified in the certificate.

(3.) The certificate shall remain in force for such time as the Board of Trade may direct and may be endorsed on any certificate of competency obtained under the Second Part of this Act.

(4.) A master or mate shall on the application for a certificate under this section, or for a renewal thereof, pay to the Board of Trade, or as the Board directs, such fees not exceeding those payable under the Second Part of this Act on an examination for a master's certificate of competency as the Board of Trade may direct, and those fees shall be applied as the fees payable on that examination.

605.—(1.) The master and owner of any ship passing through any pilotage district in the United Kingdom on a voyage between two places both situate out of that district, shall be exempted from any obligation to employ a pilot in that district or to pay pilotage rates when not employing a pilot within that district.

Exemption from compulsory pilotage.

(2.) The exemption under this section shall not apply to ships loading or discharging at any place situate within the district or at any place situate above the district on the same river or its tributaries.

Offences, and suspension and dismissal, of Pilots.

606.—(1.) If a qualified pilot, either within or without the district for which he is licensed,—

Offences of pilots.

(a.) himself keeps, or is interested in keeping by any agent, servant, or other person, any public-house or place of public entertainment, or sells or is interested in selling any wine, spirituous liquors, tobacco, or tea ;

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- (b.) commits any fraud or offence against the revenues of customs, or against the excise or the laws relating thereto ;
- (c.) is in any way directly or indirectly concerned in any corrupt practices relating to ships, their tackle, furniture, cargoes, crews, or passengers, or to persons in distress at sea or by shipwreck, or to their moneys, goods, or chattels ;
- (d.) lends his license ;
- (e.) acts as pilot whilst suspended ;
- (f.) acts as pilot when in a state of intoxication ;
- (g.) employs or causes to be employed on board any ship of which he has charge any boat, anchor, cable, or other store, matter, or thing, beyond what is necessary for the service of that ship, with intent to enhance the expenses of pilotage for his own gain or for the gain of any other person ;
- (h.) refuses or wilfully delays, when not prevented by illness or other reasonable cause, to take charge of any ship within the limits of his license, upon the signal for a pilot being made by that ship, or upon being required to do so by the master, owner, agent, or consignee thereof, or by any officer of the pilotage authority by whom the pilot is licensed, or by any chief officer of customs ;
- (i.) unnecessarily cuts or slips or causes to be cut or slipped any cable belonging to any ship ;
- (k.) refuses, when requested by the master, to conduct the ship of which he has charge into any port or place into which he is qualified to conduct the same, except on reasonable ground of danger to the ship ; or
- (l.) quits the ship of which he has charge without the consent of the master, before the service for which he was hired has been performed,

that pilot shall for each offence, in addition to any liability for damages, be liable to a fine not exceeding one hundred pounds.

(2.) If any person procures, aids, abets, or connives at the commission of any offence under this section, he shall, in addition to any liability for damages, be liable to a fine not exceeding one hundred pounds.

(3.) If a qualified pilot commits an offence under this section, or procures, aids, abets, or connives at the commission of any such offence, he shall in addition to his liability to a fine, be liable to suspension or dismissal by the pilotage authority by whom he is licensed.

Penalty on pilot endangering ship, life, or limb.

607. If any pilot, when in charge of a ship, by wilful breach of duty or by neglect of duty, or by reason of drunkenness, either—

- (a.) does any act tending to the immediate loss, destruction, or serious damage, of the ship, or tending immediately to endanger the life or limb of any person on board the ship ; or

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(b.) refuses or omits to do any lawful act proper and requisite to be done by him for preserving the ship from loss, destruction, or serious damage, or for preserving any person belonging to or on board the ship from danger to life or limb,

that pilot shall in respect of each offence be guilty of a misdemeanour, and, if a qualified pilot, shall also be liable to suspension or dismissal by the pilotage authority by whom he is licensed.

608. If any person by wilful misrepresentation of circumstances upon which the safety of a ship may depend obtains, or endeavours to obtain, the charge of that ship, that person and every person procuring, abetting, or conniving at the commission of the offence shall, in addition to any liability for damages, be liable for each offence to a fine not exceeding one hundred pounds, and, if a qualified pilot, also to suspension or dismissal by the pilotage authority by whom he is licensed.

Penalty on pilot obtaining charge of a ship by misrepresentation.

609. Where provision has been made in pursuance of this part of this Act for the representation of pilots on the pilotage committee, or commissioners, or sub-commissioners for any pilotage district, the committee, commissioners, or sub-commissioners shall have the like power to suspend or dismiss, or to suspend or revoke the license of, any pilot licensed for that district who is guilty of an offence under this part of this Act as the pilotage authority have.

Powers of pilotage committee to suspend or dismiss pilot.

610.—(1.) If a pilot is aggrieved by the decision of a pilotage authority or a pilotage committee, or of any commissioners or sub-commissioners for a pilotage district, with respect to his suspension or dismissal, or the suspension or revocation of his license, or the imposition of a fine which exceeds two pounds, or the application of any pilotage fund to which he has contributed prejudicing his rights in respect of the fund, he may appeal therefrom either to a judge of county courts having jurisdiction within the port for which the pilot is licensed, or to a metropolitan police magistrate or stipendiary magistrate having jurisdiction within that port.

Appeals from suspension or dismissal.

(2.) For the purpose of hearing the appeal, the judge or magistrate shall sit with an assessor of nautical and pilotage experience.

(3.) The assessor shall be selected and summoned by the judge or magistrate, but if the appellant is a pilot licensed by the Trinity House for any district on the coast of England or Wales, the assessor shall be selected from the Brethren of the Trinity House.

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(4.) Objection may be taken to any person proposed to be summoned as an assessor, either personally or in respect of his qualification, and by either party to the appeal.

(5.) The judge or magistrate may either confirm or reverse the decision appealed against, or modify the same by increasing or decreasing any penalty or otherwise, as may seem just, and his decision shall be final.

(6.) The costs incurred by a pilotage authority under this section shall be payable out of any fund applicable to the general expenses of the pilotage authority.

(7.) Rules with respect to the procedure under this section (including costs and the remuneration of assessors) may be made, as respects county court judges, by the authority having power to make rules of practice under the County Courts Act, 1888, and as respects metropolitan police and stipendiary magistrates by a Secretary of State, but in either case with the concurrence of the Treasury as to fees.

51-52 V., c. 43.

(8.) In Scotland the appeal under this section shall be to the sheriff having jurisdiction at the port where the decision is given, and may be heard by the sheriff sitting with an assessor as provided in this section, and rules may be made by the court of session by Acts of sederunt with respect to the procedure in case of those appeals in Scotland (including costs and the remuneration of assessors) subject to the concurrence of the Treasury as to fees.

(9.) In the application of this section to Ireland—

(a.) The expressions “judge of county courts” and “judge” shall respectively mean a county court judge and chairman of quarter sessions, and include recorder;

(b.) The expressions “stipendiary magistrate” and “magistrate” shall respectively mean a magistrate appointed under the Constabulary (Ireland) Act, 1836.

6-7 Will. 4,
c. 13.

(c.) Rules with respect to the procedure in case of appeals under this section (including costs and the remuneration of assessors) may from time to time be made, as respects county court judges and chairmen of quarter sessions, by the authority having power to make rules and orders for regulating the practice under the County Officers and Courts (Ireland) Act, 1877, and as respects stipendiary magistrates, by the Lord Lieutenant of Ireland in Council, but in either case with the concurrence of the Treasury as to fees.

40-41 V., c. 56.

Pilot Boats and Pilot Signals.

Approval of
pilot boats.

611. All boats and ships regularly employed in the pilotage service of any district (in this part of this Act referred to as pilot boats) shall be approved and licensed by the pilotage

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authority of the district, and that authority may, at their discretion, appoint and remove the masters of those pilot boats.

612.—(1.) Every pilot boat shall be distinguished by the following characteristics: namely,—

Characteristics of pilot boats.

- (a.) On her stern the name of her owner and the port to which she belongs, painted in white letters at least one inch broad and three inches long, and on each bow the number of her license.
- (b.) In all other parts a black colour painted or tarred outside, or such other colour or colours as the pilotage authority of the district, with the consent of the Board of Trade, direct.
- (c.) When afloat a flag (in this Act called a pilot flag) of large dimensions compared with the size of the pilot boat, and of two colours, the upper horizontal half white, and the lower horizontal half red, to be placed at the mast head, or on a sprit or staff, or in some equally conspicuous situation.

(2.) It shall be the duty of the master of the pilot boat to see that the pilot boat possesses all the above characteristics, and that the pilot flag is kept clean and distinct, so as to be easily discerned at a reasonable distance; and also that the names and numbers aforesaid are not at any time concealed; and if a master fails without reasonable cause to comply with the requirements of this section, he shall for each offence be liable to a fine not exceeding twenty pounds.

613.—(1.) When a qualified pilot is carried off in a vessel not in the pilotage service, he shall exhibit a pilot flag in order to show that the vessel has a qualified pilot on board; and if he fails, without reasonable cause, to do so, he shall for each offence be liable to a fine not exceeding fifty pounds.

Display of pilot flag, when pilot is on board vessel.

(2.) Where the master or mate of a ship holds a pilotage certificate, a pilot flag shall be displayed on board the ship while that master or mate is on board and the ship is within a pilotage district in which pilotage is compulsory, and if default is made in complying with the enactment, the master of the ship shall for each offence be liable to a fine not exceeding twenty pounds.

614. A pilot flag or a flag so nearly resembling a pilot flag as to be likely to deceive shall not be displayed on any ship or boat not having a licensed pilot or a master or mate holding a pilotage certificate on board, and if on any such ship or boat any such flag is displayed, the owner or master of that vessel shall, unless in the case of the display of a flag likely to deceive he proves that he had no intention to deceive, be liable for each offence to a fine not exceeding fifty pounds.

Penalty on ordinary boat displaying pilot flag.

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Signals to be displayed by ships requiring a pilot.

615.—(1.) Her Majesty may by Order in Council make rules as to the signals to be used or displayed where the services of a pilot are required on any vessel, and those signals are in this Act referred to as pilot signals.

(2.) If a vessel requires the services of a pilot, the master of that vessel shall use or display the pilot signals.

(3.) If a master of a vessel uses or displays, or causes or permits any person under his authority to use or display, any of the pilot signals for any other purpose than that of summoning a pilot, or uses or causes or permits any person under his authority to use any other signal for a pilot, he shall for each offence be liable to a fine not exceeding twenty pounds.

Trinity House.

Power of Trinity House to alter regulations.

616. The Trinity House may, in the exercise of the general powers given to pilotage authorities under this part of this Act, alter such of the provisions hereinafter contained in this part of this Act as are expressed to be subject to alteration by them in the same manner and to the same extent as they might have been altered if these provisions had been contained in any previous Act of Parliament instead of this Act.

Sub-Commissioners (Trinity House).

Power of Trinity House to appoint sub-commissioners.

617.—(1.) The Trinity House shall continue to appoint sub-commissioners (not being more than five nor fewer than three) for the examination of pilots in all districts in which the Trinity House have before the commencement of this Act been used to make those appointments, and may, with the consent of Her Majesty in Council, but not otherwise, appoint like sub-commissioners of any other district in which no particular provision is made by any Act of Parliament or charter for the appointment of pilots.

(2.) A pilotage district which is at the commencement of this Act under the authority of any sub-commissioners appointed by the Trinity House shall not be extended, except with the consent of Her Majesty in Council, and sub-commissioners appointed by the Trinity House shall not be deemed to be pilotage authorities within the meaning of this Act.

Licensing of Pilots by Trinity House.

Licensing of pilots by Trinity House within certain limits.

618.—(1.) The Trinity House shall continue, after due examination by them or their sub-commissioners, to appoint and license, under their common seal, pilots for the purpose of conducting ships within the following limits or in any area within those limits; namely,—

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- (i.) The London district, consisting of the waters of the Thames and Medway as high as London Bridge and Rochester Bridge respectively, and also the sea and channels leading thereto or therefrom as far as Orfordness to the north, and Dungeness to the south.
 - (ii.) The English Channel district, consisting of the seas between Dungeness and the Isle of Wight.
 - (iii.) The Trinity House outport districts, comprising any pilotage district for the appointment of pilots within which no particular provision is made by any Act of Parliament or charter.
- (2.) The Trinity House shall not license a pilot to conduct ships both above and below Gravesend.

619. Subject to any alteration to be made by the Trinity House, the following provisions shall apply to the licensing of pilots by them:— Regulations as to pilots' licenses.

- (i.) The names of all pilots licensed by the Trinity House shall be published by them—
 - (a.) by fixing at their house in London a notice specifying the name and usual place of abode of every pilot so licensed, and the limits within which he is licensed to act; and
 - (b.) by transmitting copies of that notice to the Commissioners of Customs in London, and to the chief officers of customs at all ports or places within the limits for which the pilot is licensed; and those copies shall be posted up at the custom-house in London, and at the custom-house at those ports or places.
- (ii.) Every Trinity House pilot shall, on his appointment, execute a bond for one hundred pounds, conditioned for the due observance on his part of the regulations and by-laws of the Trinity House, and that bond shall be free from stamp duty, and from every other charge except the actual expense of preparing the same.
- (iii.) A license granted to a pilot by the Trinity House shall not continue in force beyond the thirty-first day of January next following the date of that license; but the license may, upon the application of the pilot holding the same, be renewed on or before the thirty-first day of January in every year, or on any subsequent day, by endorsement under the hand of the secretary of the Trinity House, or such other person as may be appointed by them for that purpose.

620. A qualified pilot appointed by the Trinity House who has executed a bond under this part of this Act shall not be liable for neglect or want of skill beyond the penalty of the Pilot's liability limited.

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bond, and the amount payable to him on account of pilotage in respect of the voyage in which he was engaged when he became so liable.

Power to re-
voke and sus-
pend licenses.

621. The Trinity House may revoke or suspend the license of any pilot appointed by them, in such manner, and at such time, as they think fit.

Compulsory Pilotage (Trinity House).

Compulsory
pilotage dis-
tricts of Trini-
ty House.

622.—(1.) Subject to any alterations to be made by the Trinity House, and to the exemptions under this part of this Act, pilotage shall be compulsory within the London district, and the Trinity House outport districts.

(2.) If a master of a ship navigating within those districts, after a qualified pilot has offered to take charge of the ship, or made a signal for the purpose, either himself pilots the ship without possessing a pilotage certificate, or employs or continues to employ an unqualified person to pilot her, he shall for each offence be liable, in addition to any other penalty under this part of this Act, to a fine not exceeding five pounds for every fifty tons burden of the ship, if the Trinity House certify in writing, under their common seal, that the prosecutor may proceed for the same.

Constant
supply of
pilots at
Dungeness.

623. Subject to any alteration to be made by the Trinity House a sufficient number of qualified pilots shall always be ready to take charge of ships coming from the westward past Dungeness; and the Trinity House shall, by by-law made under this part of this Act, make such regulations with respect to the pilots under their control as may be necessary in order to provide for an unintermitted supply of qualified pilots for those ships, and to ensure their constant attendance upon, and due performance of, their duty both by night and day, whether by cruising between the South Foreland and Dungeness, or by going off from shore upon signals made for the purpose, or by both of those means, or by any other means, and whether in rotation or otherwise, as the Trinity House think fit.

Ships from
London com-
ing past
Dungeness to
take the first
pilot.

624.—(1.) Subject to any alteration to be made by the Trinity House, a master of any ship coming from the westward, and bound to any place in the River Thames or Medway (unless she has a qualified pilot on board, or is exempted from compulsory pilotage), shall on the arrival of the ship off Dungeness, and thenceforth until she has passed the south buoy of the Brake, or a line to be drawn from Sandown Castle to the said buoy, or until a qualified pilot has come on board, display and keep displayed the usual signal for a pilot.

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(2.) If a qualified pilot is within hail, or is approaching, and within half a mile, and has a pilot flag flying in his boat, the master shall, by heaving to in proper time or shortening sail, or by any practicable means consistent with the safety of his ship, facilitate the pilot getting on board, and shall give the charge of piloting his ship to that pilot; or if there are two or more qualified pilots offering at the same time, to such one of them as may, according to the regulations for the time being in force, be entitled or required to take charge of the ship.

(3.) If a master fails to comply with the provisions of this section, or any of them, he shall for each offence be liable to a fine not exceeding double the sum which might have been demanded for the pilotage of his ship, and the fine shall be paid to the Trinity House, and be carried to the account of the Trinity House Pilot Fund.

625. The following ships, when not carrying passengers, shall, without prejudice to any general exemption under this part of this Act, be exempted from compulsory pilotage in the London district, and in the Trinity House outport districts; (that is to say,)

Exemption
from compul-
sory pilotage.

- (1.) Ships employed in the coasting trade of the United Kingdom :
- (2.) Ships of not more than sixty tons burden :
- (3.) Ships trading from any port in Great Britain within the London district or any of the Trinity House outport districts to the port of Brest in France, or any port in Europe north and east of Brest, or to the Channel Islands or Isle of Man.
- (4.) Ships trading from the port of Brest, or any port in Europe north and east of Brest, or from the Channel Islands or Isle of Man to any port in Great Britain within the said London or Trinity House outport district :
- (5.) Ships navigating within the limits of the port to which they belong.

Rates of Pilotage (Trinity House).

626.—(1.) Subject to any alteration to be made by the Trinity House there shall continue to be paid to all Trinity House pilots, in respect of their pilotage services, such dues as are immediately before the commencement of this Act payable to them in respect of those services.

Rates of
pilotage.

(2.) The Trinity House may by by-law made under this part of this Act repeal or relax, as to the whole or any part of their district, the provisions of this part of this Act restricting the demanding, receiving, offering to pay, or payment of any pilotage rates other than those which may be demanded by

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law so far as to allow any pilot or class of pilots under their authority to demand or receive, and any master to offer or pay, any rate less than the rate which may be demanded by law.

Pilotage dues for foreign ships for port of London.

627.—(1.) Subject to any alteration to be made by the Trinity House, and notwithstanding anything before contained in this part of this Act, there shall be paid in respect of all foreign ships trading to and from the port of London, and not exempted from pilotage :

- (a.) as to ships inwards, the full amount of pilotage dues for the distance piloted ; and
- (b.) as to ships outwards, the full amount of dues for the distance required by law.

(2.) Payment of those pilotage dues shall be made to the chief officer of customs in the port of London by the master or other person having the charge of the ship, or by the consignees or agents thereof who have paid or made themselves liable to pay any other charge for the ship in the port of London.

(3.) Pilotage dues under this section may be recovered in the same manner as other pilotage dues are recoverable under this part of this Act.

Receipt and application of pilotage dues payable by foreign ships.

628.—(1.) Subject to any alteration to be made by the Trinity House, the chief officer of customs shall, on receiving any pilotage dues in respect of foreign ships, give to the person paying the same a receipt in writing ; and in the port of London the ship may be detained until the receipt is produced to the proper officer of customs at that port.

(2.) Subject to any alteration to be made by the Trinity House, the chief officer of customs shall pay over to the Trinity House the pilotage dues received by him in respect of any foreign ship ; and the Trinity House shall apply the same :

- (a.) In the first place, in paying to any pilot who may bring sufficient proof of his having had the charge of the ship such dues as would have been payable to him for the pilotage service if the ship had been a British ship, after deducting therefrom the poundage due to the Trinity House : and
- (b.) In the second place, in paying to any unlicensed person who may bring sufficient proof of his having, in the absence of a licensed pilot, had the charge of the ship, such amount as the Trinity House may think proper, not exceeding the amount which would under similar circumstances have been payable to a licensed pilot, after deducting poundage : and
- (c.) Lastly, in paying over to the Trinity House Pilot Fund the residue together with all poundage deducted as aforesaid.

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629.—(1.) Whenever any difference arises between the master and the qualified pilot of any ship trading to or from the port of London as to her draught of water, the Trinity House shall, upon application by either party, made in the case of a ship inward bound, either within twelve hours after her arrival or at some time before she begins to discharge her cargo, and, in the case of a ship outward bound, before she quits her moorings, appoint some proper officer to measure the ship, and settle the difference accordingly.

Settlement of difference as to draught of ship.

(2.) There shall be paid to the officer who measures the ship, by the party against whom he decides, one guinea if the ship be below, and half a guinea if the ship be above, the entrance of the London Docks at Wapping.

Pilot Fund (Trinity House).

630.—(1.) Subject to any alteration to be made by the Trinity House, there shall continue to be paid to the Trinity House, and carried over to the Trinity House Pilot Fund :

Payments to be made to the pilot fund.

(a.) A poundage of sixpence in the pound upon the pilotage earnings of all pilots licensed by the Trinity House ;

(b.) A sum of three pounds three shillings to be paid on the first day of January in every year by every person licensed by the Trinity House to act as pilot in any district not under the superintendence of sub-commissioners, or in any part of that district.

(2.) If a qualified pilot gives a false account of his earnings, or makes default in paying any sum due from him under this section, he shall for each offence be liable to a fine equal to double the amount payable, and shall further be liable, at the discretion of the Trinity House, to suspension or dismissal.

631. Subject to any prior charges subsisting thereon by virtue of any Act of Parliament or otherwise, the Trinity House Pilot Fund shall be chargeable in the first place with the payment of such expenses as the Trinity House may duly incur in the performance of their duties in respect of pilots and pilotage ; and after payment thereof shall (subject to any alteration to be made by the Trinity House) be administered by them for the benefit of those pilots licensed by them after the first day of October, one thousand eight hundred and fifty-three, who are incapacitated for the performance of their duty by reason of age, infirmity, or accident, and of the widows and children of pilots so licensed, or of those incapacitated pilots only.

Application of fund.

632.—(1.) The corporations of the Trinity Houses in the ports of Kingston-upon-Hull and Newcastle shall appoint sub-commissioners (not being more than seven nor fewer than three) for the examination of pilots in all districts in which they have, before the commencement of this Act, been used to

Appointment of sub-commissioners by Trinity Houses of Hull and Newcastle.

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make such appointments, and may, with the consent of Her Majesty in Council, but not otherwise, appoint like sub-commissioners for any other district situate within their jurisdiction.

(2.) A pilotage district which is at the commencement of this Act under the authority of any sub-commissioners appointed by either of the said corporations shall not be extended, except with the consent of Her Majesty in Council.

(3.) Sub-commissioners appointed or to be appointed under this section shall not be deemed to be pilotage authorities within the meaning of this Act, nor shall anything in this Act be held to confer upon the commissioners for regulating the pilotage of the port of Kingston-upon-Hull and of the river Humber any jurisdiction of a different nature or character from that which they have exercised before the commencement of this Act.

Saving for Liability of Owners and Masters.

Limitation of liability of owner or masters where pilotage is compulsory.

633. An owner or master of a ship shall not be answerable to any person whatever for any loss or damage occasioned by the fault or incapacity of any qualified pilot acting in charge of that ship within any district where the employment of a qualified pilot is compulsory by law.

PART XI.

LIGHTHOUSES.

General Management.

Management of lighthouses, buoys and beacons.

634.—(1.) Subject to the provisions of this part of this Act, and subject also to any powers or rights now lawfully enjoyed or exercised by any person or body of persons having by law or usage authority over local lighthouses, buoys, or beacons (in this Act referred to as “local lighthouse authorities”), the superintendence and management of all lighthouses, buoys, and beacons shall within the following areas be vested in the following bodies; namely,

- (a.) throughout England and Wales, and the Channel Islands, and the adjacent seas and islands, and at Gibraltar, in the Trinity House;
- (b.) throughout Scotland and the adjacent seas and islands, and the Isle of Man, in the Commissioners of Northern Lighthouses; and
- (c.) throughout Ireland and the adjacent seas and islands, in the Commissioners of Irish Lights,

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and those bodies are in this Act referred to as the general lighthouse authorities and those areas as lighthouse areas :

(2.) Subject to the provisions of this part of this Act, the general lighthouse authorities shall respectively continue to hold and maintain all property now vested in them in that behalf in the same manner and for the same purposes as they have hitherto held and maintained the same.

635. The general lighthouse authorities, and their respective officers, shall at all times give to the Board of Trade, all such returns, explanations or information, in relation to the lighthouses, buoys, or beacons within their respective areas, and the management thereof, as the Board require.

Returns and information to Board of Trade.

636.—(1.) The Board of Trade may, on complaint that any lighthouse, buoy, or beacon under the management of any of the general lighthouse authorities, or any work connected therewith, is inefficient or improperly managed or is unnecessary, authorize any persons appointed by them to inspect the same ;

Power of Board of Trade to inspect on complaint made.

(2.) A person so authorized may inspect the same accordingly, and make any inquiries in respect thereof, and of the management thereof, which he thinks fit ; and all officers and others having the care of any such lighthouses, buoys, or beacons, or concerned in the management thereof, shall furnish any information and explanations in relation thereto which the person inspecting requires.

637. The Trinity House, and any of their engineers, workmen, and servants, may at all times enter any lighthouse within any of the lighthouse areas for the purpose of viewing their condition or otherwise for the purposes of this Act.

Inspection by Trinity House.

Construction of Lighthouses, &c.

638. A general lighthouse authority shall, within their area but subject, in the case of the Commissioners of Northern Lighthouses and the Commissioners of Irish Lights, to the restrictions enacted in this part of this Act, have the following powers (in this Act referred to as lighthouse powers), namely, powers—

General powers of lighthouse authorities.

- (a.) to erect or place any lighthouse, with all requisite works, roads, and appurtenances :
- (b.) to add to, alter, or remove any lighthouse :
- (c.) to erect or place any buoy or beacon, or alter or remove any buoy or beacon :
- (d.) to vary the character of any lighthouse or the mode of exhibiting lights therein.

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Powers as to
land.

639.—(1.) A general lighthouse authority may take and purchase any land which may be necessary for the exercise of their lighthouse powers, or for the maintenance of their works or for the residence of the light keepers, and for that purpose the Lands Clauses Acts shall be incorporated with this Act and shall apply to all lighthouses to be constructed and all land to be purchased under the powers thereof.

(2.) A general lighthouse authority may sell any land belonging to them.

Restrictions
on exercise of
lighthouse
powers by
commission-
ers.

640.—(1.) When the Commissioners of Northern Lighthouses or the Commissioners of Irish Lights propose to exercise any of their lighthouse powers, they shall submit a scheme to the Trinity House specifying the mode in which they propose to exercise the power, and their reasons for wishing to exercise the same, and they shall not exercise any such power until they have so submitted a scheme to the Trinity House and obtained the sanction of the Board of Trade in manner provided by this Act.

(2.) The Trinity House shall take into consideration any scheme so submitted to them, and shall make a report, stating their approval or rejection of the scheme with or without modification, and shall send a copy of the report to the commissioners by whom the scheme is submitted.

(3.) For the purpose of obtaining the sanction of the Board of Trade to any scheme so submitted to the Trinity House, the Trinity House shall send a copy of the scheme and of their report thereon, and of any communications which have passed with reference thereto between them and the commissioners by whom the scheme is submitted, to the Board of Trade, and that Board may give any directions they think fit with reference to the scheme, and may grant or withhold their sanction either wholly or subject to any conditions or modifications they think fit.

(4.) The commissioners by whom a scheme is submitted may, before a decision on the scheme is given by the Board of Trade, forward either to that Board or to the Trinity House any suggestions or observations with respect to the scheme or the report of the Trinity House thereon, and the Board of Trade in giving any decision on the scheme shall consider those suggestions or observations.

(5.) The decision of the Board of Trade with reference to any scheme shall be communicated by that Board to the Trinity House, and by the Trinity House to the commissioners by whom the scheme is submitted, and those commissioners shall act in conformity with the decision.

Power of
Trinity House
to direct light-

641.—(1.) The Trinity House may, with the sanction of the Board of Trade, direct the Commissioners of Northern Lighthouses or the Commissioners of Irish Lights—

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- (a.) to continue any lighthouse, buoy, or beacon :
 (b.) to erect or place any lighthouse, buoy, or beacon, or add to, alter, or remove any existing lighthouse, buoy, or beacon :
 (c.) to vary the character of any lighthouse or the mode of exhibiting lights therein :

house works
to be done.

and the commissioners shall be bound within a reasonable time to obey any directions so given and sanctioned.

(2.) For the purpose of obtaining the sanction of the Board of Trade to any direction under this section, the Trinity House shall make a written application to the Board of Trade showing fully the work which they propose to direct and their reasons for directing the same, and shall give notice in writing of the application to the commissioners to whom they propose to give the direction at their principal office in Edinburgh or Dublin, as the case may be.

(3.) Before the Board of Trade decide on any such application an opportunity shall be given to the commissioners to whom it is proposed to give the direction for making any representation which they may think fit to make with regard to the application to the Board of Trade or the Trinity House.

642. Where any improved light, or any siren or any description of fog signal has been added to an existing lighthouse, the light siren or signal may, for the purposes of this part of this Act, be treated as if it were a separate lighthouse.

Additions to
lighthouses.

Light Dues.

643. Subject to any alterations to be made under the powers contained in this part of this Act, a general lighthouse authority shall, in respect of any lighthouses, buoys, or beacons which at the commencement of this Act are under their management, continue to levy dues (in this Act called light dues), subject to the same limitations as to the amount thereof as are in force at the commencement of this Act; and those light dues shall be payable in respect of all ships whatever, except ships belonging to Her Majesty, and ships exempted from payment thereof in pursuance of this Act.

Continuance
of light dues.

644. On the completion of any lighthouse, buoy, or beacon, Her Majesty may, by Order in Council, fix dues to be paid in respect thereof in the case of any ship which passes the same, or derives benefit therefrom, and the dues so fixed shall, for the purposes of this Act, be deemed to be light dues.

Dues for new
lighthouses.

645.—(1.) Her Majesty may, by Order in Council, increase, vary, or reduce any light dues payable in respect of any lighthouse, buoy, or beacon for the time being under the management of a general lighthouse authority.

Revision of
light dues by
Order in
Council.

Merchant Shipping Act, 1894.

(2.) Provided that the light dues payable in respect of a lighthouse, buoy, or beacon which was existing on the first day of May, one thousand eight hundred and fifty-five, shall not be made to exceed the amount which at any period previous to that date was received in respect thereof, or to which they might have been raised during any part of that period.

Regulation of
light dues by
lighthouse
authorities.

646.—(1.) A general lighthouse authority may, with the consent of Her Majesty given by Order in Council,

- (a.) exempt any ships or any classes of ships from the payment of light dues receivable by that authority, and annex any terms or conditions to those exemptions ;
- (b.) alter the times, places, and modes at and in which the light dues receivable by the authority are payable ; and
- (c.) substitute any other dues or class of dues, whether by way of annual payment or otherwise, in respect of any ships or classes of ships, for the dues payable to that authority for the time being.

30 and 31 V.,
c. 15.

(2.) Nothing in this Act shall affect the provisions of the Shipping Dues Exemption Act, 1867, or any Act amending the same.

Publication of
light dues and
regulations.

647. Tables of all light dues, and a copy of the regulations for the time being in force in respect thereof, shall be posted up at all custom-houses in the United Kingdom, and for that purpose each of the general lighthouse authorities shall furnish copies of all such tables and regulations to the Commissioners of Customs in London, and to the chief officers of customs resident at all places where light dues are collected on account of that lighthouse authority ; and those copies shall be posted up by the Commissioners of Customs at the custom-house in London, and by the chief officers of customs at the custom-houses of the places at which they are respectively resident.

Application
and collection
of light dues.

648.—(1.) All light dues coming into the hands of any general lighthouse authority under this Act shall be carried to the Mercantile Marine Fund.

(2.) Every person appointed to collect light dues by any of the general lighthouse authorities shall collect all light dues payable at the port at which he is so appointed, whether they are collected on account of the authority by whom he was appointed or on account of one of the other general lighthouse authorities.

(3.) Any person so appointed to collect light dues shall pay over to the general lighthouse authority by whom he was appointed, or as that authority directs, the whole amount of

Merchant Shipping Act, 1894.

light dues received by him; and the authority receiving the dues shall keep accounts thereof, and shall cause the dues to be remitted to Her Majesty's Paymaster General in such manner as the Board of Trade direct.

649.—(1.) The following persons shall be liable to pay light dues for any ship in respect of which light dues are payable, namely,—

Recovery of light dues.

(a.) the owner or master; or

(b.) such consignees or agents thereof as have paid, or made themselves liable to pay, any other charge on account of the ship in the port of her arrival or discharge;

and those dues may be recovered in the same manner as fines of a like amount under this Act.

(2.) Any consignee or agent (not being the owner or master of the ship) who is hereby made liable for the payment of light dues in respect of any ship, may, out of any moneys received by him on account of that ship or belonging to the owner thereof, retain the amount of all light dues paid by him, together with any reasonable expenses he may have incurred by reason of the payment of the dues or his liability to pay the dues.

650.—(1.) If the owner or master of any ship fails on demand of the authorized collector, to pay the light dues due in respect thereof, that collector may, in addition to any other remedy which he or the authority by whom he is appointed is entitled to use, enter upon the ship, and distrain the goods, guns, tackle, or any thing belonging to, or on board, the ship, and detain that distress until the light dues are paid.

Distress on ship for light dues.

(2.) If payment of the light dues is not made within the period of three days next ensuing the distress, the collector may, at any time during the continuance of the non-payment, cause the distress to be appraised by two sufficient persons or sworn appraisers, and thereupon sell the same, and apply the proceeds in payment of the light dues due, together with all reasonable expenses incurred by him under this section, paying the surplus (if any), on demand, to the owner or master of the ship.

651. A receipt for light dues shall be given by the person appointed to collect the same to every person paying the same, and a ship may be detained at any port where light dues are payable in respect of any ship, until the receipt for the light dues is produced to the proper officer of customs.

Receipt for light dues.

Local Lighthouses.

652.—(1.) It shall be the duty of each of the general light-house authorities, or of any person authorized by that author-

Inspection of local light-houses.

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ity for the purpose, to inspect all lighthouses, buoys and beacons situate within their area, but belonging to or under the management of any local lighthouse authority, and to make such inquiries in respect thereof and of the management thereof as they think fit.

(2.) All officers and others having the care of any such local lighthouses, buoys or beacons, or concerned in the management thereof, shall furnish all such information and explanations concerning the same as the general lighthouse authority require.

(3.) All local lighthouse authorities and their officers shall at all times give to the general lighthouse authority all such returns, explanations, or information concerning the lighthouses, buoys, and beacons under their management and the management thereof, as the lighthouse authority require.

(4.) The general lighthouse authority shall communicate to each local lighthouse authority the results of the inspection of their lighthouses, buoys and beacons, and shall also make general reports of the results of their inspection of local lighthouses, buoys, and beacons to the Board of Trade; and those reports shall be laid before Parliament.

Control of local lighthouse authorities by general lighthouse authorities.

653.—(1.) A general lighthouse authority may, within their area, with the sanction of the Board of Trade, and after giving due notice of their intention, direct a local lighthouse authority to lay down buoys, or to remove or discontinue any lighthouse, buoy or beacon, or to make any variation in the character of any lighthouse, buoy, or beacon, or in the mode of exhibiting lights in any lighthouse, buoy or beacon.

(2.) A local lighthouse authority shall not erect or place any lighthouse, buoy or beacon, or remove or discontinue any lighthouse, buoy, or beacon, or vary the character of any lighthouse, buoy, or beacon, or the mode of exhibiting lights in any lighthouse, buoy or beacon, without the sanction of the general lighthouse authority.

(3.) If a local lighthouse authority having power to erect, place, or maintain any lighthouse, buoy, or beacon, at any place within a lighthouse area, fail to do so, or fail to comply with the direction of a general lighthouse authority under this section with respect to any lighthouse, buoy or beacon, Her Majesty may, on the application of the general lighthouse authority, by Order in Council, transfer any powers of the local lighthouse authority with respect to that lighthouse, buoy, or beacon, including the power of levying dues, to the general lighthouse authority.

(4.) On the making of any Order in Council under this section, the powers transferred shall be vested in the general lighthouse authority to whom they are transferred, and the

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lighthouse, buoy, or beacon in respect of which the Order is made, and the dues leviable in respect thereof, shall respectively be subject to the same provisions as those to which a lighthouse, buoy or beacon provided by that general lighthouse authority under this part of this Act, and the light dues leviable under this part of this Act are subject.

(5.) Nothing in this section shall apply to local buoys and beacons placed or erected for temporary purposes.

654.—(1.) A local lighthouse authority may, if they think fit, surrender or sell any lighthouse, buoy, or beacon held by them to the general lighthouse authority within whose area it is situated, and that general lighthouse authority may, with the consent of the Board of Trade, accept or purchase the same. Surrender of local lighthouses.

(2.) The purchase money for any lighthouse, buoy, or beacon so sold to a general lighthouse authority shall be paid out of the Mercantile Marine Fund.

(3.) On the surrender or sale of a lighthouse, buoy, or beacon under this section to a general lighthouse authority,—

(a.) the lighthouse, buoy, or beacon surrendered or sold shall, together with its appurtenances, become vested in the general lighthouse authority, and shall be subject to the same provisions as if it had been provided by that authority under this part of this Act; and

(b.) the general lighthouse authority shall be entitled to receive either the dues which were leviable in respect of the lighthouse, buoy, or beacon surrendered or sold at the time of the surrender or sale, or, if Her Majesty so directs by Order in Council, such dues as may be fixed by Order in Council, and those dues shall be subject to the same provisions and regulations as light dues for a lighthouse completed by a general lighthouse authority under this Act.

655.—(1.) If any lighthouse, buoy, or beacon is erected or placed, or reconstructed, repaired, or replaced by a local lighthouse authority, Her Majesty may, on the application of that authority, by Order in Council, fix such dues to be paid to that authority in respect of every ship which enters the port or harbour under the control of that authority or the estuary in which the lighthouse, buoy, or beacon is situate, and which passes the lighthouse, buoy, or beacon and derives benefit therefrom as Her Majesty may think reasonable. Light dues for local lights.

(2.) Any dues fixed under this section (in this Act referred to as local light dues) shall be paid by the same persons and may be recovered in the same manner as light dues under this part of this Act.

(3.) Her Majesty may by Order in Council reduce, alter, or increase any local light dues, so that those dues, so far as possible,

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may be sufficient and not more than sufficient for the payment of the expenses incurred by the local lighthouse authority in respect of the lighthouses, buoys, or beacons for which the dues are levied.

Application of local light dues.

656.—(1.) All local light dues shall be applied by the authority by whom they are levied for the purpose of the construction, placing, maintenance, and improvement of the lighthouses, buoys, and beacons in respect of which the dues are levied, and for no other purpose.

(2.) The local lighthouse authority to whom any local light dues are paid shall keep a separate account of the receipt and expenditure of those dues, and shall, once in every year or at such other time as the Board of Trade may determine, send a copy of that account to the Board of Trade, and shall send the same in such form and shall give such particulars in relation thereto as the Board of Trade requires.

Deduction of local light dues.

657. A local lighthouse authority may, with the consent of Her Majesty in Council (if they have not otherwise power to do so) reduce all or any dues receivable by them in respect of lighthouses, buoys, and beacons.

Expenses of General Lighthouse Authorities.

Payment of lighthouse expenses out of Mercantile Marine Fund.

658. The expenses incurred by the general lighthouse authorities in the works and services of lighthouses, buoys, and beacons under this part of this Act, or in the execution of any works necessary or expedient for the purpose of permanently reducing the expense of those works and services, shall be paid out of the Mercantile Marine Fund.

Establishments of general lighthouse authorities.

659.—(1.) Her Majesty may by Order in Council fix the establishments to be maintained by each of the general lighthouse authorities on account of the services of lighthouses, buoys, and beacons, or the annual or other sums to be paid out of the Mercantile Marine Fund in respect of those establishments.

(2.) If it appears that any part of the establishments of the general lighthouse authorities is maintained for other purposes as well as for the purposes of their duties as general lighthouse authorities, Her Majesty may by Order in Council fix the portion of the expense of those establishments to be paid out of the Mercantile Marine Fund.

(3.) An increase of any establishment or part of an establishment fixed under this section shall not be made without the consent of the Board of Trade.

Estimates or accounts of expenses sent

660.—(1.) An expense of a general lighthouse authority in respect of the services of lighthouses, buoys, and beacons shall

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not be paid out of the Mercantile Marine Fund, or allowed in account, unless either it has been allowed as part of the establishment expenses under this Act, or an estimate or account thereof has been approved by the Board of Trade.

to Board of Trade.

(2.) For the purpose of approval by the Board of Trade, each of the general lighthouse authorities shall submit to that Board an estimate of all expenses to be incurred by them in respect of lighthouses, buoys, or beacons, other than expenses allowed under this Act on account of their establishments, or, in case it is necessary in providing for any sudden emergency to incur any such expense without waiting for the sanction of an estimate, shall as soon as possible submit to the Board of Trade a full account of the expense incurred.

(3.) The Board of Trade shall consider any estimates and accounts so submitted to them, and may approve them either with or without modification.

661.—(1.) For the purpose of the construction and repair of lighthouses, and of other extraordinary expenses connected with lighthouses, buoys, and beacons, the Treasury may, upon the application of the Board of Trade, advance out of the growing produce of the Consolidated Fund such sums, and upon such terms and at such rate of interest, as they think fit, and pay the same into the Mercantile Marine Fund, but the total amount due in respect of any such advances shall not at any one time exceed two hundred thousand pounds.

Advances by Treasury for lighthouse expenses.

(2.) Where the Treasury advance any sum under this section, that sum and the interest thereon shall be a charge upon the Mercantile Marine Fund, and upon any dues, rates, fees, or other payments payable thereto, and the Board of Trade shall make such provision for the repayment thereof out of that fund either by way of sinking fund or otherwise as the Treasury require.

(3.) A charge under this section for the purpose of an advance by the Treasury shall not prevent the reduction of any dues, rates, fees, or other payments payable to the Mercantile Marine Fund, if the reduction is sanctioned by the Treasury.

662.—(1.) The Board of Trade may mortgage the Mercantile Marine Fund and any dues, rates, fees, or other payments payable thereto, or any part thereof, for the purpose of the construction and repair of lighthouses or other extraordinary expenses connected with the services of lighthouses, buoys, and beacons.

Mortgage of Mercantile Marine Fund for lighthouse expenditure.

(2.) Any mortgage under this section shall be made in such form and executed in such manner as the Board of Trade may direct.

(3.) A person lending money on a mortgage under this section shall not be bound to inquire as to the purpose for which the money is raised or the manner in which it is applied.

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Advances by
Public Works
Loan Commis-
sioners.

663.—(1.) The Public Works Loan Commissioners may, for the purpose of the construction and repair of lighthouses or other extraordinary expenses connected with the service of lighthouses, buoys, and beacons, advance money upon mortgage of the Mercantile Marine Fund, and the several dues, rates, fees, and payments to be carried thereto under this Act, or any of them, or any part thereof, without requiring any further security than that mortgage.

(2.) Notwithstanding anything in this Act, every mortgage so made to the Public Works Loan Commissioners shall be made in accordance with the Acts regulating loans by the Public Works Loan Commissioners.

(3.) An advance by the Public Works Loan Commissioners shall not prevent any lawful reduction of any dues, rates, fees, or other payments payable to the Mercantile Marine Fund if that reduction is assented to by the Public Works Loan Commissioners.

Accounts of
general light-
house authori-
ties.

664. Each of the general lighthouse authorities shall account to the Board of Trade for their receipts from light dues and for their expenditure in respect of expenses paid out of the Mercantile Marine Fund, in such form, and at such times, and with such details, explanations and vouchers, as the Board of Trade require, and shall, when required by that Board, permit all books of accounts kept by or under their respective direction to be inspected and examined by such persons as that Board appoint for that purpose.

Power to
grant
pensions.

665.—(1.) A general lighthouse authority may, with the sanction of the Board of Trade, grant superannuation allowances or compensation to persons whose salaries are paid out of the Mercantile Marine Fund on their discharge or retirement.

(2.) No superannuation allowance or compensation granted under this section to a person shall exceed the proportion of his salary which may be granted to a person in the public civil service under the Acts relating to superannuation allowances or compensation for the time being in force.

Offences in connection with Lighthouses, &c.

Injury to
lighthouses.

666.—(1.) A person shall not wilfully or negligently—
(a.) injure any lighthouse or the lights exhibited therein, or any buoy or beacon ;
(b.) remove, alter, or destroy any light ship, buoy or beacon ; or
(c.) ride by, make fast to, or run foul of any light ship or buoy.

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(2.) If any person acts in contravention of this section, he shall, in addition to the expenses of making good any damage so occasioned, be liable for each offence to a fine not exceeding fifty pounds.

667.—(1.) Whenever any fire or light is burnt or exhibited at such place or in such manner as to be liable to be mistaken for a light proceeding from a lighthouse, the general lighthouse authority within whose area the place is situate, may serve a notice upon the owner of the place where the fire or light is burnt or exhibited, or on the person having the charge of the fire or light, directing that owner or person, within a reasonable time to be specified in the notice, to take effectual means for extinguishing or effectually screening the fire or light, and for preventing for the future any similar fire or light.

Prevention of false lights.

(2.) The notice may be served either personally or by delivery of the same at the place of abode of the person to be served, or by affixing the same in some conspicuous spot near to the fire or light to which the notice relates.

(3.) If any owner or person on whom a notice is served under this section fails, without reasonable cause, to comply with the directions contained in the notice, he shall be guilty of a common nuisance, and, in addition to any other penalties or liabilities he may incur, shall for each offence be liable to a fine not exceeding one hundred pounds.

(4.) If any owner or person on whom a notice under this section is served neglects for a period of seven days to extinguish or effectually screen the fire or light mentioned in the notice the general lighthouse authority may, by their servants or workmen, enter upon the place where the fire or light is, and forthwith extinguish the same, doing no unnecessary damage; and may recover the expenses incurred by them in so doing from the owner or person on whom the notice has been served in the same manner as fines may be recovered under this Act.

Commissioners of Northern Lighthouses.

668.—(1.) The persons holding the following offices shall be a body corporate under the name of the Commissioners of Northern Lighthouses; that is to say,

Incorporation of Commissioners of Northern Lights.

- (a.) the Lord Advocate and the Solicitor General for Scotland;
- (b.) the lords provosts of Edinburgh, Glasgow, and Aberdeen, and the provosts of Inverness and Campbeltown;
- (c.) the eldest bailies of Edinburgh and Glasgow;
- (d.) the sheriffs of the counties of the Lothians and Peebles, Lanark, Renfrew and Bute, Argyll, Inverness, Elgin and Nairn, Ross Cromarty and Sutherland, Caithness Orkney

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and Shetland, Aberdeen, Kincardine and Banff, Ayr, Fife and Kinross, Dumfries and Galloway; and

(e.) any persons elected under this section.

(2.) The commissioners shall have a common seal; and any five of them shall constitute a quorum, and shall have power to do all such matters and things as might be done by the whole body.

(3.) The commissioners may elect the provost or chief magistrate of any royal or parliamentary burgh on or near any part of the coasts of Scotland and the sheriff of any county abutting on those coasts to be a member of their body.

Provision as to Channel Islands.

Restriction on
exercise of
powers in
Channel
Islands.

669.—(1.) The powers of the Trinity House under this part of this Act with respect to lighthouses, buoys, or beacons already erected or placed, or hereafter to be erected or placed in the islands of Guernsey or Jersey (other than their powers with respect to the surrender or purchase of local lighthouses, buoys, and beacons, and the prevention of false lights) shall not be exercised without the consent of Her Majesty in Council.

(2.) Dues for any lighthouse, buoy, or beacon erected or placed in or near the islands of Guernsey, Jersey, Sark, or Alderney shall not be taken in the islands of Guernsey or Jersey without the consent of the states of those islands respectively.

Lighthouses, &c., in Colonies.

Dues for
colonial light-
houses, &c.

670.—(1.) Where any lighthouse, buoy, or beacon has, either before or after the passing of this Act, been erected or placed on or near the coasts of any British possession by or with the consent of the legislature of that possession, Her Majesty may by Order in Council fix such dues (in this Act referred to as colonial light dues) to be paid in respect of that lighthouse, buoy, or beacon by the owner or master of every ship which passes the same and derives benefit therefrom, as Her Majesty may deem reasonable, and may by like order increase, diminish, or repeal such dues, and those dues shall from the time mentioned in the Order be leviable throughout Her Majesty's dominions.

(2.) Colonial light dues shall not be levied in any British possession unless the legislature of that possession has by address to the Crown, or by Act or Ordinance duly passed, signified its opinion that the dues ought to be levied.

Collection and
recovery of
colonial light
dues.

671.—(1.) Colonial light dues shall in the United Kingdom be collected and recovered so far as possible as light dues are collected and recovered under this part of this Act.

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(2.) Colonial light dues shall in each British possession be collected by such persons as the governor of that possession may appoint for the purpose, and shall be collected by the same means, in the same manner, and subject to the same conditions so far as circumstances permit, as light dues under this part of this Act, or by such other means, in such other manner, and subject to such other conditions as the legislature of the possession direct.

672. Colonial light dues levied under this Act shall be paid over to Her Majesty's Paymaster-General at such times and in such manner as the Board of Trade direct, and shall be applied, paid, and dealt with by him for the purposes authorized by this Act, in such manner as that Board direct.

Payment of colonial light dues to Paymaster-General.

673. Colonial light dues shall, after deducting the expenses of collection, be applied in payment of the expenses incurred in erecting and maintaining the lighthouse, buoy, or beacon in respect of which they are levied, and for no other purpose.

Application of colonial light dues.

674.—(1.) The Board of Trade may raise such sums as they think fit for the purpose of constructing or repairing any lighthouse, buoy, or beacon in respect of which colonial light dues are levied or are to be levied on the security of those dues so levied or to be levied.

Advances for construction and repair of colonial light-houses, &c.

(2.) Any sums so to be raised may be advanced by the Treasury out of moneys provided by Parliament, or by the Public Works Loan Commissioners or by any other persons, but any such advances shall be made and secured in the same manner and subject to the same provisions as similar advances for the purpose of lighthouses in the United Kingdom under this part of this Act.

675.—(1.) Accounts shall be kept of all colonial light dues received under this Act and of all sums expended in the construction, repair, or maintenance of the lighthouse, buoy, or beacon in respect of which those dues are received.

Accounts of colonial light dues.

(2.) These accounts shall be kept in such manner as the Board of Trade direct, and shall be laid annually before Parliament and audited in such manner as may be directed by Order in Council.

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PART XII.

MERCANTILE MARINE FUND.

Sums payable
to the Mer-
cantile Marine
Fund.

676.—(1.) The common fund called the Mercantile Marine Fund shall continue to exist under that name, and subject to the provisions of this Act there shall be accounted for and paid to that fund—

- (a.) all fees, charges, and expenses payable in respect of the survey or measurement of ships under this Act :
 - (b.) all fees and other sums (other than fines and forfeitures) received by the Board of Trade under the Second and Fifth Parts of this Act, including all fees payable in respect of the medical inspection of seamen under the Second Part of this Act :
 - (c.) the moneys arising from the unclaimed property of deceased seamen, except where the same are required to be paid as directed by the Accountant General of Her Majesty's Navy :
 - (d.) any sums recovered by the Board of Trade in respect of expenses incurred in relation to distressed seamen and apprentices under the Second Part of this Act :
 - (e.) all fees and other sums payable in respect of any services performed by any person employed under the authority of the Third Part of this Act :
 - (f.) all fees paid upon the engagement or discharge of members of the crews of fishing boats when effected before a superintendent :
 - (g.) such proceeds of the sale of unclaimed wreck as are directed to be paid thereto during the lifetime of Her present Majesty under the Ninth Part of this Act :
 - (h.) any fees received by receivers of wreck under the Ninth Part of this Act :
 - (i.) all light dues or other sums received by or accruing to any of the General Lighthouse Authorities under the Eleventh Part of this Act :
 - (k.) all costs and expenses ordered by the court to be paid to the Board of Trade in pursuance of the Boiler Explosions Act, 1882 and 1890 :
 - (l.) any sums which under this or any other Act are directed to be paid to the Mercantile Marine Fund.
- (2.) All fees mentioned in this section shall be paid at such time and in such manner as the Board of Trade direct.

45-46 V., c. 22.

53-54 V., c. 35.

Application of
Mercantile
Marine Fund.

677. Subject to the provisions of this Act and to any prior charges that may be subsisting on the Mercantile Marine Fund

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under any Act of Parliament or otherwise there shall be charged on and payable out of that fund the following expenses so far as they are not paid by any private person :—

- (a.) the salaries and other expenses connected with Local Marine Boards and Mercantile Marine Offices, and with the examinations conducted under the Second and Fourth Parts of this Act :
- (b.) the salaries of all surveyors of ships and officers appointed under this Act and all expenses incurred in connection with the survey and measurement of ships under this Act, and the remuneration of medical inspectors of seamen under the Second Part of this Act :
- (c.) the salaries and expenses of persons employed under the Third Part of this Act :
- (d.) the superannuation allowances, gratuities, pensions, and other allowances granted either before or after the passing of this Act to any of the said surveyors, officers, or persons :
- (e.) the allowances and expenses paid for the relief of distressed British seamen and apprentices, including the expenses declared under this Act to be payable as such expenses, and any contributions to seamen's refuges and hospitals :
- (f.) any sums which the Board of Trade, in their discretion, think fit to pay in respect of claims to moneys carried to the Mercantile Marine Fund on account of the property of deceased seamen, or on account of the proceeds of wreck :
- (g.) all expenses of obtaining depositions, reports, and returns respecting wrecks and casualties :
- (h.) all expenses incurred in carrying into effect the provisions of this Act with regard to receivers of wrecks and the performance of their duties under this Act :
- (i.) all expenses incurred by the general lighthouse authorities in the works and services of lighthouses, buoys, and beacons, or in the execution of any works necessary or expedient for the purpose of permanently reducing the expense of those works and services :
- (k.) any pensions or other sums payable in relation to the duties formerly performed by the Trinity House in respect of lastage and ballastage in the River Thames :
- (l.) such expenses for establishing and maintaining on the coasts of the United Kingdom proper life boats with the necessary crews and equipments, and for affording assistance towards the preservation of life and property in cases of shipwreck and distress at sea, and for rewarding the preservation of life in such cases, as the Board of Trade direct :
- (m.) such reasonable costs, as the Board of Trade may allow, of advertising or otherwise making known the establish-

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ment of, or alterations in, foreign lighthouses, buoys, and beacons to owners, and masters of, and other persons interested in, British ships :

45-46 V., c. 22.

(n.) all costs and expenses incurred by the Board of Trade under the Boiler Explosions Acts, 1882 and 1890 (so far as not otherwise provided for), including any remuneration paid in pursuance of section seven of the Boiler Explosions Act, 1882, and any costs and expenses ordered by the court in pursuance of those Acts to be paid by the Board of Trade :

53-54 V., c. 35.

(o.) any expenses which are charged on or payable out of the Mercantile Marine Fund under this or any other Act of Parliament :

Subsidy from
Parliament to
Mercantile
Marine Fund.

678. There shall be paid to the Mercantile Marine Fund out of moneys provided by Parliament such sum in each year as may be determined by the Treasury, with the concurrence of the Board of Trade, having regard to the receipts and expenditure of the Mercantile Marine Fund under this Act.

Accounts and
audit.

29-30 V., c. 39.

679.—(1.) The accounts of the Mercantile Marine Fund shall be deemed to be public accounts within the meaning of section thirty-three of the Exchequer and Audit Departments Act, 1866, and shall be examined and audited accordingly.

(2.) The Board of Trade shall as soon as may be after the meeting of Parliament in every year cause the accounts of the Mercantile Marine Fund for the preceding year to be laid before both Houses of Parliament.

PART XIII.

LEGAL PROCEEDINGS.

Prosecution of Offences.

Prosecution of
offences.

680.—(1.) Subject to any special provisions of this Act and to the provisions hereinafter contained with respect to Scotland,—

(a.) an offence under this Act declared to be a misdemeanour, shall be punishable by fine or by imprisonment not exceeding two years, with or without hard labour, but may, instead of being prosecuted as a misdemeanour, be prosecuted summarily in manner provided by the Summary Jurisdiction Acts, and if so prosecuted shall be punishable only with imprisonment for a term not exceeding six months, with or without hard labour, or with a fine not exceeding one hundred pounds.

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(b.) an offence under this Act made punishable with imprisonment for any term not exceeding six months, with or without hard labour, or by a fine not exceeding one hundred pounds, shall be prosecuted summarily in manner provided by the Summary Jurisdiction Acts.

(2.) Any offence committed or fine recoverable under a by-law made in pursuance of this Act may be prosecuted or recovered in the same manner as an offence or fine under this Act.

681.—(1.) The Summary Jurisdiction Act shall, so far as applicable, apply—

(a.) to any proceeding under this Act before a court of summary jurisdiction, whether connected with an offence punishable on summary conviction or not; and

(b.) to the trial of any case before one justice of the peace, where, under this Act, such a justice may try the case.

(2.) Where under this Act any sum may be recovered as a fine under this Act, that sum, if recoverable before a court of summary jurisdiction, shall, in England, be recovered as a civil debt in manner provided by the Summary Jurisdiction Acts.

Application of
Summary
Jurisdiction
Acts in certain
cases.

682. Where a person is convicted summarily in England of an offence under this Act, and the fine inflicted or the sum ordered to be paid exceeds five pounds in amount, that person may appeal to quarter sessions against the conviction in manner provided by the Summary Jurisdiction Acts.

Appeal on
summary con-
viction.

683.—(1.) Subject to any special provisions of this Act neither a conviction for an offence nor an order for payment of money shall be made under this Act in any summary proceeding instituted in the United Kingdom, unless that proceeding is commenced within six months after the commission of the offence or after the cause of complaint arises as the case may be; or, if both or either of the parties to the proceeding happen during that time to be out of the United Kingdom, unless the same is commenced, in the case of a summary conviction within two months, and in the case of a summary order within six months, after they both first happen to arrive, or to be at one time, within the United Kingdom.

Limitation of
time for sum-
mary proceed-
ing.

(2.) Subject to any special provisions of this Act neither a conviction for an offence nor an order for payment of money shall be made under this Act in any summary proceeding instituted in any British possession, unless that proceeding is commenced within six months after the commission of the offence or after the cause of complaint arises as the case may be; or if both or either of the parties to the proceeding happen during that time not to be within the jurisdiction of any court

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capable of dealing with the case, unless the same is commenced in the case of a summary conviction within two months, and in the case of a summary order within six months after they both first happen to arrive, or to be at one time, within that jurisdiction.

(3.) No law for the time being in force under any Act, ordinance, or otherwise, which limits the time within which summary proceedings may be instituted shall affect any summary proceeding under this Act.

56-57 V., c. 61.

(4.) Nothing in this section shall affect any proceeding to which the Public Authorities Protection Act, 1893, applies.

Jurisdiction.

Provision as to jurisdiction in case of offences.

684. For the purpose of giving jurisdiction under this Act, every offence shall be deemed to have been committed and every cause of complaint to have arisen either in the place in which the same was actually committed or arose, or in any place in which the offender or person complained against may be.

Jurisdiction over ships lying off the coasts.

685.—(1.) Where any district within which any court, justice of the peace, or other magistrate, has jurisdiction either under this Act or under any other Act or at common law for any purpose whatever is situate on the coast of any sea, or abutting on or projecting into any bay, channel, lake, river, or other navigable water, every such court, justice, or magistrate, shall have jurisdiction over any vessel being on, or lying or passing off, that coast, or being in or near that bay, channel, lake, river, or navigable water, and over all persons on board that vessel or for the time being belonging thereto, in the same manner as if the vessel or persons were within the limits of the original jurisdiction of the court, justice or magistrate.

(2.) The jurisdiction under this section shall be in addition to and not in derogation of any jurisdiction or power of a court under the Summary Jurisdiction Acts.

Jurisdiction in case of offences on board ship.

686.—(1.) Where any person, being a British subject, is charged with having committed any offence on board any British ship on the high seas or in any foreign port or harbour or on board any foreign ship to which he does not belong, or, not being a British subject, is charged with having committed any offence on board any British ship on the high seas, and that person is found within the jurisdiction of any court in Her Majesty's dominions, which would have had cognizance of the offence if it had been committed on board a British ship within the limits of its ordinary jurisdiction, that court shall have jurisdiction to try the offence as if it had been so committed.

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(2.) Nothing in this section shall affect the Admiralty 12-13 V., c. 96.
Offences (Colonial) Act, 1349.

687. All offences against property or person committed in or at any place either ashore or afloat out of Her Majesty's dominions by any master, seaman, or apprentice who at the time when the offence is committed is, or within three months previously has been, employed in any British ship shall be deemed to be offences of the same nature respectively, and be liable to the same punishments respectively, and be inquired of, heard, tried, determined, and adjudged in the same manner and by the same courts and in the same places as if those offences had been committed within the jurisdiction of the Admiralty of England; and the costs and expenses of the prosecution of any such offence may be directed to be paid as in the case of costs and expenses of prosecutions for offences committed within the jurisdiction of the Admiralty of England.

Offences committed by British seamen at foreign ports to be within Admiralty jurisdiction.

Damage occasioned by Foreign Ship.

688.—(1.) Whenever any injury has in any part of the world been caused to any property belonging to Her Majesty or to any of Her Majesty's subjects by any foreign ship, and at any time thereafter that ship is found in any port or river of the United Kingdom or within three miles of the coast thereof, a judge of any court of record in the United Kingdom (and in Scotland the Court of Session and also the sheriff of the county within whose jurisdiction the ship may be) may, upon its being shown to him by any person applying summarily that the injury was probably caused by the misconduct or want of skill of the master or mariners of the ship, issue an order directed to any officer of customs or other officer named by the judge, court, or sheriff, requiring him to detain the ship until such time as the owner, master, or consignee thereof has made satisfaction in respect of the injury, or has given security, to be approved by the judge, court, or sheriff, to abide the event of any action, suit, or other legal proceeding that may be instituted in respect of the injury, and to pay all costs and damages that may be awarded thereon; and any officer of customs or other officer to whom the order is directed shall detain the ship accordingly.

Power to arrest foreign ship that has occasioned damage.

(2.) Where it appears that, before an application can be made under this section, the ship in respect of which the application is to be made will have departed from the limits of the United Kingdom or three miles from the coast thereof, the ship may be detained for such time as will allow the application to be made, and the result thereof to be communicated to the officer detaining the ship, and that officer shall not be liable

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for any costs or damages in respect of the detention unless the same is proved to have been made without reasonable grounds.

(3.) In any legal proceeding in relation to any such injury aforesaid, the person giving security shall be made defendant or defender, and shall be stated to be the owner of the ship that has occasioned the damage; and the production of the order of the judge, court, or sheriff made in relation to the security shall be conclusive evidence of the liability of the defendant or defender to the proceeding.

Provisions in case of Offences Abroad.

Conveyance of offenders and witnesses to United Kingdom or British possession.

689.—(1.) Whenever any complaint is made to any British consular officer—

(a.) that any offence against property or person has been committed at any place, either ashore or afloat, out of Her Majesty's dominions by any master, seaman, or apprentice, who at the time when the offence was committed, or within three months before that time, was employed in any British ship; or

(b.) that any offence on the high seas has been committed by any master, seaman, or apprentice belonging to any British ship,

that consular officer may inquire into the case upon oath, and may, if the case so requires, take any steps in his power for the purpose of placing the offender under the necessary restraint and of sending him as soon as practicable in safe custody to the United Kingdom, or to any British possession in which there is a court capable of taking cognizance of the offence, in any ship belonging to Her Majesty or to any of her subjects, to be there proceeded against according to law.

(2.) The consular officer may order the master of any ship belonging to any subject of Her Majesty bound to the United Kingdom or to such British possession as aforesaid to receive and afford a passage and subsistence during the voyage to any such offender as aforesaid, and to the witnesses, so that the master be not required to receive more than one offender for every one hundred tons of his ship's registered tonnage, or more than one witness for every fifty tons of that tonnage; and the consular officer shall endorse upon the agreement of the ship such particulars with respect to any offenders or witnesses sent in her as the Board of Trade require.

(3.) Any master of a ship to whose charge an offender has been so committed shall, on his ship's arrival in the United Kingdom or in such British possession as aforesaid, give the offender into the custody of some police officer or constable, and that officer or constable shall take the offender before a justice of the peace or other magistrate by law empowered to

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deal with the matter, and the justice or magistrate shall deal with the matter as in cases of offences committed upon the high seas.

(4.) If any master of a ship, when required by any British consular officer, to receive and afford a passage and subsistence to any offender or witness, does not receive him and afford a passage and subsistence to him or does not deliver any offender committed to his charge into the custody of some police officer or constable as hereinbefore directed, he shall for each offence be liable to a fine not exceeding fifty pounds.

(5.) The expense of imprisoning any such offender and of conveying him and the witnesses to the United Kingdom or to such British possession as aforesaid in any manner other than in the ship to which they respectively belong, shall, where not paid as part of the costs of the prosecution, be paid out of moneys provided by Parliament.

690.—(1.) Where a case of death happens on board any foreign-going British ship, the superintendent at the port where the crew of the ship is discharged, shall, on the arrival of the ship at that port, inquire into the cause of the death, and shall make in the official log an endorsement to the effect, either that the statement of the cause of death in the log is in his opinion true, or the contrary, according to the result of the inquiry.

Inquiry into cause of death on board ship.

(2.) A superintendent shall for the purpose of an inquiry under this section have the powers of a Board of Trade inspector under this Act; and if in the course of any such inquiry it appears to a superintendent that any such death has been caused on board the ship by violence or other improper means, he shall either report the matter to the Board of Trade, or, if the emergency of the case so requires, shall take immediate steps for bringing the offender or offenders to justice.

(3.) This section shall not apply—

(a.) except in Scotland, to fishing boats, nor

(b.) to ships registered in a British possession when those ships are within the jurisdiction of the government of that possession; nor

(c.) to pleasure yachts, or ships belonging to any of the three general lighthouse authorities.

691.—(1.) Whenever in the course of any legal proceeding instituted in any part of Her Majesty's dominions before any judge or magistrate, or before any person authorized by law or by consent of parties to receive evidence, the testimony of any witness is required in relation to the subject-matter of that proceeding then upon due proof if the proceeding is instituted in the United Kingdom that the witness cannot be found in that kingdom or if any British possession that he cannot

Depositions to be received in evidence when witness cannot be produced.

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be found in that possession, any deposition that the witness may have previously made on oath in relation to the same subject-matter before any justice or magistrate in Her Majesty's dominions, or any British consular officer elsewhere, shall be admissible in evidence, provided that—

(a.) if the deposition was made in the United Kingdom, it shall not be admissible in any proceeding instituted in the United Kingdom; and

(b.) if the deposition was made in any British possession it shall not be admissible in any proceeding instituted in that British possession; and

(c.) if the proceeding is criminal it shall not be admissible, unless it was made in the presence of the person accused.

(2.) A deposition so made shall be authenticated by the signature of the judge, magistrate, or consular officer before whom it is made; and the judge, magistrate, or consular officer shall certify, if the fact is so, that the accused was present at the taking thereof

(3.) It shall not be necessary in any case to prove the signature or official character of the person appearing to have signed any such deposition, and in any criminal proceeding a certificate under this section shall, unless the contrary is proved, be sufficient evidence of the accused having been present in manner thereby certified.

(4.) Nothing herein contained shall affect any case in which depositions taken in any proceeding are rendered admissible in evidence by any Act of Parliament, or by any Act or ordinance of the legislature of any colony, so far as regards that colony, or interfere with the power of any colonial legislature to make those depositions admissible in evidence, or to interfere with the practice of any court in which depositions not authenticated as hereinbefore mentioned are admissible.

Detention of Ship and Distress on Ship.

Enforcing detention of ship.

692.—(1.) Where under this Act a ship is to be or may be detained, any commissioned officer on full pay in the naval or military service of Her Majesty, or any officer of the Board of Trade, or any officer of customs, or any British consular officer may detain the ship, and if the ship after detention or after service on the master of any notice of or order for detention proceeds to sea before it is released by competent authority, the master of the ship, and also the owner, and any person who sends the ship to sea, if that owner or person is party or privy to the offence, shall be liable for each offence to a fine not exceeding one hundred pounds.

(2.) Where a ship so proceeding to sea takes to sea when on board thereof in the execution of his duty any officer authorized to detain the ship, or any surveyor or officer of the

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Board of Trade or any officer of customs, the owner and master of the ship shall each be liable to pay all expenses of and incidental to the officer or surveyor being so taken to sea, and also to a fine not exceeding one hundred pounds, or, if the offence is not prosecuted in a summary manner, not exceeding ten pounds for every day until the officer or surveyor returns, or until such time as would enable him after leaving the ship to return to the port from which he is taken, and the expenses ordered to be paid may be recovered in like manner as the fine.

(3.) Where under this Act a ship is to be detained an officer of customs shall, and where under this Act a ship may be detained an officer of customs may, refuse to clear that ship outwards or to grant a transire to that ship.

(4.) Where any provision of this Act provides that a ship may be detained until any document is produced to the proper officer of customs, the proper officer shall mean, unless the context otherwise requires, the officer able to grant a clearance or transire to such ship.

693. Where any court, justice of the peace, or other magistrate, has power to make an order directing payment to be made of any seaman's wages, fines, or other sums of money, then, if the party so directed to pay the same is the master or owner of a ship, and the same is not paid at the time and in manner prescribed in the order, the court, justice of the peace, or magistrate who made the order may, in addition to any other powers they may have for the purpose of compelling payment, direct the amount remaining unpaid to be levied by distress or pouncing and sale of the ship, her tackle, furniture, and apparel.

Sums ordered to be paid leviable by distress on ship.

Evidence, Service of Documents, and Declarations.

694. Where any document is required by this Act to be executed in the presence of or to be attested by any witness or witnesses, that document may be proved by the evidence of any person who is able to bear witness to the requisite facts without calling the attesting witness or the attesting witnesses or any of them.

Proof of attestation not required.

695.—(1.) Where a document is by this Act declared to be admissible in evidence, such document shall, on its production from the proper custody, be admissible in evidence in any court or before any person having by law or consent of parties authority to receive evidence, and, subject to all just exceptions, shall be evidence of the matters stated therein in pursuance of this Act or by any officer in pursuance of his duties as such officer.

Admissibility of documents in evidence.

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(2.) A copy of any such document or extract therefrom shall also be so admissible in evidence if proved to be an examined copy or extract, or if it purports to be signed and certified as a true copy or extract by the officer to whose custody the original document was intrusted, and that officer shall furnish such certified copy or extract to any person applying at a reasonable time for the same, upon payment of a reasonable sum for the same, not exceeding fourpence for every folio of ninety words, but a person shall be entitled to have—

(a.) a certified copy of the particulars entered by the registrar in the register book on the registry of the ship, together with a certified statement showing the ownership of the ship at the time being; and

(b.) a certified copy of any declaration, or document, a copy of which is made evidence by this Act, on payment of one shilling for each copy.

(3.) If any such officer wilfully certifies any document as being a true copy or extract knowing the same not to be a true copy or extract, he shall for each offence be guilty of a misdemeanour, and be liable on conviction to imprisonment for any term not exceeding eighteen months.

(4.) If any person forges the seal, stamp, or signature of any document to which this section applies, or tenders in evidence any such document with a false or counterfeit seal, stamp, or signature thereto, knowing the same to be false or counterfeit, he shall for each offence be guilty of felony, and be liable to penal servitude for a term not exceeding seven years, or to imprisonment for a term not exceeding two years, with or without hard labour, and whenever any such document has been admitted in evidence, the court or the person who admitted the same may on request direct that the same shall be impounded, and be kept in the custody of some officer of the court or other proper person, for such period or subject to such conditions as the court or person thinks fit.

Service of documents.

696.—(1.) Where for the purposes of this Act any document is to be served on any person, that document may be served—

(a.) in any case by delivering a copy thereof personally to the person to be served, or by leaving the same at his last place of abode; and,

(b.) if the document is to be served on the master of a ship, where there is one, or on a person belonging to a ship, by leaving the same for him on board that ship with the person being or appearing to be in command or charge of the ship; and,

(c.) if the document is to be served on the master of a ship, where there is no master, and the ship is in the United Kingdom, on the managing owner of the ship, or, if there

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is no managing owner, on some agent of the owner residing in the United Kingdom, or where no such agent is known or can be found, by fixing a copy thereof to the mast of the ship.

(2.) If any person obstructs the service on the master of a ship of any document under the provisions of this Act relating to the detention of ships as unseaworthy, that person shall for each offence be liable to a fine not exceeding ten pounds, and, if the owner or master of the ship is party or privy to the obstruction, he shall in respect of each offence be guilty of a misdemeanour.

697. Any exception, exemption, proviso, excuse, or qualification, in relation to any offence under this Act, whether it does or does not accompany in the same section the description of the offence, may be proved by the defendant, but need not be specified or negatived in any information or complaint, and, if so specified or negatived, no proof in relation to the matter so specified or negatived shall be required on the part of the informant or complainant. Proof, &c., of exemption.

698. Any declaration required by this Act to be taken before a justice of the peace or any particular officer may be taken before a commissioner for oaths. Declarations.

Application of Penalties and Costs of Prosecutions.

699.—(1.) Where any court, justice of the peace, or other magistrate, imposes a fine under this Act for which no specific application is herein provided, that court, justice of the peace, or magistrate, may if they think fit direct the whole or any part of the fine to be applied in compensating any person for any wrong or damage which he may have sustained by the act or default in respect of which the fine is imposed, or to be applied in or towards payment of the expenses of the proceedings. Application of penalties.

(2.) Subject to any directions under this section or to any specific application provided under this Act, all fines under this Act shall, notwithstanding anything in any other Act—

- (a.) if recovered in the United Kingdom, be paid into the Exchequer in such manner as the Treasury may direct, and be carried to and form part of the Consolidated Fund; and
- (b.) if recovered in any British possession, be paid over into the public treasury of that possession, and form part of the public revenue thereof.

700. Where an offence under this Act is prosecuted as a misdemeanour, the court before whom the offence is prosecuted may in England make the same allowances and order payment of the same costs and expenses as if the offence were a felony, Expenses of prosecution of misdemeanour.

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and in any other part of Her Majesty's dominions may make such allowances and order payment of such costs and expenses as are payable or allowable upon the trial of any misdemeanour or under any law for the time being in force therein.

Payment of costs of prosecution of offences committed in Admiralty jurisdiction.

701. Such costs and expenses of and incidental to any prosecution for a felony or misdemeanour as are by law payable out of any county or other local rate shall, where the felony or misdemeanour has been committed within the jurisdiction of the Admiralty of England be paid in the same manner and subject to the same regulations as if the felony or misdemeanour had been committed in the county in which the same is heard and determined, or, where the same is heard and determined at the Central Criminal Court, as if the same had been committed in the county of London, and all sums properly paid out of any county or other local rate in respect of those costs and expenses shall be repaid out of money provided by Parliament.

Procedure in Scotland.

Offences punishable as misdemeanours.

702. In Scotland every offence which by this Act is described as a felony or misdemeanour may be prosecuted by indictment or criminal letters at the instance of Her Majesty's Advocate before the High Court of Justiciary, or by criminal libel at the instance of the procurator fiscal of the county before the sheriff, and shall be punishable with fine and with imprisonment with or without hard labour in default of payment, or with imprisonment with or without hard labour, or with both, as the court may think fit, or in the case of felony with penal servitude where the court is competent thereto; and such court may also, if it think fit, order payment by the offender of the costs and expenses of the prosecution.

Summary proceedings.

703. In Scotland, all prosecutions, complaints, actions, or proceedings under this Act, other than prosecutions for felonies or misdemeanours, may be brought in a summary form before the sheriff of the county, or before any two justices of the peace of the county or burgh where the cause of such prosecution or action arises, or where the offender or defender may be for the time, and when of a criminal nature or for fines or penalties, at the instance of the procurator fiscal of court, or at the instance of any party aggrieved, with concurrence of the procurator fiscal of court; and the court may, if it think fit, order payment by the offender or defender of the costs of the prosecution or action.

Form of complaint.

704. Where in any summary proceedings under this Act in Scotland any complaint or action is brought in whole or in

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part for the enforcement of a pecuniary debt or demand, the complaint may contain a prayer for warrant to arrest upon the dependence.

705. On any summary proceedings in Scotland the deliverance of the sheriff clerk or clerk of the peace shall contain warrant to arrest upon the dependence in common form, where that warrant has been prayed for in the complaint or other proceeding: Provided always, that where the apprehension of any party, with or without a warrant, is authorized by this Act, such party may be detained in custody until he can be brought at the earliest opportunity before any two justices or the sheriff who may have jurisdiction in the place, to be dealt with as this Act directs, and no citation or induciæ shall in such case be necessary.

Warrants on summary proceedings.

706. When it becomes necessary to execute such arrestment on the dependence against goods or effects of the defender within Scotland, but not locally situated within the jurisdiction of the sheriff or justices of the peace by whom the warrant to arrest has been granted, it shall be competent to carry the warrant into execution on its being endorsed by the sheriff clerk, or clerk of the peace of the county or burgh respectively within which such warrant comes to be executed.

Backing arrestments.

707. Where on any summary proceedings in Scotland there is a decree for payment of any sum of money against a defender, the decree shall contain warrant for arrestment, pouding, and imprisonment in default of payment.

Form of decree for payment of money.

708. In all summary complaints and proceedings for recovery of any penalty or sum of money in Scotland, if a defender who has been duly cited shall not appear at the time and place required by the citation, he shall be held as confessed, and sentence or decree shall be pronounced against him in terms of the complaint, with such costs and expenses as to the court shall seem fit; Provided that he shall be entitled to obtain himself reponed against any such decree at any time before the same be fully implemented, by lodging with the clerk of court a reponing note, and consigning in his hands the sum decerned for, and the costs which had been awarded by the court, and on the same day delivering or transmitting through the post to the pursuer or his agent a copy of such reponing note; and a certificate by the clerk of court of such note having been lodged shall operate as a sist of diligence till the cause shall have been reheard and finally disposed of, which shall be on the next sitting of the court, or on any day to which the court shall then adjourn it.

Sentence and penalties in default of defender's appearance.

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Orders not to be quashed for want of form and to be final.

709. No order, decree, or sentence pronounced by any sheriff or justice of the peace in Scotland under the authority of this Act shall be quashed or vacated for any misnomer, informality, or defect of form; and all orders, decrees, and sentences so pronounced shall be final and conclusive, and not subject to suspension, reduction, or to any form of review or stay of execution, except on the ground of corruption or malice on the part of the sheriff or justices, in which case the suspension, or reduction must be brought within fourteen days of the date of the order, decree, or sentence complained of: Provided that no stay of execution shall be competent to the effect of preventing immediate execution of such order, decree, or sentence.

General rules, so far as applicable, to extend to penalties and proceedings in Scotland.

710. Nothing in this Act shall be held in any way to annul or restrict the common law of Scotland with regard to the prosecution or punishment of offences at the instance or by the direction of the Lord Advocate, or the rights of owners or creditors in regard to enforcing a judicial sale of any ship and tackle, or to give to the High Court in England any jurisdiction in respect of salvage in Scotland which it has not heretofore had or exercised.

Prosecution of Offences in Colonies.

Prosecution of offences in British possession.

711. Any offence under this Act shall, in any British possession, be punishable by any court or magistrate by whom an offence of a like character is ordinarily punishable, or in such other manner as may be determined by any Act or ordinance having the force of law in that possession.

Application of Part XIII.

Application Part XIII.

712. This part of this Act shall, except where otherwise provided, apply to the whole of Her Majesty's dominions.

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PART XIV.

SUPPLEMENTAL.

General Control of Board of Trade.

713. The Board of Trade shall be the department to undertake the general superintendence of all matters relating to merchant shipping and seamen, and are authorized to carry into execution the provisions of this Act and of all Acts relating to merchant shipping and seamen for the time being in force, except where otherwise provided by those Acts, or except so far as those Acts relate to the revenue.

Superintendence of merchant shipping by Board of Trade

714. All consular officers and officers of customs abroad, and all local marine boards and superintendents, shall make and send to the Board of Trade such returns or reports on any matter relating to British merchant shipping or seamen as the Board may require.

Returns as to merchant shipping to Board of Trade.

715. All superintendents shall, when required by the Board of Trade, produce to that Board or to its officers all official log books and other documents which are delivered to them under this Act.

Production of log books, &c., by superintendents.

716.—(1.) All fees and other sums (other than fines) received by the Board of Trade under the Second, Fourth, and Fifth parts of this Act shall be carried to the account of the Mercantile Marine Fund.

Application of fees, fines, &c.

(2.) All fines coming into the hands of the Board of Trade under this Act shall be paid into the Exchequer as the Treasury may direct, and shall be carried to and form part of the Consolidated Fund.

717. The Board of Trade may take any legal proceedings under this Act in the name of any of their officers.

Legal proceedings.

Expenses of Commissioners of Customs.

718. All expenses incurred by the Commissioners of Customs in the conduct of suits or prosecutions, or otherwise in carrying into effect the provisions of this Act, shall be considered as expenses having reference to the revenues of customs, and shall be paid accordingly; but the Board of Trade may, with the consent of the Treasury, repay out of the

Expenses incurred by Commissioners of Customs.

Merchant Shipping Act, 1894.

Mercantile Marine Fund all or any part of such of the expenses so paid as are under this Act chargeable on that fund.

Documents and Forms.

Proof of documents.

719. All documents purporting to be made, issued, or written by or under the direction of the Board of Trade, and to be sealed with the seal of the Board, or to be signed by their secretary or one of their assistant secretaries, or, if a certificate, by one of the officers of the Marine Department, shall be admissible in evidence in manner provided by this Act.

Power of Board of Trade to prescribe forms.

720.—(1.) Subject to any special provisions of this Act the Board of Trade may prepare and sanction forms for any book, instrument, or paper required under this Act, other than those required under the first part of this Act, and may make such alterations in these forms as they think fit.

(2.) The Board shall cause every such form to be sealed with their seal or marked with some other distinguishing mark, and before finally issuing any form or making any alteration in a form shall cause public notice thereof to be given in such manner as the Board think requisite in order to prevent inconvenience.

(3.) The Board of Trade shall cause all such forms to be supplied at all custom-houses and mercantile marine offices in the United Kingdom, free of charge, or at such moderate prices as the Board may fix, or the Board may license any persons to print and sell the forms.

(4.) Every such book, instrument, or paper, required under this Act shall be made in the form (if any) approved by the Board of Trade, or as near thereto as circumstances permit, and unless so made shall not be admissible in evidence in any civil proceeding on the part of the owner or master of any ship.

(5.) Every such book, instrument, or paper, if made in a form purporting to be the proper form, and to be sealed or marked in accordance with this section, shall be deemed to be in the form required by this Act unless the contrary is proved.

Exemption from stamp duty.

721. The following instruments shall be exempt from stamp duty :—

- (a.) any instruments used for carrying into effect the first part of this Act ; and
- (b.) any instruments used by or under the direction of the Board of Trade in carrying into effect the Second, Fifth, Eleventh, and Twelfth parts of this Act ; and
- (c.) any instruments which are by those parts of this Act required to be in a form approved by the Board of Trade, if made in that form.

*Merchant Shipping Act, 1894.***722.**—(1.) If any person—Offences as to
use of forms.

- (a.) forges, assists in forging, or procures to be forged, the seal or any other distinguishing mark of the Board of Trade on any form issued by the Board of Trade under this Act; or
- (b.) fraudulently alters, or assists in fraudulently altering, or procures to be fraudulently altered, any such form,
- that person shall in respect of each offence be guilty of a misdemeanour.

(2.) If any person—

- (a.) when a form approved by the Board is, under the Second Part of this Act, required to be used, uses without reasonable cause a form not purporting to be a form so approved; or
- (b.) prints, sells, or uses any document purporting to be a form approved by the Board of Trade, knowing the same not to be the form approved for the time being, or not to have been prepared or issued by the Board of Trade,
- that person shall, for each offence, be liable to a fine not exceeding ten pounds.

Powers for enforcing Compliance with Act.

723.—(1.) Where any of the following officers, namely:—

any officer of the Board of Trade,

any commissioned officer of any of Her Majesty's ships on full pay,

any British consular officer,

the Registrar-General of Shipping and Seamen or his assistant,

any chief officer of customs in any place in Her Majesty's dominions, or

any superintendent,

Powers for seeing that Act is complied with.

has reason to suspect that the provisions of this Act, or any law for the time being in force relating to merchant seamen or navigation, is not complied with, that officer may—

- (a.) require the owner, master, or any of the crew of any British ship to produce any official log books or other documents relating to the crew or any member thereof in their respective possession or control;
- (b.) require any such master to produce a list of all persons on board his ship, and take copies of the official log books, or documents, or of any part thereof;
- (c.) muster the crew of any such ship; and
- (d.) summon the master to appear and give any explanation concerning the ship or her crew or the official log books or documents produced or required to be produced.
- (2.) If any person, on being duly required by an officer authorized under this section, fails without reasonable cause

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to produce to that officer any such official log book or document as he is required to produce under this section, or refuses to allow the same to be inspected or copied, or impedes any muster of the crew required under this section, or refuses or neglects to give any explanation which he is required under this section to give, or knowingly misleads or deceives any officer authorized under this section to demand any such explanation, that person shall for each offence be liable to a fine not exceeding twenty pounds.

Surveyors of Ships.

Appointment
of surveyors.

724.—(1.) The Board of Trade may, at such ports as they think fit, appoint either generally or for special purposes, and on special occasion, any person they think fit to be a surveyor of ships for the purposes of this Act, and a person so appointed (in this Act referred to as a surveyor of ships) may be appointed either as a shipwright surveyor or as an engineer surveyor or as both.

(2.) The Board of Trade may also appoint a surveyor general of ships for the United Kingdom.

(3.) The Board of Trade may remove any surveyors of ships and fix and alter their remuneration, and may make regulations as to the performance of their duties, and in particular as to the manner in which surveys of passenger steamers are to be made, as to the notice to be given by them when surveys are required, and as to the amount and payment of any travelling or other expenses incurred by them in the execution of their duties, and may by such regulations determine the persons by whom and the conditions under which the payment of those expenses is to be made.

(4.) If a surveyor of ships demands or receives directly or indirectly any fee, remuneration, or gratuity whatever in respect of any duties performed by him under this Act otherwise than by the direction of the Board of Trade, he shall for each offence be liable to a fine not exceeding fifty pounds.

(5.) The duties of a surveyor of ships shall be performed under the direction of the Board of Trade, and in accordance with the regulations made by that Board.

Power of surveyor for purpose of survey of ships.

725.—(1.) A surveyor of ships in the execution of his duties may go on board any steamship at all reasonable times, and inspect the same or any part thereof, or any of the machinery, boats, equipments, or articles on board thereof, or any certificates of the master, mate, or engineer to which the provisions of this Act or any of the regulations made under this Act apply, not unnecessarily detaining or delaying the ship from proceeding on any voyage, and if in consequence of

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any accident to the ship or for any other reason they consider it necessary so to do, may require the ship to be taken into dock for the purpose of surveying the hull thereof.

(2.) If any person hinders any surveyor of ships from going on board any steamship or otherwise impedes him in the execution of his duties under this Act, that person shall for each offence be liable to a fine not exceeding five pounds.

726.—(1.) Surveyors of ships shall make such returns to the Board of Trade as that Board may require with respect to the build, dimensions, draught, burden, rate of sailing, room for fuel, and the nature and particulars of machinery and equipments of ships surveyed by them. Returns by surveyors to Board of Trade.

(2.) The owner, master, and engineer of any ship so surveyed shall, on demand, give to the surveyors all such information and assistance within his power as they require for the purpose of those returns.

(3.) If any owner, master, or engineer, on being applied to for that purpose, fails without reasonable cause to give any such information or assistance, he shall for each offence be liable to a fine not exceeding five pounds.

727. The governor of a British possession may appoint and remove surveyors of ships within the limits of the possession for any purposes of this Act to be carried into effect in that possession. Appointment of surveyors in colonies.

Board of Trade Inspectors.

728. The Board of Trade may as and when they think fit appoint any person as an inspector to report to them— Appointment of inspectors to report on accidents, &c.

(a.) 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; or

(b.) whether the provisions of this Act, or any regulations made under or by virtue of this Act, have been complied with; or

(c.) whether the hull and machinery of any steamship are sufficient and in good condition.

729.—(1.) An inspector so appointed (in this Act referred to as a Board of Trade inspector) and any person having the powers of a Board of Trade inspector— Powers of inspectors.

(a.) may go on board any ship and 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; and

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- (b.) 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 ; and
- (c.) may, by summons under his hand, require the attendance of all such persons as he thinks fit to call before him and examine for the purpose of his report, and may require answers or returns to the inquiries he thinks fit to make ; and
- (d.) may require and enforce the production of all books, papers, or documents which he considers important for the purpose of his report ; and
- (e.) 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.

(2.) Every witness summoned under this section shall be allowed such expenses as would be allowed to a witness attending on subpoena to give evidence before any court of record, or if in Scotland to a witness attending on citation the Court of Justiciary ; and in case of any dispute as to the amount of those expenses, the same shall be referred in England or Ireland to one of the masters or registrars of the High Court, and in Scotland to the Queen's and Lord Treasurer's Remembrancer, and the officer shall, on request made to him for that purpose under the hand of the inspector or person having the powers of an inspector, ascertain and certify the proper amount of those expenses.

(3.) If any person refuses to attend as a witness before a Board of Trade inspector or before any person having the powers of a Board of Trade inspector, after having been required to do so in manner provided by this section and after having had a tender made to him of the expenses (if any) to which he is entitled under this section, or 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 an inspector or person having the powers of an inspector is hereby empowered to require, that person shall for each offence be liable to a fine not exceeding ten pounds.

Penalty for obstructing inspectors in the execution of their duty.

730. If any person wilfully impedes a Board of Trade inspector or any person having the powers of a Board of Trade inspector in the execution of his duty, whether on board a ship or elsewhere, that person shall for each offence be liable to a fine not exceeding ten pounds, and may be seized and detained by the inspector or person having the powers of an inspector, or by any person or persons whom that inspector or person may call to his assistance, until he can be conveniently taken before some justice of the peace or other officer having proper jurisdiction.

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Exemption from Rates and Harbour Dues.

731. All lighthouses, buoys, beacons, and all light dues, and other rates, fees, or payments accruing to or forming part of the mercantile marine fund, and all premises or property, belonging to or occupied by any of the general lighthouse authorities or by the Board of Trade, which are used or applied for the purposes of any of the services for which those dues, rates, fees, and payments are received, and all instruments or writings used by or under the direction of any of the general lighthouse authorities or of the Board of Trade in carrying on those services, shall be exempted from all public, parochial, and local taxes, duties, and rates of every kind. Exemption from rates.

732. All vessels belonging to or used by any of the general lighthouse authorities or the Board of Trade shall be entitled to enter, resort to, and use any harbours, ports, docks, or piers in the United Kingdom without payment of any tolls, dues, or rates of every kind. Exemption from harbour dues.

Private Signals.

733.—(1.) If a shipowner desires to use for the purpose of a private code any rockets, lights, or other similar signals, he may register those signals with the Board of Trade, and that Board shall give public notice of the signals so registered in such manner as they think requisite for preventing those signals from being mistaken for signals of distress or signals for pilots. Registration of private code of signals.

(2.) The Board may refuse to register any signals which in their opinion cannot easily be distinguished from signals of distress or signals for pilots.

(3.) Where a signal has been registered under this section, the use or display thereof by any person acting under the authority of the shipowner in whose name it is registered shall not subject any person to any fine or liability under this Act for using or displaying signals improperly.

Application of Act to Foreign Ships by Order in Council.

734. Where it has been made to appear to Her Majesty that the government of any foreign country is desirous that any of the provisions of this Act, or of any Act hereafter to be passed amending the same, which do not apply to the ships of that country, should so apply and there are no special provisions in this Act for that application, Her Majesty in Council may order that such of those provisions as are in the Order specified shall (subject to the limitations, if any, contained therein) apply to the ships of that country, and to the Application by Order in Council of provisions of Merchant Shipping Acts to foreign ships.

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owners, masters, seamen, and apprentices of those ships, when not locally within the jurisdiction of the government of that country, in the same manner in all respects as if those ships were British ships.

Powers of Colonial Legislature.

Power of
Colonial Leg-
islatures to
alter provi-
sions of Act.

735.—(1.) The legislature of any British possession may by any Act or Ordinance, confirmed by Her Majesty in Council, repeal, wholly or in part, any provisions of this Act (other than those of the Third Part thereof which relate to emigrant ships), relating to ships registered in that possession; but any such Act or Ordinance shall not take effect until the approval of Her Majesty has been proclaimed in the possession, or until such time thereafter as may be fixed by the Act or Ordinance for the purpose.

(2.) Where any Act or Ordinance of the legislature of a British possession has repealed in whole or in part as respects that possession any provision of the Acts repealed by this Act, that Act or Ordinance shall have the same effect in relation to the corresponding provisions of this Act as it had in relation to the provision repealed by this Act.

Regulation of
coasting trade
by colonial
legislature.

736. The legislature of a British possession, may, by any Act or Ordinance, regulate the coasting trade of that British possession, subject in every case to the following conditions:

- (a.) the Act or Ordinance shall contain a suspending clause providing that the 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:
- (b.) the Act or Ordinance shall treat all British ships (including the ships of any other British possession) in exactly the same manner as ships of the British possession in which it is made:
- (c.) where by treaty made before the passing of the Merchant Shipping (Colonial) Act, 1869 (that is to say, before the thirteenth day of May, eighteen hundred and sixty-nine), 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, those rights and privileges shall be enjoyed by those 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.

32-33 V., c. 11.

Provision for Foreign Places where Her Majesty has Jurisdiction.

Provision for
foreign places
where Her

737. Where under this Act anything is authorized to be done by, to or before a British consular officer, and in any

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place outside Her Majesty's dominions in which Her Majesty has jurisdiction there is no such officer, such thing may be done in that place by, to or before such officer as Her Majesty in Council may direct.

Orders in Council.

738.—(1.) Where Her Majesty has power under this Act, or any Act hereafter to be passed amending the same, to make an Order in Council, Her Majesty may from time to time make that Order in Council, and by Order in Council revoke, alter or add to any Order so made.

Majesty has jurisdiction.
Provision as to Orders in Council.

(2.) Every such Order in Council shall be published in the *London Gazette*, and shall be laid before both Houses of Parliament within one month after it is made, if Parliament be then sitting, or if not, within one month after the then next meeting of Parliament.

(3.) Subject to any special provisions of this Act, upon the publication of any such Order the Order shall, as from the date of the publication or any later date mentioned in the Order, take effect as if it were enacted by Parliament.

Transmission and Publication of Documents.

739.—(1.) Where by this Act any notice, authority, order, direction, or other communication is required or authorized to be given or made by the Board of Trade, or the Commissioners of Customs, or the governor of a British possession, to any person not being an officer of such Board, or commissioners, or governor, the same shall be given or made in writing.

Notices, &c., to be in writing and provision as to sending by post.

(2.) Where any notice or document is by this Act required or authorized to be transmitted or sent, the same may be transmitted or sent by post.

740. Where a document is required by this Act to be published in the *London Gazette*, it shall be sufficient if notice thereof is published in accordance with the Rules Publication Act, 1893.

Publication in London Gazette. 56-57 V., c. 66.

Exemption of Her Majesty's Ships.

741. This Act shall not, except where specially provided, apply to ships belonging to Her Majesty.

Exemption of Her Majesty's ships.

Definitions and Provisions as to Application of Act.

742. In this Act, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them that is to say—

Definitions.

“VESSEL” includes any ship or boat, or any other description of vessel used in navigation ;

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- “SHIP” includes every description of vessel used in navigation not propelled by oars ;
- “FOREIGN-GOING SHIP” includes 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 Channel Islands, and Isle of Man, and the continent of Europe between the River Elbe and Brest inclusive ;
- “HOME-TRADE SHIP” includes every ship employed in trading or going within the following limits ; that is to say, the United Kingdom, the Channel Islands, and Isle of Man, and the continent of Europe between the River Elbe and Brest inclusive ;
- “HOME-TRADE PASSENGER SHIP” means every home-trade ship employed in carrying passengers ;
- “MASTER” includes every person (except a pilot) having command or charge of any ship ;
- “SEAMAN” includes every person (except masters, pilots, and apprentices duly indentured and registered), employed or engaged in any capacity on board any ship ;
- “WAGES” includes emoluments ;
- “EFFECTS” includes clothes and documents ;
- “SALVOR” means, in the case of salvage services rendered by the officers or crew or part of the crew of any ship belonging to Her Majesty, the person in command of that ship ;
- “PILOT” means any person not belonging to a ship who has the conduct thereof ;
- “COURT” in relation to any proceeding includes any magistrate or justice having jurisdiction in the matter to which the proceeding relates ;
- 53-54 V., c. 27. “COLONIAL COURT OF ADMIRALTY” has the same meaning as in the Colonial Courts of Admiralty Act, 1890 ;
- 52-53 V., c. 10. “A COMMISSIONER FOR OATHS” means a commissioner for oaths within the meaning of the Commissioners for Oaths Act, 1889 ;
- “CHIEF OFFICER OF CUSTOMS” includes the collector, superintendent, principal coast officer, or other chief officer of customs at each port ;
- “SUPERINTENDENT” shall, so far as respects a British possession, include any shipping master or other officer discharging in that possession the duties of a superintendent ;
- “CONSULAR OFFICER,” when used in relation to a foreign country, means the officer recognized by Her Majesty as a consular officer of that foreign country ;
- “BANKRUPTCY” includes insolvency ;

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- “**REPRESENTATION**” means probate, administration, confirmation, or other instrument constituting a person the executor, administrator, or other representative of a deceased person ;
- “**LEGAL PERSONAL REPRESENTATIVE**” means the person so constituted executor, administrator, or other representative, of a deceased person ;
- “**NAME**” includes a surname ;
- “**PORT**” includes place ;
- “**HARBOUR**” includes harbours properly so called, whether natural or artificial, estuaries, navigable rivers, piers, jetties, and other works in or at which ships can obtain shelter, or ship and unship goods or passengers ;
- “**TIDAL WATER**” means any part of the sea and any part of a river within the ebb and flow of the tide at ordinary spring tides, and not being a harbour ;
- “**HARBOUR AUTHORITY**” includes all persons or bodies of persons, corporate or unincorporate, being proprietors of, or intrusted with, the duty or invested with the power of constructing, improving, managing, regulating, maintaining, or lighting a harbour ;
- “**CONSERVANCY AUTHORITY**” includes all persons or bodies of persons, corporate or unincorporate, intrusted with the duty or invested with the power of conserving, maintaining, or improving the navigation of a tidal water ;
- “**LIGHTHOUSE**” shall in addition to the ordinary meaning of the word include any floating and other light exhibited for the guidance of ships, and also any sirens and any other description of fog signals, and also any addition to a lighthouse of any improved light, or any siren, or any description of fog signal ;
- “**BUOYS AND BEACONS**” includes all other marks and signs of the sea ;
- “**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 ;
- “**THE COMMISSIONERS OF IRISH LIGHTS**” means the body incorporated by that name under the local Act of the session held in the thirtieth and thirty-first years of the reign of Her present Majesty chapter eighty-one, intituled “An Act to alter the constitution of the Corporation for preserving and improving the Port of Dublin and for other purposes connected with that body and with the Port of Dublin Corporation” and any Act amending the same ;

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“LIFEBOAT SERVICE” means the saving, or attempted saving of vessels, or of life, or property on board vessels, wrecked or aground or sunk, or in danger of being wrecked or getting aground or sinking.

Any reference to failure to do any act or thing shall include a reference to refusal to do that act or thing.

Application of Act to ships propelled by electricity, &c.

743. Any provisions of this Act applying to steamers or steamships shall apply to ships propelled by electricity or other mechanical power with such modifications as the Board of Trade may prescribe for the purpose of adaptation.

Application of Act to certain fishing vessels.

744. Ships engaged in the whale, seal, walrus, or Newfoundland cod fisheries shall be deemed to be foreign-going ships for the purpose of this Act, and not fishing boats, with the exception of ships engaged in the Newfoundland cod fisheries which belong to ports in Canada or Newfoundland.

Repeal and Savings.

Repeal.

745.—(1.) The Acts mentioned in the Twenty-second Schedule to this Act are hereby repealed to the extent specified in the third column of that schedule.

Provided that—

(a.) Any Order in Council, license, certificate, by-law, rule, or regulation made or granted under any enactment hereby repealed shall continue in force as if it had been made or granted under this Act ;

(b.) Any officer appointed, any body elected or constituted, and any savings bank or office established, under any enactment hereby repealed shall continue and be deemed to have been appointed, elected, constituted, or established, as the case may be, under this Act ;

(c.) Any document referring to any Act or enactment hereby repealed shall be construed to refer to this Act, or to the corresponding enactment of this Act ;

(d.) Any penalty may be recovered, and any offence may be prosecuted, under any provision of the Merchant Shipping Acts, 1854 to 1892, which is not repealed by this Act, in the same manner as fines may be recovered and offences prosecuted under this Act ;

17-18 V., c. 120.

(e.) Ships registered under the Merchant Shipping Act, 1854, and the Acts amending the same, or duly registered before the passing of the Merchant Shipping Act, 1854, shall be deemed to have been registered under this Act.

57-58 V., c. 2.

(f.) Nothing in this Act shall affect the Behring Sea Award Act, 1894, and that Act shall have effect as if this Act had not passed.

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(2.) The mention of particular matters in this section shall not be held to prejudice or affect the general application of section thirty-eight of the Interpretation Act, 1889, with regard to the effect of repeals. 52-53 V., c. 63.

(3.) The tonnage of every ship not measured or remeasured in accordance with the Merchant Shipping Tonnage Act, 1889, shall be estimated for all purposes as if any deduction prohibited by the Merchant Shipping (Tonnage) Act, 1889, had not been made, and the particulars relating to the ship's tonnage in the registry book and in her certificate of registry shall be corrected accordingly. 52-53 V., c. 43.

746.—(1.) Nothing in this Act shall affect the Chinese Passengers Act, 1855. Savings.
18-19 V., c. 104

(2.) Any local Act which repeals or affects any provisions of the Acts repealed by this Act shall have the same effect on the corresponding provisions of this Act as it had on the said provisions repealed by this Act.

(3.) Nothing in this Act shall affect the rating of any seaman who was rated and served as A.B. before the second day of August, one thousand eight hundred and eighty.

Short Title and Commencement.

747. This Act may be cited as the Merchant Shipping Act, 1894. Short title.

748. This Act shall come into operation on the first day of January, one thousand eight hundred and ninety-five. Commence-
ment.

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SCHEDULES.

FIRST SCHEDULE.

PART I.

Sections 24,
31, 37, 65.

[The forms in this Part of the Schedule are subject to alteration from time to time by the Commissioners of Customs, with the consent of the Board of Trade.]

FORM A.—BILL OF SALE.

Official No.		Name of Ship.		No., Date, and Port of Registry.	
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.	
No. of decks	Head - - -	Length from fore part of stem, under the bowsprit, to the aft side of the head of the stern-post - - -		Feet.	Tenths
No. of masts	Framework and description of vessel	Length at quarter of depth from top of weather deck at side amidships to bottom of keel - - -			
Rigged - - -	No. of bulkheads - - -	Mainbreadth to outside of plank - - -			
Stern - - -		Depth in hold from tonnage deck to ceiling at midships - - -			
Build - - -	No. of water ballast tanks and their capacity in tons - - -	Depth in hold from upper deck to ceiling at midships in the case of three decks and upwards - - -			
Galleries - -		Depth from top of beam amidships to top of keel - - -			
		Depth from top of deck at side amidships to bottom of keel - - -			
		Round of beam - - -			
		Length of engine room, if any - - -			

PARTICULARS OF DISPLACEMENT.

Total to quarter the depth from weather deck at side amidships to bottom of keel - - -	tons.	Ditto per inch immersion at same depth - - -	tons
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PARTICULARS OF ENGINES (if any).

Number of Engines.	Description.	Whether British or Foreign made.	When made.	Name and Address of Makers.	No. of and Diameter of Cylinders.	Length of Stroke.	N.H.P., I.H.P., Speed of Ship.
	Engines.		Engines.	Engines.			
	Boilers.		Boilers.	Boilers.			
	Number - - -						
	Iron or steel - -						
	Pre-ure when loaded - - -						

PARTICULARS OF TONNAGE.

GROSS TONNAGE.	No. of Tons.	DEDUCTIONS ALLOWED.	No. of Tons.
Under tonnage deck - - -		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 certified under the regulations scheduled to this Act. These spaces are the following, viz :	
Space or spaces between deck - - -			
Poop - - - - -			
Forecastle - - - - -			
Roundhouse - - - - -			
Other closed-in spaces, spaces for machinery, light and air, if any.		On account of space used exclusively for accommodation of master, for the working of the helm, the capstan and the anchor gear, or for keeping the charts, signals, and other instruments of navigation, and boatswains stores, and for space occupied by donkey engine and boiler, and in case of sailing ships for space used for storage of sails - - -	
		Cubic Metres.	
(Gross Tonnage - - - - -			
Deductions as per contra - - - - -			
Registered Tonnage - - - - -		Total deductions	

*
in consideration of the sum of _____ paid to† _____ by _____
the receipt whereof is hereby acknowledged, _____
transfer _____ shares in the ship above particularly described, _____
and in her boats, guns, ammunition, small arms, and appurtenances, _____
to the said _____
Further‡ _____ the said _____ for§ _____ heirs
covenant with the said _____ and|| _____ assigns, _____
that¶ _____ have power to transfer in manner aforesaid the premises _____
hereinbefore expressed to be transferred, and that the same are free _____
from encumbrances**
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* "I" or "we."
† "Me" or "us."
‡ "I" or "we."
§ "Myself and my" or "ourselves and our."
|| "His" "her" or "their."
¶ "I" or "we."
** If there be any subsisting mortgage, or

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outstanding certificate or mortgage, add "save as appears by the registry of the said ship."

In witness whereof ha hereunto subscribed
 name and affixed seal this day of
 one thousand eight hundred and

Executed by the above-named }
 in the presence of }

NOTE.—A purchaser of a registered British vessel does not obtain a complete title until the bill of sale has been recorded at the port of registry of the ship; and neglect of this precaution may entail serious consequences.

FORM B.—MORTGAGE.

[Insert description of ship and particulars as in Bill of Sale.]

i. TO SECURE PRINCIPAL SUM AND INTEREST.

(a) "I" or "we." or (a) the undersigned
 in consideration of this day lent to (b) by
 (b) "Me" or "us." or do hereby for (c) and (d) heirs, covenant with the said
 firstly That (a) or (d) heirs, executors,
 (c) "Myself" or "ourselves" or administrators, will pay to the said the
 said sum of together with interest thereon at the
 rate of per cent per annum on the day of
 (d) "My" or "our." or next; and secondly, that if the said principal sum is not paid on the
 said day (a) or (d) heirs, executors, or adminis-
 (e) "I am" or "we are." or trators, will, during such time as the same or any part thereof remains
 unpaid, pay to the said interest on the
 (f) Insert the day fixed for payment of principal as above. whole or such part thereof as may for the time being remain unpaid,
 at the rate of per cent per annum, by equal half-yearly payments
 on the day of and day of
 in every year; and for better securing to the said
 the repayment in manner aforesaid of the said principal sum and
 (g) If any prior encumbrance add, "save as appears by the registry of the said ship." interest (a) hereby mortgage to the said shares, of
 which (c) the owner in the ship above particularly
 described, and in her boats, guns, ammunition, small arms, and
 appurtenances. Lastly, (a) for (c) and (d) heirs, covenant with the said and
 assigns that (a) ha power to mortgage in manner
 aforesaid the above-mentioned shares, and that the same are free from
 encumbrances (a)

In witness whereof (a) ha hereto subscribed (d)
 name and affixed (d) seal this day of
 one thousand eight hundred and

Executed by the above-named }
 in the presence of }

NOTE.—The prompt registration of a mortgage deed at the port of registry of the ship is essential to the security of the mortgagee, as a mortgage takes its priority from the date of production for registry, *not from the date of the instrument.*

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ii. To SECURE ACCOUNT CURRENT, &c.

Whereas ^(a)
 Now ^(b) the undersigned in consideration of
 the premises for ^(c) and ^(d) heirs covenant with the said
 , and ^(e) 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 the payment
 of such sums as last aforesaid, ^(b) do hereby mortgage to the said
 shares, of which ^(f) the owner
 in the ship above particularly described, and in her boats, guns,
 ammunitions, small arms, and appurtenances.

Lastly, ^(b) for ^(c) and ^(d) heirs, covenant
 with the said and ^(e) assigns that ^(b)
 ha power to mortgage in manner af resaid the above mentioned
 shares, and that the same are free from encumbrances ^(g)

In witness whereof ^(a) ha hereto subscribed ^(b)
 name and affixed ^(d) seal this day of
 one thousand eight hundred and

Executed by the above-named
 in the presence of

(a) Here state by way of recital that there is an account current between the mortgagor (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 encumbrance add, "save as appears by the registry of the said ship."

NOTE.—The prompt registration of a mortgage deed at the port of registry of the ship is essential to the security of the mortgagee, as a mortgage takes its priority from the date of production for registry, *not from the date of the instrument.*

FORM C.—TRANSFER OF MORTGAGE.

[To be endorsed on the original mortgage.]

^(a) the within-mentioned in consideration of
 this day paid to ^(b) by hereby
 transfer to ^(c) the benefit of the within written security.
 In witness whereof ^(d) ha hereunto subscribed ^(e) name
 and affixed ^(c) seal , this day of
 One thousand eight hundred and

Executed by the above named
 in the presence of

VOL. I-22½*

(a) "I" or "we."
 (b) "Me" or "us."
 (c) "Him" or "them."
 (d) "I" or "we."
 (e) "My" or "our."

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PART II.

Documents of which the forms are to be prescribed by the Commissioners of Customs and sanctioned by the Board of Trade.

Certificate of surveyor.
 Declaration of ownership by individual owner.
 Declaration of ownership on behalf of a corporation as owner.
 Certificate of registry.
 Provisional certificate.
 Declaration of ownership by individual transferee.
 Declaration of ownership on behalf of a corporation as transferee.
 Declaration of owner taking by transmission.
 Declaration by mortgagee taking by transmission.
 Certificate of mortgage.
 Certificate of sale.
 Revocation of certificate of sale or mortgage.

SECOND SCHEDULE.

Measurement of Tonnage.

Sections 77,
78, 81, 85.

RULE I.

Measurement of ships to be registered and other ships of which the hold is clear.

(1.) Measure the length of the 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:

Lengths.

TABLE.

Class 1. Ships of which the tonnage deck is according to the above measurement 50 feet long or under, into 4 equal parts :
 Class 2. Ships of which the tonnage deck is according to the 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.
 Class 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 :
 Class 5. Ships of which the tonnage deck is according to the above measurement above 225 feet long, into 12 equal parts.
 (2.) Then the hold being first sufficiently cleared to admit of the required depths and breadths being properly taken, find the trans-

Transverse areas.

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verse area of the 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 the tonnage 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 (subject, however, to the provisions of this Act in the case of a ship constructed with a double bottom for water ballast); then if the depth at 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.

- (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 under the tonnage deck in the following manner:—Number the areas respectively 1, 2, 3, &c., Number 1 being at the extreme limit of the length at the bow, and the last number at the extreme limit at 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 any additions and deductions under this Act.

Computation
from areas.

- (4.) If the ship had a third deck, commonly called a spar deck, the tonnage of the space between it and the tonnage deck shall be ascertained as follows:—

In case of
decks above
the tonnage
deck.

Measure in feet the inside length of the space at the middle of it; height from the plank at the side of the stem to the lining on

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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 add 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 the space; measure the mean height of the 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 to be the tonnage of the space and shall be added to the tonnage of the ship ascertained as aforesaid. 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.

Poop, deck house, fore-castle, and any other closed-in space.

- (5.) 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 that space shall be ascertained as follows:—measure the internal mean length of the space in feet, and divide it 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 the space; then measure the mean height, and multiply by it the mean horizontal area; divide the product by one hundred, and the quotient shall be deemed to be the tonnage of the space, and shall be added to the tonnage under the tonnage deck ascertained as aforesaid. Provided that no addition shall be made in respect of any building erected for the shelter of deck passengers, and approved by the Board of Trade.

RULE II.

Measurement of ships not requiring registry with cargo on board and ships which cannot be measured under Rule I.

Length.
Breadth.

Girthing of the ship.

- (1.) Measure the length on the uppermost 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 sides, 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 ship taken as aforesaid;

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then multiply this product by the factor .0018 (eighteen ten-thousandths) in the case of ships built of wood, and .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 any additions and deductions under this Act.

- (2.) If there be a break, a poop, or other closed-in space on the upper deck, the tonnage of that space shall be ascertained by multiplying together the mean length, breadth, and depth of the space, and dividing the product by 100 and the quotient so obtained shall be deemed to be the tonnage of the space, and shall be added to the tonnage of the ship ascertained as aforesaid.

Poop, deck house, fore-castle, and other closed-in spaces on upper deck.

RULE III.

(i.) 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 those measurements at each end, and another at the middle of the length; take the mean of those 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, divide the product by 100 and the result shall be deemed the tonnage 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 (subject to the provisions hereinafter contained) be deemed to be the tonnage of the space.

Measurement of allowance for engine room space in steamships.

(ii.) If in any ship in which the space for propelling power 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:

(iii.) In the case of screw steamers in which the space for propelling power is to be measured, the contents of the shaft trunk shall be ascertained by multiplying together the mean length, breadth, and depth of the trunk, and dividing the product by 100:

(iv.) If in any ship in which the space aforesaid is to be measured any alteration be made in the length or capacity of the spaces or if any cabins be fitted in the space, the ship shall be deemed to be a ship not registered until remeasurement.

RULE IV.

IV. 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.

Measurement of open ships.

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THIRD SCHEDULE.

Section 83. TABLE OF MAXIMUM FEES TO BE PAID FOR THE MEASUREMENT OF MERCHANT SHIPS.

	£	s.	d.
For a ship under 50 tons register tonnage.....	1	0	0
do from 50 to 100 tons do	1	10	0
do do 100 to 200 do do	2	0	0
do do 200 to 500 do do	3	0	0
do do 500 to 800 do do	4	0	0
do do 800 to 1,200 do do	5	0	0
do do 1,200 to 2,000 do do	6	0	0
do do 2,000 to 3,000 do do	7	0	0
do do 3,000 to 4,000 do do	8	0	0
do do 4,000 to 5,000 do do	9	0	0
do do 5,000 and upwards do	10	0	0

FOURTH SCHEDULE.

Section 97. TABLE OF MAXIMUM FEES TO BE PAID BY APPLICANTS FOR EXAMINATION.

For Certificates as Masters and Mates.

	£	s.	d.
Certificate as master.....	2	0	0
Certificate as mate.....	1	0	0

For Certificates as Engineers.

Certificate as first-class engineer.....	2	0	0
Certificate as second-class engineer.....	1	0	0

FIFTH SCHEDULE.

Section 200. REGULATIONS TO BE OBSERVED WITH RESPECT TO ANTI-SCORBUTICS.

Furnishing of Anti-Scorbutics.

(1.) The anti-scorbutics to be furnished shall be lime or lemon juice, or such other anti-scorbutics (if any) of such quality, and composed of such materials, and packed and kept in such manner as Her Majesty by Order in Council may direct.

(2.) No lime or lemon juice shall be deemed fit and proper to be taken on board ship, for the use of the crew or passengers thereof, unless it has been obtained from a bonded warehouse for and to be shipped as stores.

(3.) Lime or lemon juice shall not be so obtained or delivered from a warehouse as aforesaid, unless—

(a.) it is shown, by a certificate under the hand of an inspector appointed by the Board of Trade, to be proper for use on board ship, the certificate to be given upon inspection of a sample, after deposit of the lime or lemon juice in the warehouse; and

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- (b.) it contains fifteen per cent of proper and palatable proof spirit, to be approved by the inspector or by the proper officer of customs, and to be added before or immediately after the inspection thereof ; and
- (c.) it is packed in such bottles at such time and in such manner and is labelled in such manner as the Commissioners of Customs may direct.
- (4.) If the lime or lemon juice is deposited in a bonded warehouse, and has been approved as aforesaid by the inspector, the spirit, or the amount of spirit necessary to make up fifteen per cent, may be added in the warehouse, without payment of any duty thereon ; and when any spirit has been added to any lime or lemon juice, and the lime or lemon juice has been labelled as aforesaid, it shall be deposited in the warehouse for delivery as ship's stores only, upon such terms and subject to such regulations of the Commissioners of Customs as are applicable to the delivery of ship's stores from the warehouse.
- (5.) The lime or lemon juice with which a ship is required by this Act to be provided shall be taken from the warehouse duly labelled as aforesaid, and the labels shall remain intact until twenty-four hours at least after the ship has left her port of departure on her foreign voyage.

Serving out of Anti-scorbutics.

- (6.) The lime or lemon juice shall be served out with sugar (the sugar to be in addition to any sugar required by the agreement with the crew).
- (7.) The anti-scorbutics shall be served out to the crew so soon as they have been at sea for ten days ; and during the remainder of the voyage, except during such time as they are in harbour and are there supplied with fresh provisions.
- (8.) The lime or lemon juice and sugar shall be served out daily at the rate of an ounce each per day to each member of the crew, and shall be mixed with a due proportion of water before being served out.
- (9.) The other anti-scorbutics, if any, provided in pursuance of an Order in Council shall be served out at such times and in such quantities as the Order in Council directs.

SIXTH SCHEDULE.

REGULATIONS TO BE OBSERVED WITH RESPECT TO ACCOMMODATION ON BOARD SHIPS.

- (1.) Every place in a ship occupied by seamen or apprentices, and appropriated to their use, shall be such as to make the space which it is required by the second part of this Act to contain available for the proper accommodation of the men who are to occupy it, and 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. Sections 79, 210.
- (2.) A place so occupied and appropriated as aforesaid shall not authorize a deduction from registered tonnage under the tonnage

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3. Upon the conclusion of that month and the constitution of a new board, the functions of the then existing board shall cease, and the board, consisting of the members then newly elected and appointed, shall take its place.

4. A casual vacancy happening in the intervals between the general elections and appointments, by death, resignation, disqualification, or otherwise, shall be filled up within one month after it happens; and every person elected or appointed to fill a casual vacancy shall continue a member until the next constitution of the new board.

5. The mayor or provost shall fix the place and mode of conducting elections, and also, in the case of casual vacancies, the day of election, and shall give at least ten days' notice thereof.

6. The Board of Trade may decide any question raised concerning any election.

Registry and Votes of Electors.

7. Owners of foreign-going ships and of home-trade passenger ships registered at the port shall have votes at the election as follows; namely,

Every registered owner of not less than 250 tons in the whole of such shipping shall at every election have one vote for each member for every 250 tons owned by him, so that his votes for any one member do not exceed ten.

8. The qualification of electors shall be ascertained as follows:

(a.) In the case of a ship registered in the name of one person that person shall be deemed the owner:

(b.) In the case of a ship registered in distinct and several shares in the names of more persons than one the tonnage shall be apportioned among them as nearly as may be in proportion to their respective shares, and each of them shall be deemed the owner of the tonnage so apportioned to him:

(c.) In the case of a ship or shares of a ship registered jointly without severance of interest in the names of more persons than one the tonnage shall, if sufficient either alone or together with other tonnage, if any, owned by the joint owners, to give a qualification to each of them, be apportioned equally between or among the joint owners, and each of them shall be deemed the owner of the equal share so apportioned to him; but if it is not so sufficient the whole of the tonnage shall be deemed to be owned by such one of the joint owners resident or having a place of business at the port or within seven miles thereof as is first named on the register:

(d.) In making any such apportionment any portion of the tonnage may be struck off so as to produce a divisible amount:

(e.) The whole amount of tonnage so owned by each person, whether in ships or shares of or interests in ships, shall be added together, and if sufficient, shall constitute his qualification.

9. The chief officer of customs in the port shall, with the assistance of the Registrar-General of Shipping and Seamen, on or before the twenty-fifth day of December in the year one thousand eight hundred and ninety-five, and in every third succeeding year, make out an alphabetical list of the persons entitled by this Act to vote at the election, containing the name and residence of each such person, and

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the number of votes to which he is entitled, and shall sign the list, and shall cause a sufficient number of copies thereof to be printed and shall cause copies thereof to be fixed on or near the doors of the custom-house of the port for two entire weeks next after the list has been made, and shall keep two copies of the list, and permit the same to be perused by any person, without payment, at all reasonable hours during those two weeks.

10. The mayor or provost of the port, or such of them, if more than one, as is or are for the time being so appointed as aforesaid, shall, at least twenty days before the twenty-fifth day of January, one thousand eight hundred and ninety-six, and in each succeeding third year, nominate two justices of the peace (in this schedule referred to as the revisers) to revise the list.

11. The revisers shall, between the eighth and fifteenth days of January, both inclusive, in the year in which they are so nominated, revise the list at the custom-house of the port, or in some convenient place near thereto, to be hired if necessary, by the said chief officer.

12. The revisers shall give three clear days' notice of the revision by advertising the same in some local newspaper, and by affixing a notice thereof on or near to the doors of the custom-house.

13. The revisers shall make the revision by inserting in the list the name of every person who claims to have his name inserted therein and gives proof, satisfactory to the revisers, of his right to have his name so inserted, and by striking out therefrom the name of every person to the insertion of whose name an objection is made by any other person named in the list who gives proof satisfactory to the revisers that the name objected to ought not to have been inserted therein.

14. The decision of the revisers with respect to every such claim or objection shall be conclusive.

15. The revisers shall, immediately after the revision, sign their names at the foot of the list so revised.

16. The list so revised shall be the register of voters at elections for three years from the twenty-fifth day of January then next ensuing inclusive to the twenty-fourth day of January inclusive in the third succeeding year.

17. The revised list, when so signed, shall be delivered to the mayor or provost as aforesaid, who shall, if necessary, cause a sufficient number of copies thereof to be printed, and shall cause a copy thereof to be delivered to every voter applying for the same.

18. The chief officer shall, if required, for the assistance of the revisers in revising the list, produce to them the books containing the register of ships registered at the port; and the Registrar General of Shipping and Seamen, if required, shall also produce or transmit to them such certified extracts or returns from the books in his custody as may be necessary for the same purpose.

19. The revisers shall certify the expenses properly incurred by the chief officer in making and printing the list and in the revision thereof, and the Board of Trade shall pay the same, and also all expenses properly incurred by the mayor or provost in printing the same, or in any election; and the Board of Trade may disallow any items of any of those expenses in their opinion improperly incurred.

20. Every person whose name appears on the revised list and no other person, shall be qualified to vote at the election on the twenty-

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fifth day of January next after the revision, and at any election for a casual vacancy held at any time between that day and the next ordinary triennial election.

Qualification of Members.

21. Every male person who is, according to the revised list, entitled to a vote, shall be qualified to be elected a member, and no other person shall be so qualified; and if any person elected ceases after election to be an owner of such quantity of tonnage as would entitle him to a vote he shall no longer continue to act or be considered a member, and thereupon another member shall be elected in his place.

Application to Corporations.

22. A corporation owning a ship shall be entitled to be registered in like manner as any individual, with the substitution of the office of the corporation for the residence of the individual. The vote of such corporation shall be given by some person whom the corporation may appoint in that behalf, and that person shall be qualified to be elected a member, and if the corporation ceases after his election to be an owner of such quantity of tonnage as entitles the corporation to be registered as a voter, that person shall cease to be a member and another member shall be elected in his place.

EIGHTH SCHEDULE.

Particulars to be registered by Master of a Ship concerning a Birth at Sea.

Date of birth.

Name (if any) and sex of the child.

Section 254.

Name and surname, rank, profession, or occupation of the father.

Name and surname, and maiden surname of the mother.

Nationality and last place of abode of the father and mother.

Particulars to be registered by Master of a Ship concerning a Death at Sea.

Date of death.

Name and surname.

Sex.

Age.

Rank, profession, or occupation.

Nationality and last place of abode.

Cause of death.

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NINTH SCHEDULE.

PART I.

Sections 277,
360.*Maximum Fees to be paid for Passenger Steamer's Certificate.*

	£	s.	d.
For passenger steamers not exceeding 100 tons.....	4	0	0
Exceeding 100 tons and not exceeding 300 tons.....	6	0	0
Exceeding 300 tons and not exceeding 600 tons.....	8	0	0
And for every additional 300 tons above 600 an additional	2	0	0

PART II.

Maximum Fees for Survey of Emigrant Ships.

	£	s.	d.
For an ordinary survey of the ship, and of her equipments, accommodation, stores, light, ventilation, sanitary arrange- ments, and medical stores	10	0	0
For a special survey.....	15	0	0

TENTH SCHEDULE.

*Regulations as to number of Persons carried on Emigrant Ships.*Sections 292,
367.

(1.) An emigrant ship shall not carry under the poop or in the round house or deck house or on the upper passenger deck, a greater number of steerage passengers than in the proportion of one statute adult to every fifteen clear superficial feet of deck allotted to their use.

(2.) An emigrant ship shall not carry on the lower passenger deck a greater number of steerage passengers than in the proportion of one statute adult to every eighteen clear superficial feet of deck allotted to their use.

(3.) Provided, that if the height between the lower passenger deck and the deck immediately above it is less than seven feet, or if the apertures (exclusive of side scuttles) through which light and air are admitted together to the lower passenger deck are less in size than in the proportion of three square feet to every one hundred superficial feet of that deck, the ship shall not carry a greater number of steerage passengers on that deck than in the proportion of one statute adult to every twenty-five clear superficial feet thereof.

(4.) An emigrant ship, whatever be her superficial space of decks, shall not carry a greater number of steerage passengers on the whole than in the proportion of one statute adult to every five superficial feet, clear for exercise, on the upper deck or poop, or on any round house or deck house which is secured and fitted on the top with a railing or guard to the satisfaction of the emigration officer at the port of clearance.

(5.) In the measurement of the passenger decks, poop, round house or deck house, the space for the hospital, and the space occupied by that part of the personal luggage of the steerage passengers which the emigration officer permits to be carried there, shall be included.

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ELEVENTH SCHEDULE.

REGULATIONS AS TO THE ACCOMMODATION FOR STEERAGE PASSENGERS.

Construction of Passenger Decks.

(1.) The beams supporting the passenger decks shall form part of Section 293. the permanent structure of the ship. They shall be of adequate strength in the judgment of the emigration officer at the port of clearance, and shall be firmly secured to the ship to his satisfaction.

(2.) The passenger decks shall be at least one inch and a half thick, and shall be laid and firmly fastened on the beams continuously from side to side of the compartment in which the steerage passengers are berthed.

(3.) The height between that part of any deck on which steerage passengers are carried and the deck immediately above it shall not be less than six feet.

Berths.

(4.) There shall not be more than two tiers of berths on any one deck. The interval between the floor of berths and the deck immediately beneath it shall not be less than six inches. The interval between each tier of berths and between the uppermost tier and the deck above it shall not be less than two feet six inches.

(5.) The berths shall be securely constructed and of dimensions not less than six feet in length and eighteen inches in breadth for each statute adult, and shall be sufficient in number for the proper accommodation of all the steerage passengers contained in the lists of passengers by this Act required to be delivered by the master of the ship.

(6.) No part of any berth shall be placed within nine inches of any water closet erected in the between-decks.

(7.) All male steerage passengers of the age of fourteen years and upwards (except those who occupy berths with their wives) shall to the satisfaction of the emigration officer at the port of clearance be berthed in the fore part of the ship in a compartment divided off from the space appropriated to the other steerage passengers by a substantial and well-secured bulkhead without opening into or communicating with any adjoining steerage passenger's berth, or, if the ship is fitted with inclosed berths, in separate rooms.

(8.) Not more than one steerage passenger, except in the case of husband and wife, or females, or children under the age of twelve years, shall be placed in or occupy the same berth.

(9.) Berths occupied by steerage passengers during the voyage shall not be taken down until forty-eight hours after the arrival of the ship at the port of final discharge, unless all the steerage passengers have voluntarily quitted the ship before the expiration of that time. The master of the ship shall alone be liable to a fine for breach of this regulation.

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Hospitals.

(10.) Sufficient space shall be set apart on every emigrant ship for use exclusively as a hospital for the steerage passengers, properly divided off, to the satisfaction of the emigration officer at the port of clearance.

(11.) The space set apart for a hospital shall be under the poop or in the round house, or in any deck house which shall be properly built and secured to the satisfaction of the emigration officer at the port of clearance, or on the upper passenger deck, and not elsewhere.

(12.) The space so set apart shall contain not less than eighteen clear superficial feet for every fifty steerage passengers whom the ship carries; and shall be fitted with bed-places, and supplied with proper beds, bedding, and utensils to the satisfaction of the emigration officer at the port of clearance, and shall throughout the voyage be kept so fitted and supplied.

Privies.

(13.) Every emigrant ship shall be provided to the satisfaction of the emigration officer at the port of clearance with at least two privies, and with two additional privies on deck for every one hundred steerage passengers on board, and in ships carrying as many as fifty female passengers with at least two water-closets under the poop or elsewhere on the upper deck to the satisfaction of the emigration officer for the exclusive use of women and young children. The privies shall be placed in equal numbers on each side of the ship, and need not in any case exceed twelve in number.

(14.) All such privies and water closets shall be firmly constructed and maintained in a serviceable and cleanly condition throughout the voyage, and shall not be taken down until the expiration of forty-eight hours after the arrival of the ship at the final port of discharge, unless all the steerage passengers quit the ship before the expiration of that time.

(15.) The master of the ship shall alone be liable to a fine for breach of the regulations as to privies.

Light and Ventilation.

(16.) Every emigrant ship shall be supplied with such provision for affording light and air to the passenger decks as the circumstances of the case may, in the judgment of the emigration officer at the port of clearance, require, and if there are as many as one hundred steerage passengers on board shall be supplied with an adequate and proper ventilating apparatus, to be approved by such emigration officer and fitted to his satisfaction.

(17.) The steerage passengers shall have the free and unimpeded use of the whole of each hatchway situated over the space appropriated to them, and over each such hatchway there shall be erected such a booby-hatch or other substantial covering as will, in the opinion of the emigration officer, afford the greatest amount of light and air, and of protection from wet, which the case will admit.

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TWELFTH SCHEDULE.

WATER AND PROVISIONS.

Section 298.

Water and provisions shall be issued to the steerage passengers according to the following dietary scales, that is to say,

Water.

Three quarts daily to each statute adult, exclusive of the quantity necessary for cooking any article issued under this schedule in a cooked state.

Provisions.

Weekly, per statute adult :

	SCALE A.		SCALE B.	
	For Voyages not exceeding 84 Days for Sailing Ships or 50 Days for Steamships or ships having steam power in aid of sails.		For Voyages exceeding 84 Days for Sailing Vessels or 50 Days for Steamships or ships having steam power in aid of sails.	
	lbs.	oz.	lbs.	oz.
Bread or biscuit, not inferior to navy biscuit.....	3	8	3	8
Wheaten flour.....	1	0	2	0
Oatmeal.....	1	8	1	0
Rice.....	1	8	0	8
Peas.....	1	8	1	8
Beef.....	1	4	1	4
Pork.....	1	0	1	0
Butter.....	—	—	0	4
Potatoes.....	2	0	2	0
Sugar.....	1	0	1	0
Tea.....	0	2	0	2
Salt.....	0	2	0	2
Mustard.....	0	$\frac{1}{4}$	0	$\frac{1}{4}$
Pepper (white or black), ground.....	0	$\frac{1}{4}$	0	$\frac{1}{4}$
Vinegar.....	One gill.	—	One gill.	—
Preserved meat.....	—	—	1	0
Suet.....	—	—	0	6
Raisins.....	—	—	0	8
Lime juice.....	—	—	0	6

(See below)

Substitutions.

Substitutions at the following rates may, at the option of the master of any emigrant ship, be made in the above dietary scales, as follows; that is to say,

$1\frac{1}{4}$ lb. of soft bread baked on board } for { 1 lb. of flour, or 1 lb. of bis-
 1 lb. of preserved meat..... } for { cuit, or $1\frac{1}{4}$ lb. of oatmeal, or
 } for { 1 lb. of rice, or 1 lb. of peas.
 } for 1 lb. of salt pork or beef.

Merchant Shipping Act, 1894.

large cattle for every additional two hundred tons of the ship's registered tonnage, nor more in all in any emigrant ship than ten head of large cattle. The expression "large cattle" includes both sexes of horned cattle, deer, horses, and asses; and four sheep of either sex, or four female goats, shall be equivalent to, and may, subject to the same conditions, be carried in lieu of one head of large cattle.

(5.) Proper arrangements shall be made, to the satisfaction of the emigration officer at the port of clearance, for the housing, maintenance, and cleanliness of the animals, and for the stowage of their fodder.

(6.) Not more than six dogs, and no pigs or male goats, shall be conveyed as cargo in any emigrant ship.

FOURTEENTH SCHEDULE.

FORMS UNDER PART III. (PASSENGER AND EMIGRANT SHIPS). Section 360.

FORM I.

FORM OF MASTER'S BOND.

KNOW all men by these presents, that we, ⁽¹⁾ are held and firmly bound unto our sovereign by the Grace of God, of the United Kingdom of Great Britain and Ireland defender of the faith, in the sum of ⁽²⁾ *two thousand* pounds of good and lawful money of Great Britain, to be paid to our said sovereign her [his] heirs and successors; to which payment well and truly to be made we bind ourselves and every of us, jointly and severally, and our heirs, executors, and administrators, and every of them, firmly by these presents. Sealed with our seals. Dated this day of one thousand eight hundred and .

Whereas by Part III. of the Merchant Shipping Act, 1894, it is amongst other things enacted, that, before any emigrant ship clears outwards or proceeds to sea, the master, together with the owner or charterer, or in the event of the owner or charterer being absent, or being the master, one other good and sufficient person, approved by the chief officer of customs at the port of clearance, shall enter into a joint and several bond to the Crown, in the sum of two thousand pounds:

Now the condition of this obligation is such, that if the ship whereof the above bounden is master, bound to is in all respects seaworthy, ⁽³⁾ [and if the said ship shall call at the port of and there shall be shipped on board at such port pure water for the use of the steerage passengers, sufficient in quantity to afford an allowance of three quarts daily to each statute adult for the period of days on the voyage from such port to the final port or place of discharge of such ship], and if (notwithstanding any fine by the said Act imposed, and whether the same may have been sued for and recovered or not) all and every the requirements of the said Merchant Shipping Act, 1894 (except such of them as relate exclusively to passage brokers and emigrant runners) and of the Board of Trade acting under the said Act, and of any Order of

(1) Insert here the Christian and surnames in full, with occupations and addresses of each of the two obligors.

(2) The sum must be *five thousand* pounds if neither the owner or charterer of the ship reside in the British Islands.

(3) The clause within brackets is to be inserted only when the ship is to call at an intermediate port to take in water as provided in Part III. of the Merchant Shipping Act, 1894.

Merchant Shipping Act, 1894.

(4) This clause to be inserted only in the case of a foreign emigrant ship proceeding to any British possession.

Her Majesty in Council relating to "emigrant ships" and now in force, shall in all respects be well and truly performed (⁴) [and if the master for the time being of the said ship shall submit himself, in like manner as a British subject being the master of a British emigrant ship, to the jurisdiction of the tribunals in Majesty's possessions abroad, empowered by the said Act to adjudicate on offences committed against the said Act], and if moreover all fines, and forfeitures which the master of such ship may be adjudged to pay for or in respect of the breach or non-fulfilment of any of such requirements as aforesaid shall be well and truly paid, and if all expenses incurred by a Secretary of State or governor of a British possession or British consular officer under the said Act shall also be well and truly paid, then this obligation to be void, otherwise to remain in full force and virtue.

‡ Insert names and addresses in full of the witnesses.

Signed, sealed, and delivered by the above bounden and in the presence of ‡

§ Certificate to be signed by the chief officer of customs and forwarded with the bond to the colony, according to s. 319 of the Act.

§ [I hereby certify, that the above bond was duly signed, sealed, and delivered according to the law of the United Kingdom by the said master of the said ship and by the said (*other obligor*).]

(Signature)

(Date)

18

{ Chief Officer of Customs for the port of

FORM II.

FORM OF PASSENGERS LIST.

Ship's Name.	Master's Name.	Tons per Register.	Aggregate Number of Superficial Feet in several Compartments set apart for Steerage Passengers.	Total Number of Statute Adults, exclusive of Master, Crew, and Cabin Passengers which the Ship can legally carry.	Where bound.

I hereby certify, that the provisions actually laden on board this ship are sufficient, according to the requirements of Part III. of the Merchant Shipping Act, 1894, for statute adults for a voyage of days. Master.

Date

(Signature)

18

Merchant Shipping Act, 1894.

SUMMARY OF STEERAGE AND CABIN PASSENGERS.

NATIONALITIES.	NUMBER OF SOULS.							
	Adults of 12 years of age and upwards.				Children between 1 and 12 Years.		Infants.	
	Married.		Single.		M.	F.	M.	F.
M.	F.	M.	F.					
English								
Scotch								
Irish								
Foreigners								
TOTAL								

No.

Total number of adults.....

Children between 1 and 12; equal to statute adults.....

Total number of statute adults.....

We hereby certify, that the above is a correct list of the names and descriptions of all the passengers who embarked at the port of

(Signed)

Master.
Emigration Officer.
Officer of Customs at

(Countersigned)

Date 18 .

N.B.—Lines should be ruled in the same form for any additions to the list after the ship first clear out; and similar certificates be subjoined to such additions, according to the requirements of the Act.

FORM III.

(1) If more passengers were rescued than forwarded, or if bedding, &c., was not supplied, alter the certificate to suit the facts of the case.
(2) Omit words in brackets when necessary.
(3) State generally the nature of the disaster and where it occurred. But if the passengers were only left behind, without any default of their own, state the fact accordingly.

FORM OF GOVERNOR'S OR CONSULAR OFFICER'S CERTIFICATE OF EXPENDITURE IN THE CASE OF PASSENGERS WRECKED OR FORWARDED.

I hereby certify, that, acting under and in conformity with the provisions of the Merchant Shipping Act, 1894, I have defrayed the expenses incurred in rescuing, maintaining, supplying with necessary bedding, provisions, and stores ⁽¹⁾, and in forwarding to their destination steerage passengers [and cabin passengers ⁽²⁾], who were proceeding from to in the ship, which was wrecked at sea, &c. ⁽³⁾.

And I further certify, for the purposes of Part III. of the said Act, that the total amount of such expenses is pounds, and that such expenses were duly incurred by me under the said Act.

Given under my hand, this day of 18 .

{ Governor of, &c., (or as the case may be,) British Consular Officer at

Merchant Shipping Act, 1894.

FORM IV.

FORM OF PASSAGE BROKER'S BOND.

Section 350.

KNOW all men by these presents, that we, *A.B.* ⁽¹⁾ of *C.D.* (1) Insert names and surnames in full, with occupation and address of each of the parties.
of, &c. and *E.F.* of, &c. are held and firmly bound unto our sovereign by the Grace of God of the United Kingdom of Great Britain and Ireland defender of the faith, in the sum of one thousand pounds of good and lawful money of Great Britain, to be paid to our said sovereign, her [his] heirs and successors; to which payment well and truly to be made we bind ourselves and every of us, jointly and severally, and our heirs, executors, and administrators, and every of them, firmly by these presents. Sealed with our seals. Dated this _____ day of _____ one thousand eight hundred and _____

Whereas by Part III. of the Merchant Shipping Act, 1894, it is amongst other things enacted, that a person shall not, save as therein excepted, directly or indirectly act as a passage broker in respect of steerage passages from the British Islands to any port out of Europe, and not within the Mediterranean Sea, unless such person has entered, with two good and sufficient sureties, to be approved by the emigration officer nearest to his place of business, into a joint and several bond to the Crown, in the sum of one thousand pounds: And whereas the said *C.D.* and *E.F.* have been duly approved by the proper emigration officer as sureties for the said *A.B.* :

Now the condition of this obligation is such, that if the above-bounden *A.B.*, and every agent whom he may employ in his business of a passage broker, shall well and truly observe and comply with all the requirements of the said Act, so far as the same relate to passage brokers, and further shall well and truly pay all fines and forfeitures, and also all sums of money, by way of subsistence money, or of return of passage money or compensation, to any steerage passenger, or on his account, together with all costs which the above-bounden *A.B.*, or any of his agents as aforesaid, may at any time be adjudged to pay under or by virtue of the said Act, then and in such case this obligation to be void, otherwise to remain in full force.

Signed, sealed, and delivered by the above-bounden *A.B.*, *C.D.*, and *E.F.*, in the presence of ⁽²⁾

N.B.—This bond is to be executed in duplicate, in the presence of and to be attested by an emigration officer or his assistant, or an officer of customs, or a magistrate, or a notary public. One part is to be deposited with the Board of Trade and the other part with the emigration officer at the port nearest to the place of business of the broker.

Each member of a firm or partnership who acts as a passage broker must give a separate bond with two sureties.

The bond is exempt from stamp duty, but must be renewed annually with the license.

Merchant Shipping Act, 1894.

FORM V.

FORM OF PASSAGE BROKER'S LICENSE.

(1) The names and surnames in full, with the address and trade or occupation of the party applying for the license must be correctly inserted. If a member of a firm, the names and surnames of all the members must be given.

A.B. (1) of _____ in the _____ having shown to the satisfaction of the council of _____ [or me (or us) the undersigned], that he hath given bond to the Crown, as required by the Merchant Shipping Act, 1894, and also given fourteen days' previous notice to the Board of Trade of his intention to apply for a license to carry on the business of a passage broker in respect of steerage passengers from the British Islands to any port out of Europe, and not within the Mediterranean Sea, the said council [or I (or we) the undersigned], having had no sufficient cause shown and seeing no valid reason why the said *A.B.* should not receive such license, do hereby license and authorize the said *A.B.* to carry on the business of a passage broker as aforesaid until the end of the present year, and thirty-one days afterwards, unless this license shall be sooner determined by forfeiture for misconduct on the part of the said *A.B.* as provided in the Merchant Shipping Act, 1894.

Given under the common seal of the said council [or my hand and seal (or our respective hands and seals)] this _____ day of _____

18 at _____

(L.S.) [signature authenticating seal.]

[or Signature] (L.S.) { Sheriff, or sheriff substitute, or justices of the peace as the case may be.

Note.—Each member of a firm or partnership who acts as a passage broker must have a separate license.

FORM VI.

FORM OF NOTICE TO BE GIVEN TO THE BOARD OF TRADE BY LICENSING AUTHORITY GRANTING A LICENSE.

Gentlemen,

(1) Insert the names and surnames in full, with the address and occupation of the party.

This is to give you notice, that the council of _____ [or we (or I), the undersigned], did on the _____ day of 18 _____ license *A.B.* of (1) _____ to carry on the business of a passage broker under the provisions of the Merchant Shipping Act, 1894.

Signatures

{ Clerk of the said council or sheriff or justices of the peace, or as the case may be.

Place

Date

To the Board of Trade, }
London, }

Merchant Shipping Act, 1894.

FORM VII.

FORM OF NOTICE TO BE GIVEN TO THE BOARD OF TRADE BY AN APPLICANT FOR A PASSAGE BROKER'S LICENSE.

Gentlemen,

I *A.B.* (1) of _____ in _____ do hereby give you notice that it is my intention to apply, after the expiration of fourteen clear days from the date of putting this notice into the post to the council for the city *or* borough *or* district _____ *or if in Scotland* to the sheriff *or* sheriff substitute of _____ *or if in Ireland* to the justices assembled in petty session to be held (2), *as the case may be*, for a license to carry on the business of a passage broker under the Merchant Shipping Act, 1894.

Signature

Date

To the Board of Trade, }
London. }

(1) The names and surname in full, with the address and trade or occupation of the party applying for a license, must be here correctly inserted
(2) The place or district in which the party giving the notice has his place of business.

FORM VIII.

FORM OF NOTICE OF FORFEITURE OF A PASSAGE BROKER'S LICENSE TO BE GIVEN BY THE COURT BY WHICH IT IS FORFEITED TO THE BOARD OF TRADE.

Gentlemen,

This is to give you notice, that the license granted on the day of _____ 18 _____ to *A.B.* (1) of _____ in _____ to act as a passage broker was on the _____ day of _____ now last past duly declared by me (*or* us) the undersigned to be forfeited.(2)

Signatures

Place and date

18

To the Board of Trade, }
London. }

(1) The names and surname in full, with the address and trade or occupation of the party, to be here inserted.

(2) Here state generally the reason of forfeiture.

FORM IX.

FORM OF APPOINTMENT OF PASSAGE BROKER'S AGENT

I, *A.B.* of, &c. (*or as the case may be*), one of the partners and on behalf of the firm of, &c., (*name all the partners and the style of the firm*), carrying on the business of _____ at _____, do hereby nominate and appoint you *C.D.* of, &c., to act as my agent and on my behalf in the sale or letting of steerage passages and otherwise in the business of a passage broker, according to the Merchant Shipping Act, 1894.

Signature in full

Place and date

Counter signature

{ Emigration officer at the
port of

Insert in the proper places the names and surnames in full, with the correct addresses and designations of the constituent and agent respectively.

Merchant Shipping Act, 1894.

FORM X.

FORM OF EMIGRANT RUNNER'S ANNUAL LICENSE.

(1) The names and surname in full, with the address of the party applying for the license, must be here correctly inserted

A.B. (1) of _____ in the _____ having made application in writing to the council of [or me, the sheriff, or us, the undersigned justices of the peace assembled in petty sessions, for the _____ of _____] to grant to him a license to enable him to be registered as an emigrant runner in and for (2) _____, and the said [*A.B.*] having also been recommended as a proper person to receive such license by an emigration officer, or by the chief constable [or other head officer of police, as the case may be] of [the district, town, or place in which the said *A.B.* is to carry on his business]: the said council [or I, the sheriff, or we, the undermentioned justices] having no sufficient cause shown and seeing no valid reason why the said *A.B.* should not receive such license, do hereby grant to him this license for the purposes aforesaid, subject nevertheless to be revoked for misconduct on the part of the said *A.B.*, as provided in the Merchant Shipping Act, 1894.

(Signatures, and authenticating seal.)

Merchant Shipping Act, 1894.

FIFTEENTH SCHEDULE.

Number and Dimensions of Boats for Fishing Boats entered in the Fishing Boat Register.

Section 375.

Registered Tonnage.		COLUMN 1. To be carried by Sailing Boats and Steam Boats.						COLUMN 2. To be carried by Sailing Boats and by Steam Boats when they do not carry the Boats in Col. 3.						COLUMN 3. To be carried by Steam Boats which do not carry the Boat in Col. 2.				COLUMN 4. Total Number of Boats.	
Sailing Boats.	Steam Boats.	Boats.			Boats.			Launches.			Boats.			Sailing Boats.	Steam Boats.				
		Number.	Length.	Breadth.	Depth.	Number.	Length.	Breadth.	Depth.	Number.	Length.	Breadth.	Depth.						
Tons.	Tons.	Ft.	Ft. In.	Ft. In.	Ft.	Ft. In.	Ft. In.	Ft.	Ft. In.	Ft.	Ft. In.	Ft. In.	Ft.	Ft. In.	Ft. In.	3 or 4			
400 and upwards.	240 and upwards.	1	16	5	6	2	3	1	22	5	6	2	5	22	5	6	2	6	
200 to 400	120 to 240	1	14	5	0	2	2	1	20	6	0	3	0	22	5	6	2	6	
100 to 200	60 to 120	1	14	5	0	2	2	1	16	5	6	2	9	18	5	6	2	4	
Under 100	Under 60	1	14	5	0	2	2	1	14	5	6	2	9	18	5	6	2	4	
																		1	

Note.—In sailing boats carrying the number of boats above specified, and steam boats carrying the larger of the two numbers above specified, the boats are to be considered sufficient, if their aggregate cubic contents are equal to the aggregate cubic contents of the boats specified.
 In steam boats carrying the smaller of the two numbers, specified in column 4, one of the boats must be a launch of the capacity specified in column 2.
 In sailing boats of 200 tons burden and under, not carrying passengers, a dingy may be substituted for the boat in column 1.
 In sailing boats of 150 tons burden and under, not carrying passengers, a substantial boat of capacity sufficient to carry the crew may be substituted for those above specified.
 In all steam boats, two paddlebox boats may be substituted for the boats in column 3.

as the case may be.
 3 or 4
 2 or 3
 2 or 3
 1

Merchant Shipping Act, 1894.

SIXTEENTH SCHEDULE.

Maximum Fees for Inspection of Lights and Fog Signals.

		£	s.	d.
Section 420.	For each visit made to a ship on the application of the owner and for each visit made where the lights or fittings are found defective	0	10	0
	Provided that the aggregate amount of fees for any such inspection shall not exceed one pound whatever may be the number of separate visits.			

SEVENTEENTH SCHEDULE.

LIFE SAVING APPLIANCES.

Constitution of the Committee.

- Section 429.
- (1.) Three shipowners selected by the Council of the Chamber of Shipping of the United Kingdom.
 - (2.) One shipowner selected by the Shipowners Associations of Glasgow and one shipowner selected by the Liverpool Steamship Owners Association and the Liverpool Shipowners Association conjointly.
 - (3.) Two shipbuilders selected by the Council of the Institution of Naval Architects.
 - (4.) Three persons practically acquainted with the navigation of vessels selected by the shipmasters societies recognized by the Board of Trade for this purpose.
 - (5.) Three persons being or having been able-bodied seamen selected by seamen's societies recognized by the Board of Trade for this purpose.
 - (6.) Two persons selected conjointly by the Committee of Lloyd's, the Committee of Lloyd's Register Society, and the Committee of the Institute of London Underwriters.

EIGHTEENTH SCHEDULE.

Precautions as to Grain Cargo.

- Section 453.
- (1.) There shall not be carried between the decks, or, if the ship has more than two decks, between the main and upper decks, any grain in bulk, except such as may be necessary for feeding the cargo in the hold, and is carried in properly constructed feeders.
 - (2.) Where grain (except such as may be carried in properly constructed feeders) is carried in bulk in any hold or compartment, and proper provision for filling up the same by feeders is not made, not less than one-fourth of the grain carried in the hold or compartment (as the case may be) shall be in bags supported on suitable platforms laid upon the grain in bulk: Provided that this regulation with respect to bags shall not apply—
 - (a.) To oats, or cotton seed; nor
 - (b.) To a ship which is a sailing ship of less than four hundred tons registered tonnage, and is not engaged in the Atlantic trade nor

Merchant Shipping Act, 1894.

- (c.) To a ship laden at a port in the Mediterranean or Black Sea, if the ship is divided into compartments which are formed by substantial transverse partitions, and are fitted with longitudinal bulkheads or such shifting boards as hereinafter mentioned, and if the ship does not carry more than one-fourth of the grain cargo, and not more than one thousand five hundred quarters in any one compartment, bin, or division, and provided that each division of the lower hold is fitted with properly constructed feeders from the between decks; nor
- (d.) To a ship in which the grain cargo does not exceed one-half of the whole cargo of the ship, and the rest of the cargo consists of cotton, wool, flax, barrels or sacks of flour, or other suitable cargo so stowed as to prevent the grain in any compartment, bin, or division from shifting.
- (3.) Where grain is carried in the hold or between the decks, whether in bags or bulk, the hold or the space between the decks shall be divided by a longitudinal bulkhead or by sufficient shifting boards which extend from deck to deck or from the deck to the keelson and are properly secured, and if the grain is in bulk are fitted grain-tight with proper fillings between the beams.
- (4.) In loading the grain shall be properly stowed, trimmed, and secured.

NINETEENTH SCHEDULE.

PART I.

STATEMENTS IN THE CASE OF SALVAGE BY HER MAJESTY'S SHIPS.

- (1.) Particulars to be stated both by the salvor and by the master or other person in charge of the vessel, cargo, or property saved:— Section 558.
- (a.) the place, condition, and circumstances in which the vessel, cargo, or property was at the time when the services were rendered for which salvage is claimed:
- (b.) the nature and duration of the services rendered.
- (2.) Additional particulars to be stated by the salvor:—
- (a.) the proportion of the value of the vessel, cargo, and property, and of the freight which he claims for salvage, or the values at which he estimates the vessel, freight, cargo, and property respectively, and the several amounts that he claims for salvage in respect of the same:
- (b.) any other circumstances which he thinks relevant to the said claim.
- (3.) Additional particulars to be stated by the said master or other person in charge of the said vessel, cargo, or property:—
- (a.) a copy of the certificate of registry of the said vessel, and of the endorsements thereon, stating any change which (to his knowledge or belief) has occurred in the particulars contained in the certificate; and stating also to the best of his knowledge and belief, the state of the title to the vessel for the time being, and of the encumbrances and certificates of mortgage or sale, if any, affecting the same, and the names and places of business of the owners and encumbrancer:

Merchant Shipping Act, 1894.

- (b.) the name and place of business or residence of the freighter (if any) of the said vessel, and the freight to be paid for the voyage on which she then is :
- (c.) a general account of the quantity and nature of the cargo at the time the salvage services were rendered :
- (d.) the name and place of business or residence of the owner of the cargo and of the consignee thereof :
- (e.) the values at which the master or person making the statement estimates the vessel, cargo, and property, and the freight respectively, or if he thinks fit, in lieu of the estimated value of the cargo, a copy of the vessel's manifest :
- (f.) the amounts which the master thinks should be paid as salvage for the services rendered :
- (g.) an accurate list of the property saved in cases where the vessel is not saved :
- (h.) an account of the proceeds of the sale of the vessel, cargo, or property, in cases where the same or any of them are sold at the port where the statement is made :
- (i.) the number, capacities, and condition of the crew of the vessel at the time when the services were rendered ; and
- (k.) any other circumstances he thinks relevant to the matters in question.

PART II.

SALVAGE BOND.

[A.B.—Any of the Particulars not known, or not required, by reason of the Claim being only against the Cargo, &c., may be omitted.]

Whereas certain salvage services are alleged to have been rendered by the vessel [*insert names of vessel and of commander*], commander, to the merchant vessel [*insert names of vessel and master*], master, belonging to [*name and place of business or residence of owner of vessel*], freighted by [*the same of the freighter*], and to the cargo therein, consisting of [*state very shortly the descriptions and quantities of the goods, and the names and addresses of their owners and consignees*] :

And whereas the said vessel and cargo have been brought into the port of [*insert name and situation of port*] and a statement of the salvage claim has been sent to [*insert the name of the consular officer or judge of the colonial court of admiralty or vice-admiralty court and of the office he fills*], and he has fixed the amount to be inserted in this bond at the sum of [*state the sum*].

Now I, the said [*master's name*], do hereby, in pursuance of the Merchant Shipping Act, 1894, bind the several owners for the time being of the said vessel and of the cargo therein and of the freight payable in respect of that cargo and their respective heirs, executors, and administrators, to pay among them such sum not exceeding the said sum of [*state the sum fixed*], in such proportions and to such persons as [*if the parties agree on any other court, substitute the name of*

Merchant Shipping Act, 1894.

it here], the High Court in England shall adjudge to be payable as salvage for the services so alleged to have been rendered as aforesaid.

In witness whereof I have hereunto set my hand and seal, this [*insert the date*] day of

Signed, sealed and delivered, by the said [*master's name*].

(L.S.)

In the presence of [*name of consular officer or judge of the colonial court of admiralty or vice-admiralty court, and of the office he fills.*]

TWENTIETH SCHEDULE.

MAXIMUM FEES AND REMUNERATION OF RECEIVERS.

	£	s.	d.	
For every examination on oath instituted by a receiver with respect to any vessel which may be or may have been in distress, a fee not exceeding	1	0	0	Section 567.
But so that in no case shall a larger fee than two pounds be charged for examinations taken in respect of the same vessel and the same occurrence, whatever may be the number of the deponents.				
For every report required to be sent by the receiver to the secretary of Lloyd's in London, the sum of	0	10	0	
For wreck taken by the receiver into his custody, a percentage of five per cent upon the value thereof.				
But so that in no case shall the whole amount of percentage so payable exceed twenty pounds.				
In cases where any services are rendered by a receiver, in respect of any vessel in distress, not being wreck, or in respect of the cargo or other articles belonging thereto, the following fees instead of a percentage ; that is to say,				
If that vessel with her cargo equals or exceeds in value six hundred pounds, the sum of two pounds for the first, and the sum of one pound for every subsequent day during which the receiver is employed on that service, but if that vessel with her cargo is less in value than six hundred pounds, one moiety of the above-mentioned sum.				

Merchant Shipping Act, 1894.

Section 582.

TWENTY-FIRST

MAXIMUM RATES of PILOTAGE to be DEMANDED and RECEIVED by

[N.B.--The rates which can be actually taken may, by virtue of an order

OUTWARDS.

From.	To	7 Feet and under.	8 Feet.	9 Feet.	10 Feet.	11 Feet.	12 Feet.
		£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
The Sea, Orfordness, the Downs, Hoseley Bay and vice versa.	Nore Warps.....	3 13 6	4 2 9	4 12 0	5 1 3	5 5 9	6 5 0
	Gravesend, Chatham, Standgate Creek or Blackstakes.....	4 12 0	5 7 9	6 3 3	6 18 0	7 11 9	8 5 6
	Long Reach.....	4 16 6	5 12 3	6 8 0	7 2 6	7 18 3	8 14 9
	Woolwich or Blackwall....	5 5 9	6 1 6	6 17 0	7 11 9	8 10 3	9 4 0
	Moorings or London Docks	5 16 0	6 9 9	7 3 6	7 17 3	8 19 6	9 13 3
The Nore or Warps and vice versa.	Gravesend, Standgate Creek, or Blackstakes....	1 13 9	2 3 3	2 7 0	2 10 6	2 19 9	3 6 3
	Long Reach or Chatham....	2 6 0	2 10 6	2 15 3	2 19 9	3 9 0	3 18 3
	Woolwich or Blackwall....	2 15 3	3 1 9	3 8 0	3 13 6	4 2 9	4 10 3
	Moorings or London Docks	3 4 6	3 10 9	3 17 3	4 2 9	4 16 6	6 5 9
Gravesend Reach, and vice versa.	Long Reach.....	0 9 3	0 14 9	1 0 3	1 5 3	1 10 0	1 14 6
	Woolwich or Blackwall....	1 3 0	1 7 6	1 12 3	1 16 9	2 4 3	2 13 6
	Moorings or London Docks	1 7 6	1 14 0	2 0 6	2 6 0	2 15 3	3 4 6
	Sheerness, Standgate Creek, or Blackstakes....	2 15 3	2 19 0	3 1 9	3 4 6	3 13 6	4 2 9
Long Reach, and vice versa.	Chatham.....	3 4 6	3 8 0	3 10 9	3 13 6	4 2 9	4 12 0
	Woolwich or Blackwall....	0 18 6	1 2 0	1 4 9	1 7 6	1 16 9	2 6 0
	Moorings or London Docks	1 7 6	1 11 3	1 14 0	1 16 9	2 6 0	2 15 3
	Sheerness, Standgate Creek, or Blackstakes....	3 4 6	3 8 0	3 10 9	3 13 6	4 2 9	4 12 0
Woolwich or Blackwall, and vice versa.	Chatham.....	3 13 6	3 17 3	4 0 0	4 2 9	4 12 0	5 1 3
	Moorings or London Docks	0 18 6	1 2 0	1 4 9	1 7 6	1 10 0	1 12 3
	Sheerness, Standgate Creek or Blackstakes....	3 13 6	3 17 3	4 0 0	4 2 9	4 12 0	5 1 3
	Chatham.....	4 2 9	4 6 6	4 9 3	4 12 0	5 1 3	5 10 6

Merchant Shipping Act, 1894.

SCHEDULE.

qualified PILOTS for piloting SHIPS within the under-mentioned Limits.

of the Trinity House, be less than those mentioned in this Schedule.]

OUTWARDS.

13 Feet	14 Feet	15 Feet	16 Feet	17 Feet	18 Feet	19 Feet	20 Feet	21 Feet	22 Feet	23 Feet and upwards.
£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
6 13 6	7 7 3	7 16 6	8 14 9	9 8 6	10 17 0	11 10 0	12 17 6	14 5 3	16 11 3	18 8 0
8 19 6	9 13 3	10 7 0	11 0 9	11 14 6	14 1 6	16 13 0	19 6 6	21 5 0	23 3 9	25 2 3
9 8 6	10 0 0	10 16 3	11 10 0	13 3 6	15 9 0	18 11 9	21 5 0	23 0 0	24 16 9	26 13 6
10 2 6	11 0 9	11 14 6	12 8 6	14 3 6	16 5 9	19 11 0	22 1 6	24 16 9	27 12 0	.....
10 11 6	11 10 0	12 8 6	13 2 3	14 14 6	17 0 6	20 10 3	23 4 6	.....	.....	.....
3 11 9	3 15 6	4 2 9	4 10 3	5 1 3	5 16 0	6 8 9	7 14 6	8 14 0	9 13 3	10 12 6
4 2 9	4 7 0	4 13 9	5 5 0	5 16 0	6 15 3	8 5 6	9 13 3	10 12 6	11 11 9	12 15 3
4 19 0	5 8 6	5 16 0	6 4 3	7 2 6	8 3 9	9 4 0	11 11 9	12 11 3	13 16 0	.....
5 15 0	6 4 3	6 13 6	7 2 6	8 1 0	9 4 0	11 0 9	12 17 6	13 16 0	.....	.....
1 19 0	2 3 9	2 8 3	2 13 0	2 17 6	3 2 0	3 6 9	3 11 3	4 12 0	5 10 6	.....
3 2 6	3 11 9	3 18 3	4 5 6	4 13 9	5 1 2	6 4 3	7 11 9	8 19 6	9 13 3	.....
3 13 6	4 2 9	4 12 0	5 1 3	5 10 6	5 19 6	7 7 3	8 14 9	.....	.....	.....
4 12 0	5 1 3	5 10 6	5 19 6	6 8 9	6 18 0	7 7 3	7 16 5	.....	.....	.....
5 1 3	5 10 6	5 19 6	6 8 9	6 18 0	7 7 3	7 16 5	8 5 6	.....	.....	.....
2 15 3	3 4 6	3 13 6	4 2 9	4 12 0	5 3 6	5 16 0	6 8 9	8 5 6	9 4 0	.....
3 4 6	3 13 6	4 2 9	4 12 0	5 3 6	5 16 0	6 8 9	7 7 3	9 4 0	.....	.....
5 1 3	5 10 6	5 19 6	6 8 9	6 18 0	7 7 3	7 17 6	8 5 6	8 14 9	.....	.....
5 10 6	5 19 6	6 8 9	6 18 0	7 7 3	7 16 6	8 5 6	8 14 9	9 4 0	.....	.....
1 16 9	2 1 6	2 6 0	2 10 6	2 15 3	2 19 9	3 4 6	3 9 0	.....	.....	.....
5 10 6	5 19 6	6 8 9	6 18 0	7 7 3	7 16 6	8 5 6	8 14 9	.....	.....	.....
5 19 6	6 8 9	6 18 0	7 7 3	7 17 6	8 5 6	8 14 9	9 4 0	.....	.....	.....

Merchant Shipping Act, 1894.

INWARDS.

From	To	Under	From	11 Feet.	12 Feet.	13 Feet.
		7 Feet.	7 Feet to 10 Feet.			
		£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
The Downs.....	Nore, Sheerness, Standgate Creek, Gravesend	5 5 0	7 17 6	8 13 3	9 9 0	10 4 9
	Longreach	5 16 0	8 8 6	9 9 0	10 4 10	11 3 0
	Blackwall or London	6 12 3	8 19 6	10 4 9	11 0 6	12 1 6
Standgate Creek....	Gravesend	3 6 2	3 17 0	4 8 2	4 19 0	5 10 3

NOTE 1.—Foreign ships are to pay one-fourth more than British ships, except when privileged British ships, in which case such ships are to pay the same rates of pilotage only as are payable by
 NOTE 2.—For half a foot exceeding the above draughts of water, the medium price between the

For putting a Pilot on board, and for Pilotage of Ships to the Anchorage to the Downs.*	60 Tons and under 150.	150 Tons and under 250.	250 Tons and under 400.	400 Tons and under 600.	600 Tons and upwards.
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
From off Dungeness to off Folkestone; the Church bearing N.N.W. by compass.	2 0 0	3 0 0	3 10 0	4 0 0	5 5 0
From off Folkestone to the South Foreland, the Lights in one	1 10 0	2 0 0	2 10 0	3 0 0	4 4 0
From off the South Foreland to the Downs.	1 5 0	1 5 0	1 10 0	2 0 0	3 3 0

* When the pilot is put on board by a boat from the shore, one-seventh to the pilot, and the remaining six-sevenths to the boat and crew.

Merchant Shipping Act, 1894.

INWARDS.

14 Feet.	15 Feet.	16 Feet.	17 Feet.	18 Feet.	19 Feet.	20 Feet.	21 Feet.	22 Feet.	23 Feet and upwards.
£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
11 0 6	11 16 3	12 12 0	13 7 9	16 1 3	19 0 0	22 1 0	24 5 0	26 9 2	28 13 3
11 18 10	12 18 3	13 14 0	15 0 9	17 14 4	21 4 2	24 5 1	26 9 2	28 13 3	30 17 4
12 17 3	14 0 4	14 16 0	16 13 9	19 7 5	23 8 3	26 9 2	28 13 3	.....	.....
6 1 3	6 12 3	7 3 3	7 14 4	8 5 4	8 16 4	9 7 4	.....	.....	.....

to enter the ports of the United Kingdom upon paying the same duties of tonnage as are paid by British ships.

two limits.—For intermediate distances a proportionate rate.

In the River Thames above Gravesend,)	For a boat of a class carrying an anchor of above 4 cwt. with a corresponding tow line.....	£2 2 0	Per trip for the whole distance from Graves- end to London and in proportion for any part of that distance.
		do do 2 cwt. 1 1 0	
		do do under 2 cwt. 0 15 0	

And for each man's service in those boats, 8s. per tide.

For removing a ship from moorings into a dry or wet dock :

For a ship under 300 tons	£0 15 0
“ 300 to 600 “	1 1 0
“ 600 to 1,000 “	1 11 6
“ above 1,000 “	2 2 0

Merchant Shipping Act, 1894.

TWENTY-SECOND SCHEDULE.

REPEAL.

Section 745.

Session and Chapter.	Short Title.	Extent of Repeal.
17 Edw. 2 Stat. 2 c. 11. (Prerog. Reg. Stat. temp. incert. c. 13 in Rev. Edition).	Prerogativa Regis.....	The words "wreck of the sea."
4 Geo. 4 c. 80.....	An Act to consolidate and amend the several laws now in force with respect to trade within the limits of the charter of the East India Company, and to make further provision with respect to such trade.	Section twenty-seven, section twenty-eight, from "and for every omission" to "herein is required" and the word "omission" after "non-observance," and section thirty-four.
15 & 16 Vict. c. 26...	The Foreign Deserters Act, 1852.	The whole Act.
16 & 17 Vict. c. 84...	An Act to amend the Passengers Act, 1852, so far as relates to the passages of natives of Asia or Africa, and also passages between the Island of Ceylon and certain parts of the East Indies.	The whole Act.
17 & 18 Vict. c. 104..	The Merchant Shipping Act, 1854.	The whole Act.
17 & 18 Vict. c. 120..	The Merchant Shipping Repeal Act, 1854.	Section sixteen.
18 & 19 Vict. c. 91...	The Merchant Shipping Act, (Amendment) Act, 1855.	The whole Act.
18 & 19 Vict. c. 119..	The Passengers Act, 1855....	The whole Act.
19 & 20 Vict. c. 41...	The Seamen's Savings Bank Act, 1856.	The whole Act.
24 & 25 Vict. c. 10...	The Admiralty Court Act, 1861.	Sections nine, twelve, and twenty-four.
24 & 25 Vict. c. 52...	The Australian Passengers Act, 1861.	The whole Act.
25 & 26 Vict. c. 63...	The Merchant Shipping Amendment Act, 1862.	The whole Act.
26 & 27 Vict. c. 51...	The Passengers Act Amendment Act, 1863.	The whole Act.
30 & 31 Vict. c. 114..	The Court of Admiralty (Ireland) Act, 1867.	Sections thirty-five and forty-five.
30 & 31 Vict. c. 124..	The Merchant Shipping Act, 1867.	The whole Act, except section one as far as "Act, 1867," and section twelve.
31 & 32 Vict. c. 45...	The Sea Fisheries Act, 1868.	Sections twenty-two to twenty-four.
31 & 32 Vict. c. 129..	The Colonial Shipping Act, 1868.	The whole Act.
32 & 33 Vict. c. 11...	The Merchant Shipping (Colonial) Act, 1869.	The whole Act.
33 & 34 Vict. c. 95...	The Passengers Act (Amendment) Act, 1876.	The whole Act.
34 & 35 Vict. c. 110..	The Merchant Shipping Act, 1871.	The whole Act.
35 & 36 Vict. c. 73..	The Merchant Shipping Act, 1872.	The whole Act, except sections one, ten and seventeen.

Merchant Shipping Act, 1894.

Session and Chapter.	Short Title.	Extent of Repeal.
36 & 37 Vict. c. 85...	The Merchant Shipping Act, 1873.	The whole Act.
37 & 38 Vict. c. 88...	The Births and Deaths Registration Act, 1874.	Section thirty-seven, except subsection (6), and except so far as the section relates to Her Majesty's ships.
38 & 39 Vict. c. 17...	The Explosives Act, 1875....	Section forty-two.
39 & 40 Vict. c. 27...	The Local Light Dues Reduction Act, 1876.	The whole Act.
39 & 40 Vict. c. 80...	The Merchant Shipping Act, 1876.	The whole Act.
40 & 41 Vict. c. 16...	The Removal of Wreck Act, 1877.	The whole Act.
42 & 43 Vict. c. 72...	The Shipping Casualties Investigation Act, 1879.	The whole Act.
43 & 44 Vict. c. 16...	The Merchant Seamen Payment of Wages and Rating Act, 1880.	The whole Act, except the first paragraph of section one and section eleven.
43 & 44 Vict. c. 18...	The Merchant Shipping Act (1854) Amendment Act, 1880.	The whole Act.
43 & 44 Vict. c. 22...	The Merchant Shipping (Fees and Expenses) Act, 1880.	Sections two, five, six and seven.
43 & 44 Vict. c. 43...	The Merchant Shipping (Carriage of Grain) Act, 1880.	The whole Act.
45 & 46 Vict. c. 55...	The Merchant Shipping (Expenses) Act, 1882.	The whole Act, except the first paragraph of section one and section eight.
45 & 46 Vict. c. 76...	The Merchant Shipping (Colonial Inquiries) Act, 1882.	The whole Act.
46 & 47 Vict. c. 22...	The Sea Fisheries Act, 1883.	Section eight.
46 & 47 Vict. c. 41...	The Merchant Shipping (Fishing Boats) Act, 1883.	The whole Act.
49 & 50 Vict. c. 38...	The Riot (Damages) Act, 1886	In section six, Paragraph (a), and the words "plundering, damage," before "injury;" and from "and as if" to the end of the section.
50 & 51 Vict. c. 4...	The Merchant Shipping (Fishing Boats) Act, 1887.	The whole Act.
50 & 51 Vict. c. 62...	The Merchant Shipping (Miscellaneous) Act, 1887.	The whole Act.
51 & 52 Vict. c. 24...	The Merchant Shipping (Life Saving Appliances) Act, 1888.	The whole Act.
52 & 53 Vict. c. 5...	The Removal of Wrecks Act, 1877, Amendment Act, 1889	The whole Act.
52 & 53 Vict. c. 29...	The Passenger Acts Amendment Act, 1889.	The whole Act.
52 & 53 Vict. c. 43...	The Merchant Shipping (Tonnage) Act, 1889.	The whole Act.
52 & 53 Vict. c. 46...	The Merchant Shipping Act, 1889.	The whole Act.
52 & 53 Vict. c. 68...	The Merchant Shipping (Pilotage) Act, 1889.	The whole Act.
52 & 53 Vict. c. 73...	The Merchant Shipping (Colours) Act, 1889.	The whole Act.
53 & 54 Vict. c. 9...	The Merchant Shipping Act, 1890.	The whole Act.
55 & 56 Vict. c. 37...	The Merchant Shipping Act, 1892.	The whole Act.



57-58 VICTORIA.

CHAP. 39.

An Act to make further provision for the establishment of Prize Courts, and for other purposes connected therewith.

[17th August, 1894.]

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 :—

1. This Act may be cited as the Prize Courts Act, 1894. Short title.

2.—(1.) Any commission, warrant, or instructions from Her Majesty the Queen or the Admiralty for the purpose of commissioning or regulating the procedure of a prize court at any place in a British possession may, notwithstanding the existence of peace, be issued at any time, with a direction that the court shall act only upon such proclamation as hereinafter mentioned being made in the possession. Constitution of prize courts in British possessions.

(2.) Where any such commission, warrant, or instructions have been issued, then, subject to instructions from Her Majesty, the vice-admiral of such possession may, when satisfied by information from a Secretary of State or otherwise, that war has broken out between Her Majesty and any foreign state, proclaim that war has so broken out, and thereupon, the said commission, warrant, and instructions shall take effect as if the same had been issued after the breaking out of such war and such foreign state were named therein.

(3.) The said commission and warrant may authorize either a Vice-Admiralty Court, or a Colonial Court of Admiralty, within the meaning of the Colonial Courts of Admiralty Act, 1890, to act as a prize court, and may establish a Vice-Admiralty Court for that purpose. 53-54 V., c. 27.

(4.) Any such commission, warrant, or instructions may be revoked or altered from time to time.

(5.) A court duly authorized to act as a prize court during any war shall after the conclusion of the war continue so to

Prize Courts Act, 1894.

act in relation to, and finally dispose of, all matters and things which arose during the war, including all penalties and forfeitures incurred during the war.

Rules of court
for and fees in
prize courts.

27-28 V., c. 25.

3.—(1.) Her Majesty the Queen in Council may make rules of court for regulating, subject to the provisions of the Naval Prize Act, 1864, and this Act, the procedure and practice of prize courts within the meaning of that Act, and the duties and conduct of the officers thereof, and of the practitioners therein, and for regulating the fees to be taken by the officers of the courts, and the costs, charges and expenses to be allowed to the practitioners therein.

(2.) Every rule so made shall, whenever made, take effect at the time therein mentioned, and shall be laid before both Houses of Parliament, and shall be kept exhibited in a conspicuous place in each court to which it relates.

27-28 V., c. 25.

(3.) This section shall be substituted for section thirteen of the Naval Prize Act, 1864, which section is hereby repealed.

53-54 V., c. 27.

(4.) If any Colonial Court of Admiralty within the meaning of the Colonial Courts of Admiralty Act, 1890, is authorized under this Act or otherwise to act as a prize court, all fees arising in respect of prize business transacted in the court shall be fixed, collected, and applied in like manner as the fees arising in respect of the Admiralty business of the court under the said Act.

As to Vice-
Admiralty
Courts.

4. Her Majesty the Queen in Council may make rules of court for regulating the procedure and practice, including fees and costs, in a Vice-Admiralty Court, whether under this Act or otherwise.

Repeal of
39-40 Geo. 3,
c. 79, s. 25.

5. Section twenty-five of the Government of India Act, 1800, is hereby repealed.

NOTE.

No index has been prepared for the Merchant Shipping Act, inasmuch as the Table of Contents at the commencement is very full and gives complete reference to every part of the Statute.

The Prize Courts Act being very short requires no index.

ORDERS IN COUNCIL
OF THE
IMPERIAL GOVERNMENT
TOGETHER WITH
TREATIES NEGOTIATED
BETWEEN
HER MAJESTY THE QUEEN
AND
FOREIGN POWERS



OTTAWA
PRINTED BY SAMUEL EDWARD DAWSON
LAW PRINTER (FOR CANADA) TO THE QUEEN'S MOST EXCELLENT MAJESTY
ANNO DOMINI 1895

ORDERS IN COUNCIL, PROCLAMATIONS, &c.

(Circular.)

DOWNING STREET, 8th August, 1894.

SIR,—I have the honour to transmit to you copies of Her Majesty's proclamation of neutrality on the occasion of the war between China and Japan, together with copy of letter from the Foreign Office embodying rules which Her Majesty has directed to be observed on the same occasion; and I have to request that you will cause both documents to be immediately published throughout the colony under your government, and that you will not fail to conform to Her Majesty's commands.

I have the honour to be, sir,

Your most obedient, humble servant,

RIPON.

The Officer administering the Government of Canada.

BY THE QUEEN.

A PROCLAMATION.

VICTORIA, R.

WHEREAS We are happily at peace with all Sovereigns, Powers and States;

And whereas a state of war unhappily exists between His Majesty the Emperor of China and His Majesty the Emperor of Japan, and between their respective subjects and others inhabiting within their countries, territories, or dominions;

And whereas We are on terms of friendship and amicable intercourse with each of these States, and with their subjects and others inhabiting within their countries, territories, or dominions;

And whereas great numbers of Our loyal subjects reside and carry on commerce, and possess property and establishments, and enjoy various rights and privileges, within the territory of each of the aforesaid States, protected by the faith of Treaties between Us and each of the aforesaid States;

And whereas We, being desirous of preserving to Our subjects the blessings of peace which they now happily enjoy, are firmly purposed and determined to maintain a strict and impartial neutrality in the said state of war unhappily existing between the aforesaid States;

We therefore have thought fit, by and with the advice of Our Privy Council, to issue this Our Royal Proclamation;

And We do hereby strictly charge and command all Our loving subjects to govern themselves accordingly, and to observe a strict neutrality in and

Proclamation of Neutrality—China and Japan.

during the aforesaid war, and to abstain from violating or contravening either the Laws and Statutes of the realm in this behalf, or the law of nations in relation thereto, as they will answer to the contrary at their peril ;

And whereas in and by a certain statute made and passed in a Session of Parliament holden in the 33rd and 34th years of Our reign, intituled “ An Act to regulate the Conduct of Her Majesty’s Subjects during the Existence of Hostilities between Foreign States with which Her Majesty is at Peace,” it is, amongst other things, declared and enacted as follows :—

“ This Act shall extend to all the dominions of Her Majesty, including the adjacent territorial waters.

“ Illegal Enlistment.

“ If any person, without the license of Her Majesty, being a British subject, within or without Her Majesty’s dominions, accepts or agrees to accept any commission or engagement, in the military or naval service of any foreign state at war with any foreign state at peace with Her Majesty, and in this Act referred to as a friendly state, or, whether a British subject or not, within Her Majesty’s dominions, induces any other person to accept or agree to accept any commission or engagement in the military or naval service of any such foreign state as aforesaid,—

“ He shall be guilty of an offence against this Act, and shall be punishable by fine and imprisonment, or either of such punishments, at the discretion of the court before which the offender is convicted ; and imprisonment, if awarded, may be either with or without hard labour.

“ If any person, without the license of Her Majesty, being a British subject, quits or goes on board any ship with a view of quitting Her Majesty’s dominions, with intent to accept any commission or engagement in the military or naval service of any foreign state at war with a friendly state, or, whether a British subject or not, within Her Majesty’s dominions, induces any other person to quit or to go on board any ship with a view of quitting Her Majesty’s dominions with a like intent,—

“ He shall be guilty of an offence against this Act, and shall be punishable by fine and imprisonment, or either of such punishments, at the discretion of the court before which the offender is convicted ; and imprisonment, if awarded, may be either with or without hard labour.

“ If any person induces any other person to quit Her Majesty’s dominions, or to embark on any ship within Her Majesty’s dominions, under a misrepresentation or false representation of the service in which such person is to be engaged, with the intent or in order that such person may accept or agree to accept any commission or engagement in the military or naval service of any foreign state at war with a friendly state,—

“ He shall be guilty of an offence against this Act, and shall be punishable by fine and imprisonment, or either of such punishments, at the discretion of the court before which the offender is convicted ; and imprisonment, if awarded, may be either with or without hard labour.

“ If the master or owner of any ship, without the license of Her Majesty, knowingly either takes on board, or engages to take on board, or has on board, such ship within Her Majesty’s dominions any of the following persons, in this Act referred to as illegally enlisted persons, that is to say :

Proclamation of Neutrality—China and Japan.

“(1.) Any person who, being a British subject, within or without the dominions of Her Majesty, has, without the license of Her Majesty, accepted or agreed to accept any commission or engagement in the military or naval service of any foreign state at war with any friendly state :

“(2.) Any person, being a British subject, who, without the license of Her Majesty, is about to quit Her Majesty’s dominions with intent to accept any commission or engagement in the military or naval service of any foreign state at war with a friendly state :

“(3.) Any person who has been induced to embark under a misrepresentation or false representation of the service in which such person is to be engaged, with the intent or in order that such person may accept or agree to accept any commission or engagement in the military or naval service of any foreign state at war with a friendly state :

“Such master or owner shall be guilty of an offence against this Act, and the following consequences shall ensue, that is to say :

“(1.) The offender shall be punishable by fine and imprisonment, or either of such punishments, at the discretion of the court before which the offender is convicted ; and imprisonment, if awarded, may be either with or without hard labour ; and

“(2.) Such ship shall be detained until the trial and conviction, or acquittal of the master or owner, and until all penalties inflicted on the master or owner have been paid, or the master or owner has given security for the payment of such penalties to the satisfaction of two justices of the peace, or other magistrate or magistrates having the authority of two justices of the peace ; and

“(3.) All illegally enlisted persons shall, immediately on the discovery of the offence, be taken on shore, and shall not be allowed to return to the ship.

“ Illegal Shipbuilding and Illegal Expeditions.

“ If any person within Her Majesty’s dominions, without the license of Her Majesty, does any of the following acts, that is to say :

“(1.) Builds, or agrees to build, or causes to be built, any ship with intent or knowledge, or having reasonable cause to believe that the same shall or will be employed in the military or naval service of any foreign state at war with any friendly state ; or

“(2.) Issues or delivers any commission for any ship with intent or knowledge, or having reasonable cause to believe that the same shall or will be employed in the military or naval service of any foreign state at war with any friendly state ; or

“(3.) Equips any ship with intent or knowledge, or having reasonable cause to believe that the same shall or will be employed in the military or naval service of any foreign state at war with any friendly state ; or

“(4.) Despatches, or causes or allows to be despatched, any ship with intent or knowledge, or having reasonable cause to believe that the same shall or will be employed in the military or naval service of any foreign state at war with any friendly state :

“ Such person shall be deemed to have committed an offence against this Act, and the following consequences shall ensue :

Proclamation of Neutrality—China and Japan.

“(1.) The offender shall be punishable by fine and imprisonment, or either of such punishments, at the discretion of the court before which the offender is convicted; and imprisonment, if awarded, may be either with or without hard labour.

“(2.) The ship in respect of which any such offence is committed, and her equipment, shall be forfeited to Her Majesty:

“Provided, that a person building, causing to be built, or equipping a ship in any of the cases aforesaid, in pursuance of a contract made before the commencement of such war as aforesaid, shall not be liable to any of the penalties imposed by this section in respect of such building or equipping, if he satisfies the conditions following, that is to say:

“(1.) If forthwith upon a proclamation of neutrality being issued by Her Majesty he gives notice to the Secretary of State that he is so building, causing to be built, or equipping such ship, and furnishes such particulars of the contract and of any matters relating to, or done, or to be done under the contract as may be required by the Secretary of State:

“(2.) If he gives such security, and takes and permits to be taken such other measures, if any, as the Secretary of State may prescribe for insuring that such ship shall not be despatched, delivered, or removed without the license of Her Majesty until the determination of such war as aforesaid.

“Where any ship is built by order of or on behalf of any foreign state when at war with a friendly state, or is delivered to or to the order of such foreign state, or any person who to the knowledge of the person building is an agent of such foreign state, or is paid for by such foreign state or such agent, and is employed in the military or naval service of such foreign state, such ship shall, until the contrary is proved, be deemed to have been built with a view to being so employed, and the burden shall lie on the builder of such ship of proving that he did not know that the ship was intended to be so employed in the military or naval service of such foreign state.

“If any person within the dominions of Her Majesty, and without the license of Her Majesty,—

“By adding to the number of the guns, or by changing those on board for other guns, or by the addition of any equipment for war, increases or augments, or procures to be increased or augmented, or is knowingly concerned in increasing or augmenting the warlike force of any ship which at the time of her being within the dominions of Her Majesty was a ship in the military or naval service of any foreign state at war with any friendly state,—

“Such person shall be guilty of an offence against this Act, and shall be punishable by fine and imprisonment, or either of such punishments, at the discretion of the court before which the offender is convicted; and imprisonment, if awarded, may be either with or without hard labour.

“If any person within the limits of Her Majesty’s dominions, and without the license of Her Majesty—

“Prepares or fits out any naval or military expedition to proceed against the dominions of any friendly state, the following consequences shall ensue:

“(1.) Every person engaged in such preparation or fitting out, or assisting therein, or employed in any capacity in such expedition, shall be guilty of an offence against this Act, and shall be punishable by fine and imprison-

Proclamation of Neutrality—China and Japan.

ment, or either of such punishments, at the discretion of the court before which the offender is convicted; and imprisonment, if awarded, may be either with or without hard labour.

“(2.) All ships and their equipments, and all arms and munitions of war, used in or forming part of such expedition, shall be forfeited to Her Majesty.

“Any person who aids, abets, counsels, or procures the commission of any offence against this Act shall be liable to be tried and punished as a principal offender.”

And whereas by the said Act it is further provided that ships built, commissioned, equipped, or despatched in contravention of the said Act may be condemned and forfeited by judgment of the Court of Admiralty; and that if the Secretary of State or chief executive authority is satisfied that there is a reasonable and probable cause for believing that a ship within Our dominions has been or is being built, commissioned, or equipped contrary to the said Act, and is about to be taken beyond the limits of such dominions, or that a ship is about to be despatched contrary to the Act, such Secretary of State, or chief executive authority, shall have power to issue a warrant authorizing the seizure and search of such ship and her detention until she has been either condemned or released by process of law: And whereas certain powers of seizure and detention are conferred by the said Act on certain local authorities:

Now, in order that none of Our subjects may unwarily render themselves liable to the penalties imposed by the said statute, We do hereby strictly command that no person or persons whatsoever do commit any act, matter, or thing whatsoever contrary to the provisions of the said Statute, upon pain of the several penalties by the said Statute imposed and of Our high displeasure.

And We do hereby further warn and admonish all Our loving subjects, and all persons whatsoever entitled to Our protection, to observe towards each of the aforesaid States, their citizens, subjects, and territories, and towards all belligerents whatsoever, with whom We are at peace, the duties of neutrality; and to respect, in all and each of them, the exercise of those belligerent rights which We and Our Royal predecessors have always claimed to exercise.

And We hereby further warn all Our loving subjects and all persons whatsoever entitled to our protection, that if any of them shall presume in contempt of this Our Royal proclamation, and of Our high displeasure, to do any acts in derogation of their duty as subjects of a neutral sovereign in a war between other States, or in violation or contravention of the law of nations in that behalf, as more especially by breaking, or endeavouring to break, any blockade lawfully and actually established by or on behalf of either of the said States, or by carrying officers, soldiers, despatches, arms, ammunition, military stores or materials, or any article or articles considered and deemed to be contraband of war according to the law or modern usages of nations, for the use or Service of either of the said states, that all persons so offending, together with their ships and goods, will rightfully incur and be justly liable to hostile capture, and to the penalties denounced by the law of nations in that behalf.

And We do hereby give notice that all Our subjects and persons entitled to Our protection who may misconduct themselves in the premises will do so at their peril, and of their own wrong; and that they will in nowise obtain any

Proclamation of Neutrality—China and Japan.

protection from Us against such capture, or such penalties as aforesaid, but will, on the contrary, incur Our high displeasure by such misconduct.

Given at Our Court at *Osborne House, Isle of Wight*, this *Seventh* day of *August*, in the year of Our Lord one thousand eight hundred and ninety-four, and in the fifty-eighth year of Our reign.

God Save the Queen.

Earl of Kimberley to the Marquess of Ripon.

FOREIGN OFFICE, 7th August, 1894.

MY LORD,—Her Majesty being fully determined to observe the duties of neutrality during the existing state of war between the Emperor of China and the Emperor of Japan, and being moreover resolved to prevent, as far as possible, the use of Her Majesty's harbours, ports, and coasts, and the waters within Her Majesty's territorial jurisdiction, in aid of the warlike purposes of either belligerent, has commanded me to communicate to your Lordship, for your guidance, the following rules, which are to be treated and enforced as Her Majesty's orders and directions:—

Her Majesty is pleased further to command that these rules shall be put in force in the United Kingdom, the Isle of Man, and the Channel Islands, on and after the 12th day of this month, and in Her Majesty's territories and possessions beyond the seas, six days after the day when the governor, or other chief authority of each of such territories or possessions, respectively, shall have notified and published the same; stating in such notification that the said rules are to be obeyed by all persons within the same territories and possessions.

1. During the continuance of the present state of war, all ships of war of either belligerent are prohibited from making use of any port or roadstead in the United Kingdom, the Isle of Man, or the Channel Islands, or in any of Her Majesty's colonies or foreign possessions or dependencies, or of any waters subject to the territorial jurisdiction of the British Crown, as a station, or place of resort, for any warlike purpose, or for the purpose of obtaining any facilities for warlike equipment; and no ship of war of either belligerent shall hereafter be permitted to sail out of or leave any port, roadstead, or waters subject to British jurisdiction, from which any vessel of the other belligerent (whether the same shall be a ship of war or a merchant ship) shall have previously departed, until after the expiration of at least twenty-four hours from the departure of such last-mentioned vessel beyond the territorial jurisdiction of Her Majesty.

2. If any ship of war of either belligerent shall, after the time when this Order shall be first notified and put in force in the United Kingdom, the Isle of Man, and the Channel Islands, and in the several colonies and foreign possessions and dependencies of Her Majesty, respectively, enter any port, roadstead, or waters belonging to Her Majesty, either in the United Kingdom, the Isle of Man, or the Channel Islands, or in any of Her Majesty's colonies or foreign possessions or dependencies, such vessel shall be required to depart and to put to sea within twenty-four hours after her entrance into such port, road-

Proclamation of Neutrality—China and Japan.

stead, or waters, except in case of stress of weather, or of her requiring provisions or things necessary for the subsistence of her crew, or repairs ; in either of which cases the authorities of the port, or of the nearest port (as the case may be), shall require her to put to sea as soon as possible after the expiration of such period of twenty-four hours, without permitting her to take in supplies beyond what may be necessary for her immediate use ; and no such vessel which may have been allowed to remain within British waters for the purpose of repair shall continue in any such port, roadstead, or waters, for a longer period than twenty-four hours after her necessary repairs shall have been completed. Provided, nevertheless, that in all cases in which there shall be any vessel (whether ships of war or merchant ships) of the said belligerent parties in the same port, roadstead, or waters within the territorial jurisdiction of Her Majesty, there shall be an interval of not less than twenty-four hours between the departure therefrom of any such vessel (whether a ship of war or merchant ship) of the one belligerent, and the subsequent departure therefrom of any ship of war of the other belligerent ; and the time hereby limited for the departure of such ships of war respectively shall always, in case of necessity, be extended so far as may be requisite for giving effect to this proviso, but no further or otherwise.

3. No ship of war of either belligerent shall hereafter be permitted, while in any port, roadstead, or waters subject to the territorial jurisdiction of Her Majesty, to take in any supplies, except provisions and such other things as may be requisite for the subsistence of her crew, and except so much coal only as may be sufficient to carry such vessel to the nearest port of her own country, or to some nearer destination, and no coal shall again be supplied to any such ship of war in the same or any other port, roadstead, or waters subject to the territorial jurisdiction of Her Majesty, without special permission, until after the expiration of three months from the time when such coal may have been last supplied to her within British waters as aforesaid.

4. Armed ships of either party are interdicted from carrying prizes made by them into the ports, harbours, roadsteads, or waters of the United Kingdom, the Isle of Man, the Channel Islands, or any of Her Majesty's colonies or possessions abroad.

I have, &c.,

(Signed)

KIMBERLEY.

Vide Canada Gazette, vol. XXVIII., p. 289.

*Norwegian Shipping—Tonnage Measurement.**(Circular.)*

DOWNING STREET, 23rd July, 1894.

SIR,—With reference to the Earl of Derby's circular despatch of the 28th February, 1884, I have the honour to transmit to you, for information and publication in the colony under your government, a copy of a further Order of the Queen in Council respecting the tonnage admeasurement of Norwegian vessels.

I have the honour to be, sir,
Your most obedient, humble servant,
RIPON.

The Officer administering the Government of Canada.

AT THE COURT AT WINDSOR, THE 27TH DAY OF JUNE, 1894.

Present :

THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by the Merchant Shipping Act Amendment Act, 1862, it is enacted that whenever it is made to appear to Her Majesty that the rules concerning the measurement of tonnage of merchant ships for the time being in force under the Merchant Shipping Act, 1854, have been adopted by the government of any foreign country, and are in force in that country, it shall be lawful for Her Majesty by Order in Council to direct that the ships of such foreign country shall be deemed to be of the tonnage denoted in their certificates of registry or other national papers, and thereupon it shall no longer be necessary for such ships to be remeasured in any port or place in Her Majesty's dominions, but such ships shall be deemed to be of the tonnage denoted in their certificates of registry or other papers in the same manner, to the same extent, and for the same purposes, in, to, and for which the tonnage denoted in the certificates of registry of British ships is to be deemed the tonnage of such ships :

And whereas by the Merchant Shipping Act, 1876, it is enacted that "where Her Majesty has power, under the Merchant Shipping Act, 1854, or any Act passed or hereafter to be passed amending the same, to make an Order in Council, it shall be lawful for Her Majesty from time to time to make such Order in Council, and by Order in Council to revoke, alter, or add to any Order so made" :

And whereas it was made to appear to Her Majesty that the rules concerning the measurement of tonnage of merchant ships now in force under "The Merchant Shipping Act, 1854," had been adopted by the Royal Norwegian Government, and came into force in Norway on the 1st day of April, 1876 :

And whereas by Order in Council dated the 17th day of May, 1876, and by Order in Council dated the 2nd day of February, 1884, which revoked the last recited Order, Her Majesty was pleased, by and with the advice of her Privy Council, to direct that, subject to certain provisos therein contained, the merchant ships belonging to the Kingdom of Norway the measurement of

Norwegian Shipping—Tonnage Measurement.

which had been ascertained and denoted on the registers or other national papers of such ships should be deemed to be of the tonnage denoted in such registers or other national papers in the same manner, to the same extent and for the same purpose, in, to, and for which the tonnage denoted in the certificates of registry of British ships is deemed to be the tonnage of such ships :

And whereas it has been made to appear to Her Majesty that a new royal ordinance, which came into operation on the 1st day of October, 1893, stipulates that the certificates of tonnage of Norwegian steamships may show the net tonnage calculated according to British rules :

And whereas it has been made to appear desirable to Her Majesty that the provisions of the said recited Order in Council of the 2nd day of February, 1884, should be revoked and a new Order in Council made and substituted in lieu thereof :

Now, therefore, Her Majesty, in virtue of the powers vested in her by the said recited Acts, and by and with the advice of her Privy Council, is pleased to direct that the said recited Order of the 2nd day of February, 1884, shall be, and the same is hereby revoked, and in lieu thereof and in substitution therefor, Her Majesty is hereby pleased, by and with the advice of her Privy Council, to direct that the ships of Norway the certificates of Norwegian nationality and registry of which are dated on and after the said first day of October, 1893, shall be deemed to be of the tonnage denoted in the said certificates of Norwegian nationality and registry.

C. L. PEEL.

Vide Canada Gazette, vol. XXVIII., p. 292.

*Extradition Treaty with Germany.**(Circular.)*

DOWNING STREET, 20th February, 1895.

MY LORD,—I have the honour to transmit to you, for publication in the colony under your government, a copy of an Order of Her Majesty in Council dated the 2nd of February, 1895, for giving effect to the treaty between Her Majesty and His Majesty the German Emperor, for the mutual extradition of fugitive criminals between the territories of Her Majesty and certain dependencies of Germany, which was signed at London on the 5th of May, 1894, and of which the ratifications were exchanged at London on the 3rd of December, 1894.

I have the honour to be,
My Lord,
Your most obedient, humble servant,

RIPON.

The Officer administering the Government of Canada.

EXTRADITION TREATY WITH GERMANY.

AT THE COURT AT OSBORNE HOUSE, ISLE OF WIGHT, 2ND
DAY OF FEBRUARY, 1895.

Present :

THE QUEEN'S MOST EXCELLENT MAJESTY.

Lord President,	Lord Chamberlain,
Marquess of Ripon,	Lord Kensington,
Mr. Cecil Rhodes.	

WHEREAS by the Extradition Acts, 1870 and 1873, it was amongst other things enacted that where an arrangement has been made with any foreign state with respect to the surrender to such state of any fugitive criminals, Her Majesty may, by Order in Council, direct that the said Acts shall apply in the case of such foreign state; and that Her Majesty may, by the same or any subsequent Order, limit the operation of the Order, and restrict the same to fugitive criminals who are in or suspected of being in the part of Her Majesty's dominions specified in the Order, and render the operation thereof subject to such conditions, exceptions, and qualifications as may be deemed expedient; and that if, by any law made after the passing of the Act of 1870 by the legislature of any British possession, provision is made for carrying into effect within such possession the surrender of fugitive criminals who are in or suspected of being in such British possession, Her Majesty may, by the Order in Council applying the said Acts in the case of any foreign state, or by any subsequent Order, suspend the operation within any such British possession of the said Acts, or of any part thereof, so far as it relates to such foreign state, and so long as such law continues in force there and no longer:

Extradition Treaty with Germany.

And whereas by a Act of the Parliament of Canada passed in 1886, and entitled "An Act respecting the Extradition of Fugitive Criminals," provision is made for carrying into effect within the Dominion the surrender of fugitive criminals:

And whereas by an Order of Her Majesty the Queen in Council, dated the seventeenth day of November, one thousand eight hundred and eighty-eight, it was directed that the operation of the Extradition Acts, 1870 and 1873, should be suspended within the Dominion of Canada so long as the provision of the said Act of the Parliament of Canada of 1886 should continue in force and no longer:

And whereas a treaty was concluded on the fifth day of May, one thousand eight hundred and ninety-four, between Her Majesty and His Majesty the German Emperor, King of Prussia, for the mutual extradition of fugitive criminals between the territories of Her Majesty and certain dependencies of Germany, which treaty is in the terms following:—

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, and His Majesty the German Emperor, King of Prussia, considering it advisable to regulate by a treaty the extradition of criminals between certain dependencies of Germany and the territories of Her Britannic Majesty, have appointed as their plenipotentiaries for this purpose:

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, the Right Honourable John, Earl of Kimberley, Knight of the Most Noble Order of the Garter, &c., &c., Her Britannic Majesty's Secretary of State for Foreign Affairs; and

His Majesty the German Emperor, King of Prussia, his Minister of State, Paul, Count von Hatzfeldt-Wildenburg, Knight of the Exalted Order of the Black Eagle, &c., &c., Ambassador Extraordinary and Plenipotentiary of His Imperial and Royal Majesty to Her Britannic Majesty;

Who, after having communicated to each other their respective full powers, which were found to be in good and due form, have agreed to and concluded the following articles:—

"ARTICLE I.

"The provisions of the Extradition Treaty signed between Germany and Great Britain on the 14th May, 1872, shall be applicable to the dependencies of Germany specified in the following article, in such manner that persons in any of these dependencies, and within the sphere of the authorities established there, who are accused, or who have been convicted, of having committed a criminal act in the territories of Her Britannic Majesty, and persons in any of the aforesaid territories of Her Britannic Majesty, who are accused, or who have been convicted, of having committed a criminal act in any of the dependencies of Germany, shall be mutually extradited in accordance with the provisions of the aforesaid treaty, in so far as they are not modified by the present treaty.

"ARTICLE II.

"For the purposes of the present treaty, the following are the dependencies of Germany referred to in article I.:

Extradition Treaty with Germany.

“The territories in Africa, in New Guinea, and in the Pacific Ocean which, by agreement between Germany and Great Britain, have been, or shall in future be, reserved to Germany as spheres of influence, protectorates, or possessions.

“ ARTICLE III.

“In place of article III. of the Extradition Treaty of the 14th May, 1872, it is hereby provided, with regard to the dependencies of Germany, that there shall be no obligation to grant the extradition from those dependencies of natives or of subjects of the empire, and that the British authorities shall be under no obligation to grant the extradition of British subjects who have been accused or convicted of a criminal act in those dependencies.

“ ARTICLE IV.

“There shall be no obligation to grant extradition from the dependencies of Germany in cases where, before the extradition has taken place, such an application has been received for the transfer of the person in question to the territory of the German Empire as must, according to law, be complied with. The granting of extradition from a dependency of Germany must always be considered as being on the condition that no such application shall have been received before the extradition is carried out. In case the transfer to Germany takes place, it shall, however, be open to the British Government to apply for the extradition of the person concerned from Germany, in accordance with the terms of the treaty of the 14th May, 1872.

“ ARTICLE V.

“Applications for extradition from dependencies of Germany shall be made through the British ambassador at Berlin, in accordance with paragraph 1 of article VIII. of the treaty of the 14th May, 1872, but in the case of persons who are accused, or who have been convicted, of criminal acts in the colonies or foreign possessions of Her Britannic Majesty, the application for extradition may be made to the chief authority of the dependency of Germany from which the extradition of the persons in question is desired by the chief consular officer of Her Britannic Majesty in the dependency in question, if there be a consular officer therein, or, if there be none, then by the governor or other chief authority of the colony or foreign possession of Her Britannic Majesty concerned. It shall, however, be open to the chief authority of the dependency of Germany to refer to the German Government in case of doubt whether the application for extradition should be complied with.

“Applications for the extradition of criminals to one of the dependencies of Germany shall be made in the manner provided in article VIII., paragraph 1, and article xv. of the treaty of the 14th of May, 1872; in case, however, there should be no German consular officer in the colony or foreign possession of Her Britannic Majesty from which the extradition is desired, the application may be made by the governor or other chief authority of the dependency of Germany which is concerned to the governor or other chief authority of the colony or possession concerned.

Extradition Treaty with Germany.

"ARTICLE VI.

"The present treaty shall be ratified, and the ratifications shall be exchanged as soon as possible.

"The treaty shall come into operation two months after the exchange of the ratifications, and shall remain in force as long as the treaty of the 14th of May, 1872, remains in force, that is, it shall terminate with the termination of that treaty.

"In witness whereof the respective plenipotentiaries have signed the same, and have affixed thereto the seal of their arms.

"Done at London, the fifth day of May, in the year of our Lord one thousand eight hundred and ninety-four.

(L.S.) "KIMBERLEY,
(L.S.) "P. HATZFELDT."

And whereas the ratifications of the said treaty were exchanged at London on the third day of December, one thousand eight hundred and ninety-four.

Now, therefore, Her Majesty, by and with the advice of her Privy Council, and in virtue of the authority committed to her by the said recited Acts, doth order, and it is hereby ordered, that from and after the third day of February, one thousand eight hundred and ninety-five, the said Acts shall apply in the case of the said treaty with His Majesty the German Emperor, King of Prussia, and of the dependencies of Germany referred to therein.

Provided always, and it is hereby further ordered, that the operation of the said Extradition Acts, 1870 and 1873, shall be suspended within the Dominion of Canada so far as relates to the said dependencies of Germany and to the said treaty, and so long as the provisions of the Canadian Act aforesaid of 1886 continue in force, and no longer.

And whereas the immediate operation of this Order is urgent, this Order shall come into operation on the said third day of February, one thousand eight hundred and ninety-five.

C. L. PEEL.

Vide Canada Gazette, vol. XXVIII., p. 1738.

*Rules of Court—Surrogate Judges in Admiralty.**The Marquess of Ripon to the Earl of Aberdeen.*

DOWNING STREET, 27th March, 1895.

MY LORD,—With reference to your despatch No. 10 of the 16th of January, I have the honour to transmit to you for communication to your government an Order of the Queen in Council sanctioning the establishment in the Exchequer Court of Canada in its admiralty jurisdiction of additional rules of court prescribing the jurisdiction, powers and authority of surrogate judges in admiralty.

I have, &c.,

Governor General,
&c., &c., &c.,

(Signed) RIPON.

AT THE COURT AT WINDSOR, THE 8TH DAY OF MARCH, 1895.

Present :

THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS there was this day read at the Board a memorial from the Right Honourable the Lords Commissioners of the Admiralty, dated the 2nd of March, 1895, in the words following, viz. :—

“Whereas by an Act passed in the fifty-fourth year of Your Majesty's reign, entitled ‘The Colonial Courts of Admiralty Act, 1890,’ it was, amongst other things, provided that rules of court for regulating the procedure and practice (including fees and costs) in a court in a British possession in the exercise of the jurisdiction conferred by this Act, whether original or appellate, may be made by the same authority and in the same manner as rules touching the practice, procedure, fees and costs in the said court in the exercise of its ordinary civil jurisdiction respectively, are made, but that such rules of court shall not come into operation until they have been approved by Your Majesty in Council, but on coming into operation shall have full effect as if enacted in the said Act. And whereas by Your Majesty's Order in Council dated the fifteenth day of March, 1893, Your Majesty was graciously pleased to direct that the rules of court annexed thereto should be established and be in force in the Exchequer Court of Canada in its admiralty jurisdiction. And whereas it appears to us and to Your Majesty's Secretary of State for the Colonies to be expedient that the following additional rules of court, prescribing the jurisdiction, powers and authority of surrogate judges in admiralty, having been duly prepared by the proper authority as required by the said Colonial Courts of Admiralty Act, 1890, and by the Admiralty Act, 1391 (Canada), should be established and be in force in the Exchequer Court of Canada in its admiralty jurisdiction. 1. Any surrogate judge shall have and exercise all such jurisdiction, powers and authority as are possessed by the local judge in admiralty of the Exchequer Court in all or any of the following matters :—

“(1.) The amendment of writs of summons and the endorsement thereon.

“(2.) Service of writs of summons including service out of the jurisdiction.

Current Coins of Bronze or Mixed Metal.

- “(3.) The issue of warrants for the arrest of property.
 “(4.) Bail, including the determination of the value of property arrested.
 “(5.) The release of property arrested.
 “(6.) Applications for sale of property under arrest upon the ground that the property is deteriorating in value.
 “(7.) To decree commission of sale under last mentioned rule.
 “(8.) To administer an oath to a witness or party in a cause or proceeding.
 “(9.) To order any party to an action to make discovery on oath of all documents which are in his possession or power relating to any matter in question therein.
 “(10.) To direct, amend, or strike out interrogatories.
 “(11.) To order the examination of a witness before trial.
 “(12.) Costs of applications and orders heard or granted by the surrogate judge.

“Now, therefore, we beg leave to recommend that Your Majesty will be graciously pleased by your Order in Council to direct that the said additional rules shall be established and be in force in the Exchequer Court of Canada in its admiralty jurisdiction.”

Her Majesty having taken the said memorial into consideration was pleased, by and with the advice of her Privy Council, to approve of what is therein proposed. And the Right Honourable the Lords Commissioners of the Admiralty are to give the necessary directions herein accordingly.

C. L. PEEL.

Vide Canada Gazette, vol. xxviii., p. 1941.

(Circular.)

DOWNING STREET, 1st June, 1895.

MY LORD,—I have the honour to transmit to you for your information and for publication in the colony under your government, the accompanying copy of a proclamation of the Queen in Council, ordaining that the coins of bronze or mixed metal with the new design therein described shall be current and lawful money of the United Kingdom of Great Britain and Ireland.

I have the honour to be,

Your Lordship's

Most obedient, humble servant,

RIPON.

The Officer administering the Government of Canada.

BY THE QUEEN.

A PROCLAMATION.

VICTORIA, R.

WHEREAS by an Act passed in the thirty-third year of Our Reign, intituled “An Act to consolidate and amend the law relating to the ‘Coinage and Her Majesty's Mint,’” it is amongst other things enacted :

Current Coins of Bronze or Mixed Metal.

That We, by and with the advice of Our Privy Council, shall from time to time by Proclamation determine the design of any coin :

We have, therefore, thought fit to order that the coins of bronze or mixed Metal made at Our Mint, which are mentioned in the first schedule to the aforesaid Act, of the weight specified in that schedule, shall bear designs as follows :—

That every Penny should have for the obverse impression Our Effigy, with the inscription “Victoria Dei Gra. Britt. Regina Fid. Def., Ind. Imp.,” and for the reverse impression the figure of Britannia seated upon a rock in the sea, her right hand holding a shield which rests against the rock, while in her left hand she grasps a trident, and the inscription “One Penny,” with the date of the year and a plain edge ; and that every Halfpenny should have the same obverse impression and inscription, and for the reverse the figure of Britannia seated as described for the penny, and the inscription “Halfpenny,” with the date of the year and a plain edge ; and that every Farthing should have the same obverse impression and inscription, and for the reverse the figure of Britannia seated as described for the penny, and the inscription “Farthing,” with the date of the year and a plain edge.

And whereas pieces of money of the above descriptions respectively have been coined at Our Mint, and will be coined there, in pursuance of orders which We have given for that purpose, We have, therefore, by and with the advice of Our Privy Council, thought fit to issue this Our Royal Proclamation, and We do hereby ordain, declare, and command that the said pieces of money respectively so coined, and to be coined as aforesaid, shall be current and lawful money of the United Kingdom of Great Britain and Ireland, and that this Our Royal Proclamation shall come into operation on the date hereof.

Given at Our court at Windsor, this eleventh day of May, in the year of Our Lord one thousand eight hundred and ninety-five, and in the fifty-eighth year of Our Reign.

God save the Queen.

Vide Canada Gazette, vol. XXVIII., p. 2310.

ORDERS
OF THE
GOVERNOR GENERAL IN COUNCIL
HAVING FORCE OF LAW



O T T A W A
PRINTED BY SAMUEL EDWARD DAWSON
LAW PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY
ANNO DOMINI 1895

ORDERS IN COUNCIL, &c.

Department of Agriculture.

By proclamation of the 10th of September, 1894, and under the provisions of chapter 68 of the Revised Statutes of Canada, the quarantine regulations established by Order in Council of the 20th day of June, A.D. 1893, together with all previous quarantine regulations were rescinded, and the following quarantine regulations, established by Order in Council of the 10th day of September, A.D. 1894, were substituted therefor and brought into force :—

CANADIAN QUARANTINE REGULATIONS.

The Quarantine Stations and Service.

1. The quarantine stations of Canada on the Atlantic coast, are :—
 - (a.) Grosse Isle, in the River St. Lawrence, with Rimouski, the Louise Embankment and the Grand Trunk Wharf at Lévis, as sub-stations, province of Quebec ;
 - (b.) Halifax, the harbour, and Lawlor's Island, in the province of Nova Scotia ;
 - (c.) St. John, the harbour, and Partridge Island, in the province of New Brunswick ;
 - (d.) Sydney, Cape Breton, in the province of Nova Scotia ;
 - (e.) Pictou, in the province of Nova Scotia ;
 - (f.) Hawkesbury, in the province of Nova Scotia ;
 - (g.) Chatham, in the province of New Brunswick ;
 - (h.) Charlottetown, in the province of Prince Edward Island.
2. On the Pacific coast :—
 - (a.) William Head, including Albert Head, in the Strait of Fuca, province of British Columbia, and also including as a sub-station the port of Victoria ; and
3. Every other port, on both oceans, each such port being designated an unorganized quarantine station.
4. And every inland customs port on the Canadian frontier, between the Pacific and Atlantic Oceans, each such port being designated an unorganized inland quarantine station.
5. Each quarantine station is in the immediate charge of a specially appointed medical quarantine officer.
 - (a.) At each unorganized quarantine station and at each unorganized inland quarantine station the local collector of customs is the quarantine officer for the purposes of these regulations.
 - (b.) The whole of the quarantine service of Canada is under the administration of the Minister of Agriculture.
6. Every quarantine officer at a quarantine station in Canada, and every customs collector in his quality of quarantine officer, shall for the purpose of these regulations be a justice of the peace in virtue of the provisions of section 5 of the Act respecting quarantine, chapter 68, Revised Statutes.

Department of Agriculture.

General Provisions.

7. Every vessel arriving from any port outside of Canada at any organized quarantine station shall be inspected by a duly appointed quarantine officer, at the place duly appointed for such inspection, and shall not be allowed to make customs entry at any port in Canada until it has received a clean bill of health.

8. No person shall be allowed to land from any vessel until such person shall have been declared by a quarantine officer free from infectious disease, and until, in the judgment of such officer, such landing can be effected without danger to the public health.

9. Every vessel from any port outside of Canada requiring quarantine inspection shall, on arrival at any port in Canada, display a yellow flag at the fore, for a distinctive quarantine signal, in order to inform the quarantine officer that his services are required, and any vessel arriving by night shall display a red light at the fore for such signal.

10. Coasting vessels from Newfoundland and from ports in the United States contiguous to Canada and free from infectious disease may, from time to time, be excepted from these regulations by order of the Minister of Agriculture.

11. Any of Her Majesty's ships of war or any transport having the Queen's troops on board, accompanied by a medical officer, and in a healthy state, is exempt from quarantine inspection and detention.

Quarantine Detention.

12. Every quarantine officer shall satisfy himself as to the presence or absence of infectious disease by the personal inspection of those on board or by the sworn statement of the captain or surgeon, in the form hereto annexed, or by both.

13. Every vessel with infectious disease on board, or coming from an infected port or country, shall be liable to be detained at a quarantine station for disinfection, together with its passengers, crew and pilot, and passengers' luggage and cargo;

(a.) A vessel may be detained at quarantine for disinfection during the time necessary for that purpose;

(b.) The time during which a vessel may be detained for quarantine of observation is the accepted period of the incubation of the disease quarantined against, from the ascertained date of last possible exposure.

14. Any vessel so detained by order of the quarantine officer shall forthwith be anchored or moored in such position as the quarantine officer shall direct.

15. And whilst such ship is so detained no person shall leave the same, nor shall communication be allowed with such vessel, without permission from the quarantine officer.

16. The quarantine officer detaining any ship as aforesaid shall immediately notify the Minister of Agriculture, stating the cause of such detention.

17. Within the meaning of these regulations an infected port or country is a port or country where Asiatic cholera or other epidemic disease has been

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communicated to one or more persons through the medium of an infected person, personal effects, or otherwise. A port or country is not considered infected when a single case or a small number of cases has been imported and the disease has not been communicated from such cases.

Hours of Inspection—Putting Back—Costs.

18. Every vessel may be inspected during any hour of the twenty-four :

(a.) With the exception that in times of epidemic the Minister of Agriculture may direct that inspection shall only take place during the hours of daylight.

19. Any vessel shall have the right before breaking bulk to put to sea in preference to being quarantined, as provided by section 9 of the Act intituled : "An Act respecting Quarantine," chapter 68, Revised Statutes.

20. All costs incurred in the maintenance of healthy persons who may have been exposed to infection detained for quarantine of observation are to be at the charge of the vessel ;

(a.) And the master of a vessel shall make arrangements with the quarantine officer for the landing of the necessary provisions and attendants or stewards for serving them ;

(b.) Persons actually sick will be treated and taken care of in the quarantine hospitals, at the charge of the government ;

(c.) In the event of a vessel being allowed to proceed and leaving its passengers in quarantine, the subsequent transfer of such passengers from quarantine to the port of destination shall be at the charge of the vessel.

Quarantinable Diseases.

21. The graver quarantinable diseases are : Asiatic cholera, small-pox, typhus fever, yellow fever and the plague. The minor : scarlet fever, enteric fever (typhoid), diphtheria, measles and chicken-pox ;

(a.) In addition to the above recital, it is the duty of every quarantine officer to satisfy himself as to the presence or absence of any other contagious or infectious disease ;

(b.) And with respect to leprosy it is the duty of every quarantine officer, and particularly on the Pacific coast, to satisfy himself as to the fact of the presence or absence of such disease among the passengers, and in the event of any case of such disease being found the person affected shall not be allowed to land, but must be taken back by the vessel to the place whence he or she came.

Pilots furnish Regulations.

22. It shall be the duty of every pilot to furnish the master of every vessel arriving at any port of Canada with a copy of these regulations under the penalty hereinafter prescribed.

Relating to Vaccination.

23. Every passenger shall be required to furnish evidence to the satisfaction of a quarantine officer of having been vaccinated, or having had the small-pox.

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24. The production of a certificate by a ship's surgeon, called "a protection card," and his testimony under oath verifying the truth of such certificate, may be taken by a quarantine officer as evidence of such vaccination and protection. Such quarantine officer shall, however, from time to time, make personal examination of holders of such certificates to satisfy himself of the manner in which they have been issued.

25. Any person not having shown satisfactory evidence of having been vaccinated, or of having had small-pox, shall be vaccinated by a quarantine officer; or in the event of refusal shall be landed at the quarantine station, subject to detention for observation, and the expense of the maintenance of such person during such detention shall be a charge against the vessel;

(a.) A vessel arriving at any quarantine station in Canada will be less liable to detention if the vaccination of all steerage passengers not showing proof of vaccination within seven years is insisted on before embarkation. The ship's surgeon should satisfy himself of such fact in the case of every passenger early during the voyage or at the time of embarkation if possible, in order to be able to answer the questions put to him by the quarantine officer.

26. In the event of small-pox having occurred on any vessel every person on board not showing satisfactory evidence of having been vaccinated within seven previous years, or of having had the small-pox within that period, shall be vaccinated by or under the supervision of the quarantine officer; or in the event of refusal, shall be landed at the quarantine station, subject to detention for observation, and the expense of maintenance of such person or persons during such detention shall be a charge against the vessel.

Examination.

27. The quarantine officer shall examine the surgeon or any officer of any vessel, under oath, touching the state of health of such vessel and of every person on board, in the form of the questions appended to these regulations.

Isolation.

28. Every vessel provided with an isolated hospital, for men, and another for women, on the upper deck ventilated from above and not by the door only, may, if the quarantine officer is furnished with satisfactory evidence that such hospital accommodation has been promptly and intelligently made use of, be allowed to proceed after the landing of the sick and the disinfection of such hospital as has been used; any vessel, however, arriving with any infectious disease, without having such special isolated and ventilated hospital accommodation, or, if having it, without satisfactory evidence that it has been promptly and intelligently made use of, shall be liable to be detained for disinfection at a quarantine station.

Mails at Rimouski.

29. In the case of a vessel carrying Her Majesty's mails and arriving by the St. Lawrence, clearance certificate shall be from a quarantine officer at Rimouski, or Grosse Isle, and in the case of every other vessel from Grosse Isle only.

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(a.) With the exception that during a time of cholera or other epidemic, the permission to a mail steamer from an infected port or country to land passengers at Rimouski may be suspended by direction of the Minister of Agriculture;

(b.) And in such conditions the mails only to be landed at Rimouski, the vessel to proceed to Grosse Isle for inspection;

(c.) In the event of cholera having occurred on board of such vessel during the voyage, the outer bags containing the mail matter to be left on board the steamship for disinfection at Grosse Isle.

Disinfection of Luggage.

30. During a time of cholera or other epidemic the luggage of immigrants or passengers by every vessel arriving at any port in Canada, whether from an infected or healthy port or country, may, by direction of the Minister of Agriculture, be disinfected in each case.

(a.) When this disinfection is carried out at a substation, subsequent to the inspection and clearance at the main station, the clearance granted by the quarantine officer shall be conditional on the landing of immigrants and their luggage for disinfection.

(b.) The supervising officer of such disinfection to count the immigrants as they land, and if he finds the number tallies with that marked on the clearance of the quarantine officer and has satisfactory evidence that all their luggage has been landed with them, he shall punch the clearance at the place marked for that purpose, which shall then become valid for customs entry.

Passengers' Certificates.

31. Every maritime quarantine officer shall punch each immigrant "international passenger certificate" where such are in use, in such manner as to convey to inland health officers the result of the quarantine inspection, as provided by such card or certificate.

(a.) Every maritime quarantine officer shall punch the schedule list of immigrants by destination, province, or state (if destined for the United States) where such is in use, which shall be furnished by the ship's surgeon on forms supplied by the government, and shall forward such lists forthwith to the secretary of the board of health in the province or state to which such immigrants are destined.

Unorganized Quarantine Stations.

32. At every port at which there is no regular quarantine station the collector of customs at each port shall be the quarantine officer for the purposes of these regulations; and every such port shall be designated an unorganized quarantine station.

33. Every vessel arriving at an unorganized station from an infected port, or on board of which any death from infectious disease or outbreak of infectious disease has occurred during the voyage, shall remain outside until it receives permission to enter from the quarantine officer.

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34. All the regulations applicable to regularly organized quarantine stations shall also apply to every unorganized quarantine station in so far as circumstances will admit, and particularly the provisions relating to inspection, anchoring or mooring, disinfecting, customs clearance, putting back to sea before breaking bulk, questions to ship's surgeon or officers, and penalties.

35. Any collector or sub-collector of customs in his quality of quarantine officer at any unorganized quarantine station in Canada, if he is informed of or has reason to suspect the presence of any of the graver quarantinable diseases recited in section 21 of these regulations, shall order a medical inspection to be made of the vessel bringing such disease ;

(a.) In the event of a vessel arriving at an unorganized quarantine station with quarantinable sickness on board, the master shall pay a fee of \$4 for each medical inspection ordered by the quarantine officer, and such fee or fees must be paid before customs clearance is granted ;

(b.) If no sickness is found on board a vessel arriving at an unorganized quarantine station and ordered to be inspected by the quarantine officer, the cost of such inspection shall not be a charge against the vessel, but will be defrayed by the government.

Steam Tugs.

36. Any steam tug or other vessel which shall have towed or otherwise communicated with any vessel of the class of vessels subject to quarantine or quarantine inspection shall thereby be held to the same regulations and requirements as apply to the vessel communicated with ;

(a.) If the communication between the vessel and the steam tug is confined to attachment of a rope, afterwards loosed, the quarantine officer may decide to release such tug from quarantine detention.

Rags.

37. Rags coming from a port or country in which infectious disease prevails, may be prohibited, and the name of any port or country so infected shall, from time to time, be published in the *Canada Gazette* ;

(a.) Rags arriving from prohibited ports at a quarantine station shall be liable to be burnt or otherwise treated on the order of the Minister of Agriculture based on a report of the quarantine officer.

New Merchandise.

38. New merchandise in general may be accepted without question.

In times of Epidemics.

39. Passengers during a period of epidemic disease should be notified by steamship agents to dispense as far as possible with luggage that may be injured by wetting, in case of having to undergo disinfection—such as fabrics, of which the dyes are likely to run, as the owners will be compelled to assume all risks of injury.

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40. Vessels during a period of epidemic disease should dispense as far as possible with woollen hangings, curtains, carpets and upholstering, substituting non-absorbing coverings.

41. Every vessel carrying cargo, and liable to be disinfected, should have provided a plain frame shaft allowing a clear inside space of 12 inches each way, placed in the main hatch, in a sailing vessel; and one in each hatch of a steamship, divided by bulkheads. The frame-work in this shaft to be set before loading and to extend from the hatchway to the bottom of the vessel. This simple arrangement would receive the fumigating pipe and avoid shifting cargo.

Passengers.

42. Passengers, for the purpose of these regulations, are divided into two classes: cabin and steerage. Steerage passengers are those occupying compartments other than those of first and second cabin.

Methods of Disinfection.

43. The methods of disinfection at the quarantine stations of Canada shall be as follow:—

(a.) Exposure to steam not less than 30 minutes, steam to be of the temperature of not less than 100° Centigrade (212° Fahrenheit), nor greater than 115° Centigrade (239° Fahrenheit);

(b.) Articles that would be destroyed by the above method to be disinfected by thoroughly wetting with a solution of mercuric chloride, of one part to one thousand, or approximately one drachm to one gallon, wine measure, applied by means of a brush, or by drenching, or by immersion.

(c.) Where sulphur dioxide is used it is to be provided by burning not less than 3 pounds of rolled sulphur per 1,000 cubic feet of space, or if it is used in liquid form, in the same proportionate strength, and the period of exposure to be not less than six hours.

44. The disinfection of iron vessels shall be as follows, as may be required:—

(a.) *Holds*—After mechanical cleansing, the hold to be thoroughly washed with an acid solution of mercuric chloride, 1 to 800 (mercuric chloride 1 part, hydrochloric acid 2 parts, water 800 parts), applied to all surfaces by means of a hose. If danger is apprehended from the poisonous effects of the mercury deposited on the surfaces, it can be subsequently washed down with clean water;

(b.) *Steerage*—The same treatment should be given the steerage as to the hold, but when there is a steam-pipe provided for each compartment (for the prevention of fire), steam disinfection of the steerage should be practised. The temperature in all parts of each compartment to be not less than 100° C. (212° Fahr.);

(c.) *The fore-castle or apartment for crew*—After mechanical cleansing the application of mercuric chloride in the manner hereinbefore prescribed, or sulphurous fumes, or steam disinfection, if facilities are provided for the same.

(d.) *Officers' quarters, cabin, staterooms, etc.*—Each compartment to receive the same treatment, under the same conditions as hereinbefore specified,

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it being borne in mind that the decorative metal work in cabins, saloons, etc., would be injured by the use of the mercuric chloride solution, and therefore in such cases other forms of disinfection are to be used as determined by the quarantine officer.

45. The disinfection of wooden vessels shall be as follows, as may be required :—

(a.) Fumigation by sulphur dioxide made by burning not less than 3 pounds of rolled sulphur to each 1,000 cubic feet of space; or by the use of liquid sulphur dioxide in the same proportionate strength; and the period of exposure to be not less than 24 hours.

(b.) Washing or flushing with acid solution of mercuric chloride (1 to 800). Cabins, fore-castle and other apartments to be thoroughly washed with bichloride solution, and all clothing, bedding, curtains, etc., to be subjected to steam for 30 minutes at from 100° C. (212° Fahr.) to 115° C. (239° Fahr.)

46. In all classes of vessels the bilges to be first flushed with sea or river water, pumped out, and then treated with acid solution of mercuric chloride in large quantity, and allowed to remain in long contact.

Unorganized Inland Quarantine Stations.

47. Every inland port on the frontier of Canada between the Atlantic and the Pacific Oceans, at which there is a collector or a sub-collector of customs, shall, for the purpose of these regulations, be constituted an unorganized inland quarantine station.

48. Every collector or sub-collector of customs at every such inland frontier port shall be the quarantine officer.

49. Any collector or sub-collector of customs in his quality of quarantine officer at any inland unorganized quarantine station in Canada, if he is informed of or has reason to suspect the presence of any of the graver quarantinable diseases recited in section 21 of these regulations shall, in time of cholera or other epidemic disease, order a medical inspection to be made of the car, carriage, vehicle, boat or thing bringing such disease;

(a.) And such quarantine officer is empowered to detain such car, carriage, vehicle, boat or thing, until such medical inspection shall have been made to his satisfaction;

(b.) A medical man making such inspection by order of the quarantine officer shall, while engaged in such service, be the quarantine medical officer.

50. The fee payable to such quarantine medical officer for each such inspection shall not exceed the sum of \$4, and in the event of any quarantinable disease being found, such fee shall be payable by the company or owner of the car, carriage, vehicle, boat or thing bringing such disease.

51. The customs collector or sub-collector in his quality of quarantine officer shall, on the report of the medical quarantine officer, in a time of epidemic disease, in the event of any of the graver quarantinable diseases being found, cause the detention of the car, carriage, vehicle, boat or thing, bringing any person ill with such infectious disease until the requirements of these regulations are in his judgment satisfied.

(a.) Any such sick person shall not be allowed to enter Canada until in the opinion of the medical quarantine officer he or she can safely do so;

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(b.) Any car, carriage, vehicle, boat or thing, bringing such sick person to the frontier shall have the option of returning as an alternative to quarantine detention ; or

(c.) The customs collector or sub-collector in his quality of quarantine officer shall in his discretion, on the report of the quarantine medical officer, cause the removal and isolation of such sick person in any car or boat, set apart for the purpose, or in any suitable building sufficiently separated from other buildings to prevent contact ;

(d.) And such quarantine officer may cause the disinfection of the car, carriage, vehicle, boat or thing bringing such sick person, by means of sulphurous fumes, or any other mode of disinfection prescribed in these regulations adapted to the circumstances of the particular case.

52. In the event of cholera or other epidemic disease prevailing in any part of the United States through which a railway crossing the frontier of Canada runs, the Governor in Council may, on an order published in the *Canada Gazette* or in an extra of the *Canada Gazette*, made on a report of the Minister of Agriculture, and where there may not happen to be at that point of the frontier any adequate quarantine arrangements and apparatus to cope with an inroad of such epidemic disease, direct the complete cessation of passenger traffic at such point, or such restriction thereof, as may in the circumstances be deemed advisable.

Quarantine Officers give all necessary Orders—Prohibited from Receiving Fees or Gratuities.

53. Every quarantine officer is empowered to give any necessary order, or do any necessary act, to enforce these regulations, and it is his duty to report any breach of them, or any attempted breach, immediately to the Minister of Agriculture ;

(a.) No quarantine officer nor other person employed in the quarantine service of Canada shall directly or indirectly receive or take any fee or private gratuity or reward for any service rendered to any company, or owner, master, or crew, passenger, or other person at or detained in any quarantine, maritime or inland. Every person to whom the knowledge of any breach of these regulations may come should forthwith report the same to the Minister of Agriculture.

Penalties for Customs Officers, Pilots, Masters, Surgeons and Officers of Vessels, etc.

54. Every pilot shall be furnished with printed copies of these regulations, one of which it shall be his duty to hand to the master of every vessel coming from a port outside of Canada, immediately on boarding such vessel, under a penalty of \$50.

55. Every collector of customs or customs officer shall be liable to a penalty of \$400, and imprisonment for six months, for allowing customs entry of any vessel in the absence of production of a quarantine clearance, in accordance with the requirements of these regulations.

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56. Every master of a vessel, pilot, or other person, shall be liable to a penalty of \$400 and imprisonment for six months, for any contravention of any of the foregoing regulations. The vessel shall be held liable for any pecuniary penalty imposed on the master.

57. Every ship's surgeon or other officer not answering with exact truth any of the questions contained in the form hereunto appended shall be liable to a penalty of \$400, and imprisonment for six months.

58. Every breach of subsection *a* of section 53 of these regulations shall be held to be a malfeasance of office, an offence punishable with dismissal, fine or imprisonment.

Questions to be answered under oath to Quarantine Officers, by Masters, Surgeons or Officers of Vessels.

Date

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1. What is your vessel's name and your name?
2. From what port and at what date did your vessel sail?
3. What is your cargo and whence taken on board?
4. Are there any rags in such cargo?
5. Has your vessel touched at any place or places on her voyage?
6. Was such place or places, or any of them, to your knowledge, infected with cholera, small-pox, plague or any pestilential fever or disease?
7. How many persons were on board when the vessel sailed?
Cabin passengers ; intermediate ; steerage ; cattle-
men ; crew . Total .
8. State whether any person on board during the voyage has been, or is now, ill with any of the diseases above referred to, and if so, how many?
9. Has any person died on board during the present voyage, and if so, state all particulars?
10. Has each of the steerage passengers on board been vaccinated or had the small-pox?
11. Did the vaccination of steerage passengers take place at time of, or before, embarking?
12. How many have you vaccinated on your present voyage?
13. (*Question to be asked, in the event of small-pox having occurred during the voyage, of ship's surgeon, if such is on board.*)—Have you personally during the present voyage, examined each one of the passengers and crew for proof of vaccination within seven years or of having had the small-pox in that period?
14. Did you or any of the crew or passengers, within your knowledge, land at any place or places within Canada during the present voyage?
15. Is there any person on board lunatic, idiotic, deaf and dumb, blind or infirm, and if so, is such person accompanied by relatives or guardians?
16. Have you an isolated hospital for men, and another for women, ventilated from above and not from the passage?
17. Were such hospitals, or one of them, immediately made use of on the occurrence of disease?

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18. Are there any other facts which, in your opinion, should be communicated?

I, <i>master,</i> <i>surgeon,</i> (<i>here state whether ship's master, or occupying another position on board,</i>) do solemnly and sincerely swear to the exactness and truth of the answers to the above questions signed by me. <i>Só HELP ME GOD.</i>	}	(Signature)	<i>Master.</i>
	}	(Signature)	<i>Surgeon.</i>

Master.

Surgeon.

SWORN before me at this day 189 .

Quarantine officer and justice of the peace, authorized by Order in Council in virtue of chapter 68, Revised Statutes, intituled "An Act respecting Quarantine.

Vide Canada Gazette, vol. XXVIII., p. 608.

By Order in Council of the 16th of November, 1894, under the provisions of the "Animals' Contagious Diseases Act," and with a view to preventing the introduction of the disease of tuberculosis among neat cattle imported for the improvement of Canadian stock, the following regulations for the guidance of all officers in charge of animals' quarantines within the Dominion were adopted :—

REGULATIONS.

That all neat cattle arriving in such quarantines be tested by the Koch tuberculin lymph, in order to detect the presence or otherwise of the disease of tuberculosis in any of its stages among them.

That no animal found, by the reaction test of the lymph mentioned, to be affected by that disease be allowed to leave the precincts of the quarantine unless for the purpose of returning such animal to the place whence it came, the owner to have the alternative of taking back any animal found to be affected by tuberculosis or having it slaughtered without compensation. The Department of Agriculture to furnish tuberculin lymph for the purpose of making the necessary test.

Vide Canada Gazette, vol. XXVIII., p. 880.

Department of Inland Revenue.

Department of Inland Revenue.

By Order in Council of the 18th of June, 1894, in virtue of the provisions of chapter 102 of the Revised Statutes, intituled "An Act respecting the Inspection of Petroleum" and Acts amending the same, the town of Chatham, in the province of Ontario, was added to the list of places at which petroleum may be imported in tank cars.

Vide Canada Gazette, vol. xxviii., p. 79.

By Order in Council of the 1st of August, 1894, in virtue of the provisions of chapter 102 of the Revised Statutes, intituled "An Act respecting the Inspection of Petroleum" and Acts amending the same, the town of Campbellton, Restigouche County, New Brunswick, was added to the list of places at which petroleum may be imported in tank cars.

Vide Canada Gazette, vol. xxviii., p. 243.

By a proclamation of the 7th of September, 1894, the provisions of the "Act respecting the Inspection of Electric Light" (chapter 39 of the 57th and 58th Victoria) relative to inspection were ordered to come into force throughout Canada upon the first day of April, 1895.

Vide Canada Gazette, vol. xxviii., p. 499.

By Order in Council of the 11th of September, 1894, under the provisions of the 19th section of "The Adulteration Act," the following regulation was enacted concerning the adulteration of tea :

Tea shall be considered as adulterated which contains leaves other than those of the tea plant ; or previously infused leaves or leaves of inferior quality, to such an extent as to reduce the amount of extract or substances soluble in hot water, to less than thirty per cent, or cause the proportion of ash soluble in hot water to be less than two and three-quarters per cent ; or any admixture of chemicals or other deleterious substances ; or such an amount of mineral matter as will cause the amount of ash to exceed eight per cent reckoned on the sample dried at 100° C.

Vide Canada Gazette, vol. xxviii., p. 537.

By Order in Council of the 5th of October, 1894, under the provisions of section 307 of "The Inland Revenue Act," chapter 34 of the Revised Statutes, Collingwood, in the province of Ontario, was added to the list of ports at which raw leaf tobacco may be imported into Canada.

Vide Canada Gazette, vol. xxviii., p. 613

Department of Inland Revenue.

By Order in Council of the 17th of October, 1894, under the provisions of section 119 of "The Inland Revenue Act," chapter 34 of the Revised Statutes, as amended by section 2 of the Act 57-58 Victoria, chapter 35, the following regulations governing the refund of duty paid on spirits used in the manufacture of goods which are subsequently exported were made :—

REGULATIONS governing drawback of duty paid on spirits used in the manufacture of goods which are subsequently exported, 57-58 Victoria, ch. 35.

1. Manufacturers desiring to avail themselves of the drawback permitted by the Act above quoted, shall set aside some certain portion of their premises, approved by the collector of inland revenue, and under the control of the Inland Revenue Department, and licensed as an excise bonding warehouse, wherein the duty-paid spirits shall be used in the manufacture of the desired products.

2. The spirits shall be removed to such premises in bond, and after the quantity has been determined and the duty paid thereon, be used in the presence of an officer of inland revenue who shall keep a record of all duty-paid spirits so used, and the proportions thereof contained in the different manufactured products made. The manufacturer shall record the various transactions in such books as may be determined by the Department of Inland Revenue.

3. The finished product shall be stored in a compartment secured by Crown lock, and delivered to the manufacturer by the officer in charge, for shipment to points within Canada as required.

4. When any such finished product is required for exportation to a foreign country, it shall be delivered with the same safeguards as if exported in bond, *pro forma* export entries being passed but no bond executed.

5. When so removed for export, the department may, when deemed necessary, require a sample of each description of finished product to be forwarded to Ottawa, for the purpose of checking the percentage of duty-paid spirits contained therein.

6. Upon the production of a certificate from the principal officer of customs or colonial revenue at the place to which the goods were exported, or, if such place be a foreign country other than the United States, of any British or foreign consul or vice-consul, resident there, stating the goods were actually landed and left at some place (naming it) out of Canada, and upon the sworn statement of the manufacturer, as to the quantity of duty-paid spirits used in the manufacture thereof and contained therein, the Department of Inland Revenue may refund an amount equal to the duty paid on the spirits so used. Every such claim for refund shall be accompanied by the certificate of the officer in charge, as to the quantity and description of finished products delivered for export, and the percentage and total quantity of duty-paid spirits contained therein.

7. Every manufacturer using duty-paid spirits as herein provided, shall pay to the collector of inland revenue during his term of service, as a supervision fee, the sum of \$100 per month, such sum to form a part of the Consolidated Revenue Fund.

Vide Canada Gazette, vol. xxviii., p. 658.

Department of Inland Revenue.

By Order in Council of the 29th of October, 1894, under the provisions of section 307 of "The Inland Revenue Act," chapter 34 of the Revised Statutes of Canada, the town of Welland, in the county of Welland, and province of Ontario, was declared to be a port of entry at which raw leaf tobacco may be imported into Canada.

Vide Canada Gazette, vol. xxviii., p. 742.

By Order in Council of the 2nd of November, 1894, the following counties at present included in the inland revenue division of Halifax were established as an independent division of the sixth class having its head office at Yarmouth, to be known as the inland revenue division of Yarmouth, viz., Shelburne, Digby, Queen's and Annapolis.

Vide Canada Gazette, vol. xxviii., p. 786.

By Order in Council of the 23rd of January, 1895, under the provisions of "The Inland Revenue Act," chapter 34 of the Revised Statutes, section 17 of the general excise warehouse regulations established by the Order in Council of the 9th January, 1889, chapter 37 of the Consolidated Orders in Council of Canada, as well as section 17 of the Order in Council of the 1st April, 1884, establishing like regulations, and the Order in Council of the 19th October, 1884, amending the same, were repealed, and the following substituted therefor:—

"17. If within the period named in said bond there be produced to the proper collector or officer of inland revenue, the duly authenticated certificate of some principal officer of customs at the place to which the goods were exported, or such other certificate as the department may, by regulation, in any specific case require, stating that the goods were actually landed and left at some place (naming it) out of Canada, as provided by the said bond, such bond shall be cancelled."

Vide Canada Gazette, vol. xxviii., p. 1368.

By Order in Council of the 28th of May, 1895, under the provisions of "The Electric Light Inspection Act," 57-58 Victoria, chapter 39, the following regulations for giving effect to the provisions of the said Act were made, namely:—

REGULATIONS.

The inspection divisions under this Act shall be coterminous with the inland revenue divisions as established by the Order in Council of the 9th day of January, 1889, and any orders amending the same.

All incandescent electric lamps shall have marked thereon the voltage and candle power, and every contractor shall forward to the Department of Inland Revenue a sample of each description of incandescent electric lamp supplied by him to purchasers.

Department of Inland Revenue.

The following fees are hereby established for the verification of electric light meters, and for other tests made under the Electric Light Inspection Act, viz. :

For meters of a capacity of 10 ampères and under...	\$0 75
“ over 10 ampères and not exceeding 20...	1 25
“ over 20 “ “ 30...	1 75
“ over 30 “ “ 45...	2 25
“ over 45 “ “ 60...	2 75
“ over 60 “ “ 80...	3 00
“ over 80 “ “ 100...	3 50
And for every additional 20 ampères, or fraction thereof.....	0 50
For each certificate of illuminating power.....	0 75
For each certificate of voltage at the purchaser's terminals.....	1 50
For each certificate of tests for insulation.....	1 50

An additional fee of 50 cents shall be collected in the case of meters which, from their construction, can only be verified *in situ*. The annual registration fee, as required by section 35, shall be \$25.

The stamps in schedule A of these regulations are hereby approved.

SCHEDULE A.

Samples of electric light inspection stamps, annexed to the report of the Honourable the Controller of Inland Revenue of 29th March, 1895 (being of the denominations of 25 cents, 50 cents, \$1, \$2, \$3, \$5, and \$10), and such other denominations of the same device as may be found desirable by the Department of Inland Revenue.

Vide Canada Gazette, vol. XXVIII., p. 2169.

By Order in Council of the 26th of April, 1895, the following regulations for the governance of a ferry between Nipissing, in the province of Ontario, and Pontiac, in the province of Quebec, were made :—

REGULATIONS.

1. *Limits*.—On Ontario side.—From a point half a mile below the steam-boat wharf, at the foot of Les Erables Rapids to the mouth of Snake Creek (about 2½ miles in all).

On Quebec side.—From a point half a mile below George Wilson's to a point directly opposite Snake Creek.

2. *Ferry-boat*.—The lessee shall provide and maintain for the summer season a suitable scow or ferry-boat, propelled by oars or other suitable appliances, constructed and equipped to the satisfaction of the Department of Inland Revenue, which is to be not less than 18 feet long by 12 feet wide and one foot space in depth between floor and bottom, and it is to be capable of carrying conveniently and with safety one or more loaded carts or conveyances, and ten foot passengers at one time.

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3. *Landing Stages.*—The lessee shall construct at his own expense on both sides of the river, and maintain during the term of the lease, suitable landing stages or wharfs which shall be serviceable at all stages of water in the river with suitable mooring posts and other necessary appliances so that passengers, teams and vehicles may be taken on board and loaded conveniently and without danger, which landing stages and wharfs shall be subject to the approval of the Department of Inland Revenue.

4. *Number of Trips.*—From the opening of navigation to the 1st October, the ferry-boat shall not make less than four round trips daily (except Sundays) between the hours of 6 a.m. and 8 p.m. and from the 1st October until the close of navigation between 7 a.m. and 7 p.m. and oftener if necessary for the convenience of the public or when hailed from either side of the river by intending passengers.

5. *Tariff of Charges.*

	Cents.
For a two-horse wagon or conveyance, with driver, one way	50
For a two-horse wagon or conveyance, with driver, return trip same day.....	25
For a one-horse wagon or conveyance, with driver, one way	40
For a one-horse wagon or conveyance, with driver, return trip same day.....	20
For one horse and driver, each way.....	25
For each additional horse belonging to the same party, each way.....	15
For each head of horned cattle, one way.....	25
For each additional head, same trip, each.....	10
For each additional trip necessary for the same owner when the cattle cannot be crossed in the one trip, the charge to be at the same rate as the last two items, viz., for one head, 25 cents, and for each additional head, 10 cents.	
For each head of swine or sheep, one way.....	10
For each passenger with baggage, not over 50 lbs., one way	10
For each package of merchandise or goods (other than the above), under 100 lbs.....	10
For over 100 lbs., per 100 lbs., or fraction thereof.....	5

Winter season by bridge.

For teams with or without load, single or double, one way	50
For return trip same day.....	10
For cattle or swine or sheep, each.....	10

6. The right is reserved to the Department of Inland Revenue of rejecting the ferry-boat or landing stages, or either of them, should any of them be deemed unsuitable for the service, or unsafe to the public, or inadequate to meet the public wants. The right is also reserved to the Governor in Council to modify the maximum tariff should it be deemed expedient in the public

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interest to do so ; and the Governor in Council may declare the lease forfeited and void whenever it shall be satisfactorily shown that the lessee fails to comply with the conditions thereof.

7. The lessee of the ferry shall at all times, during the continuance of the lease, carry over and across the ferry without fee, toll or reward, militiamen, soldiers or sailors when provided with proper passports or under the charge of the proper officer or officers, and it shall be lawful for the said lessee to commute the rate of passenger fees.

8. A notice of the rates of fees and tolls to be charged for ferriage shall be put in a conspicuous place near the ferry landing on both sides ; and also on board the ferry-boat employed.

9. The lessee shall not, at any time during the term of his lease, knowingly ferry, carry, or take or permit to be ferried, carried or taken over or across the said ferry any contraband article whatsoever.

10. This lease shall not be assigned or sublet without the consent of the Governor in Council, but in the event of the death of the lessee, shall enure to the benefit of his personal representatives or as he may by will direct.

Vide Canada Gazette, vol. XXVIII., p. 2215.

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By Order in Council of the 11th of October, 1894, in virtue of the provisions of section 45 of "The North-west Irrigation Act," 57-58 Victoria, chapter 30, the following forms to be used in proceedings under the said Act were prescribed :—

No. 1.

MEMORANDUM of instructions regarding the manner of surveying and preparing the returns of surveys of right of way for irrigation ditches, and works in connection therewith.

To prevent confusion or misunderstanding regarding the manner of effecting the field work, and to provide for uniformity in returns of right of way surveys for irrigating ditches, and works in connection therewith, the following instructions are laid down for the official guidance of those performing this class of work :—

1. Right of way surveys for irrigating ditches are of two kinds : preliminary surveys, and final surveys. The first mentioned are made in connection with proposed locations staked out for main ditches and laterals, to enable companies or individuals to file the preliminary plans required by their Acts of incorporation, or the General Irrigation Act, and the latter, or final surveys, are made when the ditch routes, etc., have been finally located and construction begun, to enable final plans and books of reference to be filed, and title to right of way to be conveyed.

2. The preliminary surveys for right of way are to be made in manner provided by clause 3 of these instructions, and the plan showing the same is to be signed by the promoter, manager, or engineer of the company and certified in accordance with form C of these instructions.

The final surveys of right of way must be made by a duly authorized Dominion land surveyor, and all plans and books of reference of such surveys must be signed by the surveyor, and contain the certificates given in forms A and B of these instructions.

Preliminary Surveys.

3. Preliminary surveys are to be made by re-tracing the proposed centre line of main and lateral ditches, and determining, by measurement, the position of such lines with reference to the boundaries of sections, quarter-sections or other registered parcels of land intersected.

Where it is proposed to create reservoirs, or to flood lands by erections of dams, the approximate boundaries of the area to be flooded are to be determined.

Should the preliminary location of main ditch contemplate the utilization of the dry beds of old watercourses, or other natural channels, as a portion of the scheme, the position and boundaries of such watercourses, or other channels, are to be determined with sufficient accuracy to enable them to be laid down on a plan.

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In all cases where it is proposed to increase the width of the right of way, for the purpose of borrow pits, headworks, buildings, or other causes, the limits of the increased area are to be approximately located and shown on plan.

Final Surveys.

4. The final survey of the right of way is to be made after the final location of main and lateral ditches, and prior to or during the work of construction. The survey must be made in such a manner as to determine accurately the boundaries of right of way with reference to boundaries of sections, quarter-sections, and other registered parcels of land. To accomplish this it will be necessary to determine, by measurement, the distance from the intersection of centre line of ditch to all section and quarter-section corners, and corners of other registered parcels of land, and the angles between such boundaries and centre line.

Where it is necessary to do so the boundaries of quarter-sections must be first surveyed in accordance with provisions of the Dominion Lands Act, so that angles and distances from ditch line can be properly determined on these boundaries.

In cases where it is desired to increase the limits of right of way for borrow pits, headworks, buildings, etc., the limits of such increased area are to be determined.

Where it is proposed to utilize the dry beds of old watercourses, or other natural channels, for main or lateral ditches, the boundaries of such watercourse, swamp, or other natural channel are to be determined by offsets from main traverse lines. The traverse lines are to be so laid down that no offset therefrom will be of greater length than 300 feet, and the offsets are to be at such distances from each other as to provide that the area of the feature traversed will be determined within a close approximation of the actual area.

Where reservoirs are to be created, or land flooded by erection of dams, the area and limits of such reservoirs, or flooded area, are to be accurately determined by traverse lines and offsets as provided above.

The length and radii of all curves on ditch lines are to be determined.

Returns of Survey.

5. In the case of preliminary surveys the returns will consist of a plan (on tracing linen, or blue print) drawn to a scale of 1,000 feet to one inch. This plan is to contain all the information furnished by the survey made in accordance with instructions regarding preliminary surveys, and is to be certified in accordance with form C of these instructions.

The returns of final surveys for right of way will consist of a plan, prepared in all cases on tracing linen, and a book of reference.

The plan will be drawn to a scale of 1,000 feet to one inch, and must contain all the information supplied by the surveys made in accordance with instructions regarding final surveys, and in addition must show the width and area of right of way included within the boundaries of each quarter-section, or other registered parcel of land: the plans must be fair specimens of draughtsmanship, and all figures and references must be clear and distinct. The plan is to be certified in accordance with forms A and B of these instructions.

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The book of reference is to be made of the same size, and in accordance with sample accompanying these instructions. The right of way across each quarter-section, or other registered parcel of land, is to be accurately plotted on form, and all the information given on general plan is to be shown on section forms in book of reference.

The descriptions will be given for each quarter-section, or other registered parcel of land, separately, and must be in such form, and sufficiently complete, to be used in a conveyance of the land described.

In all cases where traverses are made to determine the limits of old watercourses, or land to be flooded, which are to become a portion of the right of way, the sectional form in book of reference will be accompanied by a traverse table for each section separately, giving lengths and bearings of courses and offsets. This table is to be made in accordance with form shown.

The book of reference shall contain the certificates given in forms A and B of these instructions.

6. It is to be distinctly understood that the government will in no wise be responsible for payments of accounts for services of the surveyor, or any other expense incurred in connection with these surveys, or returns thereof, it being the duty of irrigation companies, or individuals constructing private ditches, to make these surveys, and file with the department the returns thereof, at their own cost.

Form A.

I, _____, Dominion land surveyor, do solemnly declare that this plan (or book of reference, as the case may be) accurately shows the manner in which the land included therein has been surveyed and subdivided by me, and that the said plan is prepared in accordance with the provisions of "The Territories Real Property Act," chapter 51 of the Revised Statutes of Canada.

Dated at _____, 18

A. B.,
Dominion Land Surveyor.

Form B.

I, _____ of the _____ of _____, Dominion land surveyor, make oath and say, that I have, in my own proper person, according to law and the instructions of the surveyor general, faithfully and correctly executed the survey shown by this plan and book of reference, and that the said plan and book of reference are correct and true to the best of my knowledge and belief. So help me God.

A. B.,
Dominion Land Surveyor.

Sworn before me at _____ this _____ day of _____, 18 .

*Department of the Interior.**Form C.*

I, _____, do hereby certify that this plan accurately shows the manner in which the preliminary surveys, for the proposed right of way for the _____ Irrigation Company have been made, and that the information therein contained is from actual measurements on the ground.

Dated at _____, 18 .

A. B.,
Promoter, Manager or Engineer,
as the case may be.

No. 2.

MEMORANDUM of instructions regarding the preparation of the plans, profiles and specifications required by the North-west Irrigation Act.

It is provided by the North-west Irrigation Act that companies or individuals applying for a license or authorization under its provisions must file certain plans, profiles, cross-sections and specifications showing the proposed location of canals and ditches, and giving details of the structures to be erected in connection therewith.

The Act is explicit regarding the scale of, and general information to be furnished by, these plans, profiles, etc., but to prevent misunderstanding and delay, it is thought expedient to issue, in convenient form for reference, these detailed instructions regarding the manner of preparing the different plans, profiles, cross-sections and specifications, required by the Act, and the information which they will be expected to provide.

For convenience of reference the sections or portions of sections are given in the same order, regarding maps, plans, profiles, etc., as in the Act, with the necessary additional instructions added thereto.

Section 12, subsection 4.—“Attached to the memorial shall be a general map or plan on a scale of not less than one inch to half a mile, showing the tract to be served by such water, the location of all rivers, streams and other sources of water supplied therein, and the probable location of the proposed works, also the position and area of all ponds, reservoirs or basins intended to be created for the purpose of storing water or which may have that effect.”

This map should be on tracing linen; the general topographical features may be laid down from a late edition of any general map issued by the Department of the Interior.

The proposed location of canals or ditches should be shown by a bold line, and the tract of country to be served, and areas of reservoirs, ponds or basins, should be designated with a wash of different colours, with suitable references.

The map or plan should be dated and signed by the engineer, individual owner or some official of the company, as the case may be.

Section 12, subsection 5.—“(5.) There shall also be filed with the memorial plans in detail of all bridges or culverts necessary for road or farm crossings over or under the works of the company, also plans in detail of flumes, headworks, dams or other structures for the diversion or use of water, such plan to be on a scale of not less than one inch equal to four feet.”

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The plans called for by this subsection should be prepared on tracing linen; they must contain full information in the way of plan, elevation and cross-section showing the details of, and the materials to be used in, the proposed structures, so that all loads, strains, or pressure may be understood and checked.

The plans should be accompanied by a detailed specification regarding the manner of erecting the proposed structures, and both plan and specification should be signed by the engineer, individual owner or some officer of the company, as the case may be.

Section 12, subsection 6.—“(6.) In the case of all ditches or canals carrying more than twenty-five cubic feet of water per second, in addition to the above information the applicants shall furnish the following maps or plans:—

“(a.) A longitudinal profile of the ditch, showing the bottom and the proposed surface water line. The horizontal scale of this plan shall not be less than one inch to four hundred feet, and the vertical scale not less than one inch to twenty feet.

“(b.) A plan showing cross-sections at a sufficient number of points to fully illustrate all the different forms which the ditch when constructed will take, particularly on side hills or elsewhere where any portion of the water is to be conveyed in fill. When water is to be conveyed in cut there shall also be shown on this plan cross-sections at points where the shortest horizontal distance from either side of the bottom of the ditch to the surface of the ground is less than double the bottom width of the ditch at that point. The plan shall be drawn on a horizontal and vertical scale of one inch to twenty feet.”

The plans required by these subsections are to be prepared on tracing linen. The profile must give the datum used, and must contain elevations at a sufficient number of points to enable the proposed location to be carefully checked; the proposed grade of canal or ditch must be laid down with a clear and well defined line, and must be shown also in figures along such grade line. The position of all dams, headworks, flumes, bridges, road crossings or other structures must be noted on profile. The elevations given must be from instrumental levels along the proposed location, and a sufficient number of bench marks must be established, and their position and elevation shown on profile, so that levels on portions of location between bench marks may be checked by the inspecting officer if he desires to do so.

The cross-sections required by subsection (b) may be plotted on the profile opposite the points where they have been taken; they must be so placed and plotted as to enable a ready determination of the slope and contents to be made. Particular attention is directed to the provisions of this subsection regarding information to be given at cross-section where water is to be conveyed in cut. The kind of material to be moved at each cross-section should be shown. The profile is to be signed by the engineer who has made the location survey and measured the cross-sections given.

Section 12, subsection 7.—“(7.) Plans of any dams, cribs, embankments or other works proposed to obstruct any river, stream, lake or other source of water supply, or in order to create a pond, reservoir or basin of water anywhere, or which may have that effect, shall be prepared on a longitudinal scale of not less than one inch to one hundred feet, and for cross-sections on a

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scale of not less than one inch to twenty feet, and shall show what material is intended to be used and how placed in such works. The timber, brush, stone, brick or other material used in such works shall be shown in detail on a plan, the scale of which shall not be less than one inch to four feet.

The plans called for by this subsection are to be prepared on tracing linen, and in their preparation particular care is to be taken to give such information by plan, elevation and cross-section as will enable the size, style and location of any proposed structure to be thoroughly understood, and all strains, loads and pressure carefully checked; the kind of material to be used and manner of placing the same must be clearly shown.

It is important that the proposed method of placing the footings of any dam, crib, or embankment should be given in detail drawings, and that these drawings should show the high water line on such dam, crib or embankment.

When cribs or piers are to be erected in any river or stream the proposed method of protecting them from ice must be shown.

These plans must be signed by the engineer who designs the proposed structures, and should be accompanied by a general specification regarding the manner of erecting the same.

Section 12, subsection 8.—“(8.) Cross-section maps or plans showing the surface of the ground under such pond, reservoir or basin of water, and also the surface of the water proposed to be held therein; the horizontal scale of said maps or plans shall be not less than one inch to one hundred feet; and the vertical scale shall be not less than one inch to twenty feet, and a sufficient number of lines of levels shall be shown, so that the contents of the pond, reservoir or basin of water, may be accurately determined. If the maps or plans show the levels by contour lines, they shall be on a scale sufficiently large, so that the contour line, showing a vertical distance between them not exceeding one foot, can be accurately delineated. The maps or plans shall have sufficient information to show clearly the property likely to be affected by the creation of such ponds, reservoirs or basins of water and the manner in which affected, and shall show in detail such other particulars as the minister or Governor in Council sees fit to order, and there shall also be furnished a plan, on a scale of not less than one inch to four feet, showing the proposed manner of controlling and drawing off the water from any such pond, reservoir, or basin.”

The cross-section maps required by this subsection are to be prepared on tracing linen or cross-section paper. If the area of the proposed pond, reservoir or basin is shown by cross-sections, they shall be at sufficient intervals to enable the contents of the pond, reservoir or basin, which must be shown on the plan in cubic or acre feet, to be carefully checked.

If the pond, reservoir or basin is to be shown by contour lines they shall be clearly and distinctly defined and the datum used distinctly set forth.

The information regarding the property likely to be affected by the creation of such pond, reservoir or basin, and the manner in which affected, may be given by contour lines, or by elevations at a sufficient number of points to show the result of the bursting of any dam controlling the waters in such pond, reservoir or basin.

The size, style and material composing all gates, valves, flumes or other contrivance for controlling and drawing off the water from such pond, reservoir

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or basin, must be given on plan, with suitable elevations and cross-sections, and any further detail necessary to enable the suitability and safety of the proposed contrivance to be decided upon.

These plans must be signed by the engineer who designs the proposed works.

Section 13.—The method of preparing the plans to be signed by a Dominion land surveyor required by this section, is clearly set forth in the memorandum of instructions regarding the preparation of returns of right of way surveys in connection with irrigation enterprises, copies of which can be had from the department or at the office of the superintendent of mines at Calgary, Alberta.

Section 22.—The same remarks as in the preceding paragraph apply in this case.

GENERAL REMARKS.

All maps, plans, profiles, etc., must be fair specimens of draughtsmanship, and all figures and references must be clear and distinct.

Each map or plan should have a concise and legible title, and in all cases the scale or scales, as the case may be, must be clearly set forth.

In cases where maps or plans are referred to in any memorial or petition, they should be distinguished by a letter or number which should be clearly marked thereon.

When it is proposed to erect a bridge for the purpose of carrying a flume across any stream or ravine, or for any other purpose in connection with irrigation enterprises, the plan and elevations of such bridge must be so prepared as to clearly set forth the size and style of the proposed structure, and the form of any truss used in the construction of such bridge shall be such, and will be so shown on such plan and elevation, that the stress in every member will admit of exact calculation.

The plan must be accompanied by a general specification giving sizes and kind of material to be used, the manner of placing the same, and the load and strains for which the proposed structure is designed. Both plan and specification must be signed by the engineer designing the structure.

No. 3.

"THE NORTH-WEST IRRIGATION ACT."

License to do necessary preliminary work, authorized by 57 and 58 Vic., c. 30, s. 11.

CALGARY, ALBERTA, 189 .

Received from Mr. _____ of _____ (*location and occupation*)
the sum of five dollars, being the fee prescribed by 57-58 Vic., ch. 30, sec. 11.

This receipt entitles the said _____ within _____ days to do
the necessary preliminary work, and with such assistants as are necessary, to
enter into and upon the following lands _____ to take levels, make
surveys, and do other necessary works in connection with the location of any
works authorized by said 57-58 Vic., ch. 30.

Agent.

Vide Canada Gazette, vol. XXVIII., p. 702.

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By Order in Council of the 24th of December, 1894, clause (c) of section 18 of the regulations for the disposal of Dominion lands containing minerals other than coal, approved on the 9th of November, 1889, (which provides that "creek and river claims" shall be 100 feet long, and shall extend in width from base to base of the hill or bench on each side, but when the benches or hills are less than 100 feet apart the claim shall be 100 feet square) was amended as regards the Yukon district; and it was ordered that creek and river claims in the Yukon district shall be 500 feet in length, and that the fee to be charged for an entry for a claim shall be \$15, but that in all other respects the provisions of the said mining regulations shall be applicable to that district.

Vide Canada Gazette, vol. XXVIII., p. 1121.

By Order in Council of the 23rd of January, 1895, under the provisions of "The Rocky Mountains Park Act," 50-51 Victoria, chapter 32, the following tariff of fees was ordered to be charged to livery stable keepers, in lieu of the fees mentioned in section 24 of the regulations of the 30th June, 1890, when they are called upon to take out their next annual licenses, namely:—

For the first vehicle drawn by two or more horses.....	\$10 00
For the second vehicle, owned by the same licensee, and drawn by two or more horses.....	8 00
For the third vehicle, owned by the same licensee, and drawn by two or more horses.....	6 00
For the fourth and each additional vehicle, owned by the same licensee, and drawn by two or more horses	5 00
And, for the first vehicle drawn by one horse.. ..	6 00
For the second vehicle, owned by the same licensee, and drawn by one horse	5 00
For the third and each additional vehicle, owned by the same licensee, and drawn by one horse.....	4 00

Vide Canada Gazette, vol. XXVIII., p. 1368.

By Order in Council of the 23rd of January, 1895, the even-numbered sections (exclusive of Hudson's Bay Company's lands) in the following townships, so far as they may be at the disposal of the government, viz., Township 40, in Ranges 3, 4 and 5, and Township 41, in Range 4, all west of the 3rd Meridian, were reserved for entry by Mennonites only.

Vide Canada Gazette, vol. XXVIII., p. 1408.

By Order in Council of the 23rd of February, 1895, in accordance with the provisions of subsection 4, of section 13, of the North-west Irrigation Act, the construction of the works of the Calgary Irrigation Company, as shown by the memorial, plans and profiles submitted by them with their application, was authorized.

Vide Canada Gazette, vol. XXVIII., p. 2023.

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By Order in Council of the 21st of May, 1895, the lands described in the schedule hereto annexed were reserved, in addition to the lands already reserved in the North-west Territories, as watering places for stock and as approaches to the water.

LANDS TO BE RESERVED FOR STOCK WATERING PURPOSES.

SECTION.				SECTION.			
Part.	No.	Township. Range.	Meridian.	Part.	No.	Township. Range.	Meridian.
Pt S $\frac{1}{2}$	30	9 21	4 N. and W. of river.	Pt NW $\frac{1}{4}$	20	6 1	5 Lying north of South
L.S. 8 and E $\frac{3}{4}$				NE $\frac{1}{4}$	22	6 1	5 Fork of Old Man River.
chs. L.S. 9.	34	9 23	4	Pt L.S. 11 and			
S $\frac{1}{2}$ and NE $\frac{1}{4}$	17	2 24	4	12	2	7 1	5 Those portions of L.S. 12
NW $\frac{1}{4}$	30	8 25	4	SW $\frac{1}{4}$	3	1 5	and northerly $\frac{3}{4}$ L.S. 11
NE $\frac{1}{4}$	25	8 26	4	S $\frac{1}{2}$	4	1 5	south of Old Man River
E $\frac{3}{4}$ L.S. 14 and				SE $\frac{1}{4}$	17	7 1	5
NE $\frac{1}{4}$	30	3 28	4 N. and W. of river.	E $\frac{3}{4}$	31	7 1	5 Part N. of river.
N $\frac{3}{4}$ of NW $\frac{1}{4}$	32	3 28	4	SE $\frac{1}{4}$	34	7 1	5 South of river.
W $\frac{3}{4}$	17	4 28	4	All	36	7 1	5 do
N $\frac{3}{4}$	18	4 28	4	All	6	8 1	5
Pt SW $\frac{1}{4}$	23	4 28	4 Lying west Kootenay	SW $\frac{1}{4}$	10	8 1	5 West of river.
			River.	S $\frac{1}{2}$	18	8 1	5
Pt W $\frac{1}{2}$	12	5 28	4 West of river.	All	19	8 1	5
S $\frac{1}{2}$	21	5 28	4	Pt S $\frac{1}{2}$	20	9 1	5 West of river.
NW $\frac{1}{4}$	30	5 28	4	N $\frac{3}{4}$	35	15 1	5
NE $\frac{1}{4}$	13	4 29	4	All	15	16 1	5
N $\frac{3}{4}$	33	4 29	4	NW $\frac{1}{4}$ and W $\frac{1}{2}$			
NE $\frac{1}{4}$	35	4 29	4	of SW $\frac{1}{4}$	17	16 1	5
W $\frac{1}{2}$	2	5 29	4	E $\frac{3}{4}$ of SE $\frac{1}{4}$	18	16 1	5
S $\frac{1}{2}$	5	5 29	4	SE $\frac{1}{4}$	22	16 1	5
S $\frac{1}{2}$	6	5 29	4	SW $\frac{1}{4}$	23	16 1	5
S $\frac{1}{2}$	7	5 29	4	W $\frac{1}{2}$	30	18 1	5
NW $\frac{1}{4}$	12	5 29	4	N $\frac{3}{4}$ of NE $\frac{1}{4}$	5	18 1	5
E $\frac{3}{4}$	13	5 29	4	S $\frac{1}{2}$	23	19 1	5
NW $\frac{1}{4}$	16	5 29	4	Pt SW $\frac{1}{4}$	30	20 1	5 N. & E. of Sheep Creek.
E $\frac{3}{4}$	17	5 29	4	NW $\frac{1}{4}$	24	6 2	5
All	31	5 29	4	E $\frac{3}{4}$	36	6 2	5
SW $\frac{1}{4}$	36	5 29	4	S $\frac{1}{2}$ of SE $\frac{1}{4}$	1	7 2	5
SW $\frac{1}{4}$	6	6 29	4	S $\frac{1}{2}$ of SW $\frac{1}{4}$	1	7 2	5
SE $\frac{1}{4}$	12	6 29	4	NE $\frac{1}{4}$	2	7 2	5
NW $\frac{1}{4}$	18	7 29	4	S $\frac{1}{2}$	14	7 2	5
NE $\frac{1}{4}$	36	4 30	4	W $\frac{1}{2}$	16	7 2	5
NE $\frac{1}{4}$	2	5 30	4	NW $\frac{1}{4}$	17	7 2	5
W $\frac{1}{2}$	3	5 30	4	Pt E $\frac{3}{4}$	20	7 2	5 North of river.
N $\frac{3}{4}$	4	5 30	4	W $\frac{1}{2}$	21	7 2	5 South of river.
Fr. N $\frac{3}{4}$	5	5 30	4	NE $\frac{1}{4}$	26	7 2	5
S $\frac{1}{2}$	13	5 30	4	S $\frac{1}{2}$	36	7 2	5
E $\frac{3}{4}$	22	5 30	4	SW $\frac{1}{4}$	3	8 2	5
SW $\frac{1}{4}$ and L.S.				E $\frac{3}{4}$	6	8 2	5
16	23	5 30	4	All	13	8 2	5
N $\frac{3}{4}$	24	5 30	4	NW $\frac{1}{4}$	18	8 2	5
SW $\frac{1}{4}$	27	5 30	4	SW $\frac{1}{4}$	19	8 2	5
All	28	5 30	4 Except strip on south	All	20	8 2	5
NE $\frac{1}{4}$	2	6 30	4 side to be sold to the	N $\frac{3}{4}$	23	8 2	5
All	13	7 30	4 Alberta Ranch Co.	S $\frac{1}{2}$	30	8 2	5
N $\frac{3}{4}$	23	7 30	4	N $\frac{3}{4}$	33	8 2	5
NE $\frac{1}{4}$	27	7 30	4	SE $\frac{1}{4}$	36	8 2	5
All	36	16 30	4	All	6	9 2	5
Pt N $\frac{3}{4}$ of SE $\frac{1}{4}$	35	5 1	5 East of river.	NW $\frac{1}{4}$	9	9 2	5
E $\frac{3}{4}$	36	5 1	5	W $\frac{1}{2}$	14	9 2	5
SW $\frac{1}{4}$	3	6 1	5	E $\frac{3}{4}$	15	9 2	5
NE $\frac{1}{4}$	4	6 1	5	S $\frac{1}{2}$	17	9 2	5
SE $\frac{1}{4}$	15	6 1	5 Less the School lands (L.	All	21	9 2	5
S $\frac{1}{2}$	16	6 1	5 S. 1, 2, and southerly $\frac{3}{4}$	NE $\frac{1}{4}$	25	9 2	5
			L. S. 7).	All	33	9 2	5

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LANDS TO BE RESERVED FOR STOCK WATERING PURPOSES—*Concluded.*

SECTION.				SECTION.					
Part.	No.	Township.	Range.	Meridian.	Part.	No.	Township.	Range.	Meridian.
SE $\frac{1}{4}$	1	10	2	5	W $\frac{1}{2}$	16	18	2	5
N $\frac{1}{4}$	2	10	2	5	SE $\frac{1}{4}$	21	18	2	5
W $\frac{1}{4}$	4	10	2	5	SE $\frac{1}{4}$	9	16	3	5
W $\frac{1}{4}$	15	10	2	5	SW $\frac{1}{4}$	10	16	3	5
N $\frac{1}{2}$ and SE $\frac{1}{4}$	17	10	2	5	S $\frac{1}{2}$	4	17	3	5
Pt.....	21	10	2	5	S $\frac{1}{2}$	5	17	3	5
W $\frac{1}{2}$ of NW $\frac{1}{4}$	10	16	2	5	N $\frac{1}{2}$	36	17	3	5
NW $\frac{1}{4}$	14	16	2	5	S $\frac{1}{2}$	2	18	3	5
W $\frac{1}{2}$ of SW $\frac{1}{4}$	15	16	2	5	Pt.....	25	18	3	5
E $\frac{1}{2}$ of NE $\frac{1}{4}$	15	16	2	5	SW $\frac{1}{4}$ and L.S. 7.....	17	19	3	5
E $\frac{1}{2}$ of SE $\frac{1}{4}$	16	16	2	5	SE $\frac{1}{4}$	19	19	3	5
All.....	25	17	2	5	L.S. 9, 10, 16.	7	19	3	5
W $\frac{1}{2}$	30	17	2	5					

Lying south of river.

North of High River.

Vide Canada Gazette, vol. xxviii., p. 2170.

By Order in Council of the 29th of April, 1895, under the provisions of section 45 of the North-west Irrigation Act, 57-58 Victoria, chapter 30, the following regulations were established for the admeasurement and use of water, the disposal of reservoir sites and right of way for irrigation works, the establishment of gauge rods in streams and in rating flumes of irrigation canals and ditches, and the forms of licenses and of certificates to be issued :

REGULATIONS for the measurement and use of water, the disposal of reservoir sites and right of way for irrigation works, the establishment of gauge rods in streams and in rating flumes of irrigation canals and ditches, and the license and certificates to be issued.

MEASUREMENT OF WATER.

Section 1.—The measurement of the discharge of any stream, made for the purpose of determining the quantity of water available for licenses authorizing the diversion of water therefrom, or to settle disputes between the holders of such licenses, shall be effected as follows :—

The area of the actual water cross-section, at time of measurement, shall be determined by careful measurement of the total width of stream, and by soundings under the line of cross-section at sufficiently frequent intervals to give a close approximation of the contour of bottom of the stream.

The velocity of the stream shall be determined by measurement with any approved make of current meter, which must have been previously rated at the government rating station at Calgary, these measurements being taken at such intervals along the line of cross-section as will enable the velocity to be determined to each subsection between soundings.

In streams of not more than three feet in depth surface and bottom velocities must be measured, or the meter may be moved slowly, during time

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of observation, from bottom to top, and *vice versa*. In streams of more than three feet in depth, mid-depth readings of current meter may be taken, the resulting discharge being corrected by necessary factor for velocities thus determined.

(a.) The flow of water into any irrigation ditch or canal shall be determined by careful measurement of the cross-section of the rating flume, constructed as hereinafter provided, and of the velocity by current meter, of the water flowing therein, at extreme low water, high water, and flood discharge stages of water in the source of supply, these heights of water being fixed by the marking on the gauge rod placed in the said rating flume of such ditch or canal as hereinafter provided. The flow of water between low, high, and flood stages of water, shall be determined by a table showing flow of water at these heights, and for each six inches marked on the gauge rod, which table, in the form of a certificate signed by the inspecting officer, shall be issued for each ditch or canal, and shall accompany the license hereinafter provided for.

(b.) The quantity of water supplied to consumers by any person or company having a license for the use of water for irrigation, shall be measured by water meter, measuring flume, measuring weir, spill-box, or any other device for the measurement of the water, but such water meter, measuring flume, measuring weir, spill-box or other device must be first approved and sanctioned by the Minister of the Interior, or by some officer appointed by him, who shall issue a certificate authorizing the person or company to use such device.

(c.) The volume of water in any lake, pond or reservoir, or other body of still water shall be measured by careful survey of the outline of such body of water to determine its superficial area, and measurement of the depth of water at sufficiently frequent intervals to give a correct contour of the bottom of such lake, pond or reservoir, so that the contents thereof may be accurately calculated. The flow of water into or out of any reservoir shall be measured by determination of the area of the cross-section of channel of in-flow or discharge and of the velocity of the water flowing therein by current meter.

(d.) The discharge of spring shall be determined by causing all the water flowing therefrom to discharge into a vessel or reservoir of known contents, and noting the time taken to fill such vessel or reservoir, or by measurement of cross-section of the channel carrying flow of such spring, as near as possible to its head, and determination of velocity of flow therein with current meter.

DUTY OF WATER.

Section 2.—The duty of water, or the ratio between a given quantity of water and the amount of land it will irrigate, shall be one hundred acres for each cubic foot of water per second, flowing constantly during the irrigation season, and all applications for water to irrigate any given area, and the division of the available water supply among applicants therefor, shall be made upon the basis of this duty of water.

LICENSES.

Section 3.—Whenever any company or person, applying for a license or authorization under the provisions of the Act, has complied with all the requirements thereof, and has completed the construction of the works authorized,

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an inspection of the works shall be made by an officer named by the minister, who shall determine the capacity of such works, and certify that they have been completed in accordance with the provisions of the Act.

(a.) Upon receipt of such certificate, and of a fee of ten dollars, to be paid by the company or person constructing such works, the Minister of the Interior shall issue to such company or person a license in the form given in the schedule hereto, which license shall be registered by the company or person to whom it is issued, in the registry office in and for the district within which the lands affected by the system covered by such license are situated, by producing the same or an exemplification thereof to the registrar with a true copy sworn to by any person who has compared the same with the original, and the copy shall be filed with the registrar.

RATING FLUME AND GAUGE RODS.

Section 4.—Every irrigation ditch or canal shall be provided by the owners thereof with a rating flume, which is to be constructed in the ditch or canal not less than 100 nor more than 800 feet between the headgate thereof, such flume to be built in accordance with plans approved by some officer appointed by the minister.

(a.) Every rating flume shall be provided with a gauge rod, which is to be placed on the side at the centre of such flume. The gauge rod shall be two inches in thickness and three inches wide, painted white, with heights above the floor of the rating flume clearly marked thereon in feet and tenths of a foot, with black lines and figures. The height of low water, high water, and flood stage of water, shall be shown on the gauge rod at elevations to correspond with the marking of these stages of water on the government gauge rod, placed in the stream from which water is taken for such ditch or canal.

GOVERNMENT GAUGE RODS.

Section 5.—The minister may authorize some officer to place a gauge rod or rods in all streams or reservoirs used as a source of supply for irrigation ditches or canals. The gauge rod or rods are to be permanently placed at some point for convenient reference, and clearly marked so that the rise or fall of water in such stream or reservoir can be readily noted therefrom. The height of low water, high water, and flood water shall be designated on the rod with special marks and lettering, so that these stages of water may be apparent by inspection.

RESERVOIR SITES.

Section 6.—The lands forming sites suitable for ponds, basins, and reservoirs which have been reserved from general sale and settlement, may be leased to any company or person applying therefor, who have satisfied the minister of their or his ability to construct the works necessary to utilize the proposed site for the storage of water, and the beneficial use of the same in irrigation.

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But this license shall be subject to the following conditions, viz. :

1. That the license shall only come into force and effect after it has been registered by the licensee in the registry office in and for the
2. That the period of flood discharge, high water, and low water in the said shall be fixed and determined by the markings on the gauge rod placed in the said stream by the Department of the Interior.
3. That this license shall be subject to forfeiture as provided by the North-west Irrigation Act.
4. That this license can only be assigned or transferred by approval of the Minister of the Interior and by using the form printed on the back thereof, and that such transfer must be recorded in the Department of the Interior and in the registry office in and for before a new license will be issued in name of transferee.

Dated at Ottawa, this day of , one thousand eight hundred and ninety-

Witness

Deputy Minister of the Interior.

License No.

Source of supply

The Minister of the Interior

to

License to divert water for from
Recorded in

TRANSFER.

sum of dollars to for and in consideration of the
in hand paid (the receipt whereof is hereby acknowledged) do hereby sell,
transfer and make over to executors and administrators, all
my right, title and interest of, in, and to the license within contained.

In witness whereof I have hereunto set my hand at
this day of 189 .
Witness

FORM OF SUMMONS.

To

Greeting :

You are hereby commanded that all things set aside and ceasing every
excuse, you be and appear in your proper person before me the undersigned,
at on the day of
189 , by o'clock in the noon, and so on from
day to day, to be then and there examined upon oath touching your know-
ledge of . And you are to bring with

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you and produce all papers and writings in your custody, power or control, in any wise relating to the said matters; and take notice that if you neglect or refuse to appear at the time or place aforesaid, you will be liable to be taken into custody and to be imprisoned in the nearest common jail, as for contempt of court, for a period not exceeding fourteen days.

Given under my hand and seal, this _____ day of _____ 189____, at _____.

CERTIFICATE *re* MEASURING DEVICE.

I _____ hereby certify that I have examined the plans and models of the _____ proposed to be constructed and used by _____ for the measurement of water supplied by _____ for _____ purposes, and in accordance with the regulations in that behalf I hereby authorize the use of the said _____ for the division and measurement of water.

Dated at _____.

CERTIFICATE FOR RATING FLUME TO ACCOMPANY LICENSE.

I _____ do hereby certify that I have carefully examined the rating flume of _____ erected near the headgate of _____ constructed by _____, that I find it properly placed and constructed with necessary gauge rod properly marked, and that careful measurement of the capacity of the said rating flume proves it capable of admitting the under-mentioned quantities of water from _____ into the above mentioned :

- At low water _____ cubic feet per second.
- At high water _____ cubic feet per second.
- At flood level _____ cubic feet per second.

These stages of water being determined by the gauge rod placed in the said rating flume and marked in accordance with the regulations in that behalf.

I further certify that the said rating flume will admit the undermentioned quantities of water at each six inches rise of level of the water therein as shown by the markings on the said gauge rod.

At 6 inches above low water	_____	cubic feet per second.
At 12 do	do	do do
At 1½ feet	do	do do
At 2 do	do	do do
At 2½ do	do	do do
At 3 do	do	do do
At 3½ do	do	do do
At 4 do	do	do do
At 4½ do	do	do do
At 5 do	do	do do
At 5½ do	do	do do
At 6 do	do	do do
At 6½ do	do	do do

Department of Indian Affairs.

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By Order in Council of the 10th of November, 1894, under the provisions of sections 137 and 138, which are added to "The Indian Act" by section 11 of chapter 32 of the Acts 57-58 Victoria, the following regulations were made:—

1. All Indian children between the ages of seven and sixteen shall attend a day school on the reserve on which they reside for the full term during which the school is open each year, unless excused for the reasons hereinafter mentioned.

2. Any person who receives into his house a child of any other person between the aforesaid ages, and which child is resident with him, or in his care or employment, shall be deemed thereby to be subject to the same duty with respect to the education of such child during such residence, as a parent, and shall be liable to be proceeded against as in the case of a parent, if he should fail to cause such child to be educated to the extent required of a parent under these regulations; but the duty of the parent under these regulations shall not thereby be affected or diminished, and shall continue in full force.

3. No parent, guardian or other person shall be liable to any of the penalties of these regulations in respect of any child—

(1.) If a child is under efficient instruction;

(2.) If a child is unable to attend school by reason of sickness or other unavoidable cause;

(3.) If there is no school within two miles, measured by the nearest road from such child's residence, if such child is under ten years of age, or within three miles, if over this age;

(4.) If the child has been excused, as hereinafter provided, from attending school;

(5.) If the child has passed the entrance examination for high schools.

4. Where, in the opinion of any Indian agent, or of any teacher authorized by such agent to issue such certificate as is hereinafter referred to, the services of such child are required in husbandry or in urgent and necessary household duties, or for the necessary maintenance of such child, or of some person dependent upon such child, such Indian agent or teacher may, by certificate setting forth the reasons therefor, relieve such child from attendance at school for any period not exceeding two weeks, during each of the four school terms or quarters.

5. Indian agents may appoint one or more persons to act as truant officers on each reserve for the enforcement of these regulations, and such truant officers shall, for the purposes of these regulations, be vested with police powers, and shall perform such services as shall be deemed necessary by the Indian agents by whom they are appointed for the enforcement of these regulations.

6. It shall be the duty of truant officers appointed under these regulations to examine into all cases of non-attendance at school which may be brought

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to their notice, to notify the parent, guardian or other person having the charge or control of any child between seven and sixteen years of age when such child is not attending school, and to require such parent, guardian or other person to cause the child to attend some school within three days.

7. If the parent, guardian or other person having the legal charge or control of any child, shall neglect or refuse to cause such child to attend some school after being notified as herein required (unless such child has been excused from such attendance as provided by these regulations) the truant officer shall make, or cause to be made, a complaint against such parent, guardian or other person, before any justice of the peace having jurisdiction in the county or district in which the offence occurred, or before the Indian agent for the locality; and upon conviction of such refusal or neglect, such parent, guardian or other person shall be liable to a fine of not more than two dollars, or imprisonment for a period not exceeding ten days, or both.

8. For the purposes of section 138, which is added to "The Indian Act" by section 11 of chapter 32, 57-58 Victoria, the following schools are declared to be industrial schools: Mount Elgin Institute, at Muncey; Mohawk Institute, at Brantford; Shingwauk and Wawanosh Homes at Sault Ste. Marie; Wikwemikong Industrial School, at Wikwemikong—all in the province of Ontario; Brandon Industrial School, at Brandon; St. Boniface Industrial School at St. Boniface; Rupert's Land Industrial School, at Middle Church; Washakada Home, at Elkhorn—all in the province of Manitoba; McDougall Orphanage, at Morley; Battleford Industrial School, at Battleford; St. Joseph's Industrial School, at High River; Regina Industrial School, at Regina; Qu'Appelle Industrial School, at Qu'Appelle; Red Deer Industrial School, at Red Deer; St. Albert Industrial School, in the Edmonton Agency; Emmanuel Training School, at Prince Albert—all in the North-west Territories; Kuper Island Industrial School, at Kuper Island; Kamloops Industrial School, at Kamloops; Kootenay Industrial School, at Kootenay; Alert Bay Industrial School, at Alert Bay; Metlakahtla Industrial School, at Metlakahtla; William's Lake Industrial School, at William's Lake; Coqualeetza Home, at Chilliwack—all in the province of British Columbia. And for the aforesaid purposes the following schools are declared to be boarding schools:—Portage la Prairie Boarding School, at Portage la Prairie; Pine Creek Boarding School, at Pine Creek; Birtle Boarding School, at Birtle—all in the province of Manitoba; Onion Lake Boarding School, in the Onion Lake Agency; Blackfoot Boarding Schools, on the Blackfoot Reserve; Blood Boarding School, in the Blood Agency; Crowstand Boarding School, in the Swan River Agency; File Hills Boarding School, in the File Hills Agency; Gordon's Boarding School, on George Gordon's Reserve, Touchwood Hills Agency; Muscowequan's Boarding School, on Muscowequan's Reserve, in the Touchwood Hills Agency; Lac la Biche Boarding School, in the Saddle Lake Agency; Piegan Boarding School, on the Piegan Reserve; Round Lake Boarding School, at Round Lake, in the Crooked Lakes Agency; Sarcee Boarding School, on the Sarcee Reserve; Stoney Plain Boarding School, on Enoch la Potac's Reserve, in the Edmonton Agency; Duck Lake Boarding School, at Duck Lake—all in the North-west Territories; Port Simpson Girls' Home, at Port Simpson; All-Hallows Boarding School, at Yale—both in the province of British Columbia.

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9. An Indian agent or justice of the peace, on being satisfied that any Indian child between six and sixteen years of age is not being properly cared for or educated, and that the parent, guardian or other person having the charge or control of such child, is unfit or unwilling to provide for the child's education, may issue a warrant authorizing the person named therein to search for and take such child and place it in an industrial or boarding school, in which there may be a vacancy for such child, and a child so placed in an industrial or boarding school may be retained until the age of eighteen years is reached; but no child shall be committed to any industrial or boarding school before the parent, guardian or other person having the charge or control of such child is notified orally, or in writing, by a justice of the peace, Indian agent or truant officer, of the intention to commit the child, and four days shall be allowed to elapse between the giving of such notice and the committal of the child, except in the province of Manitoba and the Northwest Territories, where an Indian child may be committed by an Indian agent or justice of the peace, as aforesaid, without notice.

10. If any such parent, guardian or other person, who has been notified as aforesaid, objects within the aforesaid four days, to the placing of the child in an industrial or boarding school, the Indian agent, or justice of the peace, shall appoint a day for a formal inquiry into the case, and may take evidence under oath as to the manner in which the child is being cared for and educated, and if it be shown that adequate provision is being made or will be made for the child's care and education, the child shall be left in the custody of such parent, guardian or other person.

11. The share of annuity or interest money, or other band revenue, belonging to a child committed to an industrial or boarding school, may be retained by the superintendent general of Indian Affairs, and may be expended by the superintendent general for the maintenance and education of such child or funded for its benefit.

12. If any child, placed under these regulations in an industrial or boarding school should leave such school without permission of the superintendent general, the assistant Indian commissioner, or of the principal of the school, or should any child who has been allowed out, fail to return at the stipulated time, any Indian agent or justice of the peace shall, on information being made to that effect by any officer of such school, issue a warrant authorizing the person named therein to search for and take such child back to the school in which it had been previously placed, as aforesaid. But notwithstanding anything in this section, it shall be competent for any employee of the Indian Department, or any constable, to arrest without a warrant any child found in the act of escaping from any industrial or boarding school, and to convey such child to the school from which it escaped.

13. Any person authorized by warrant under these regulations to search for and take any child to an industrial or boarding school may enter (if need be by force) any house, building or other place specified in the warrant, and may remove the child therefrom. (2.) The warrant may be addressed to any policeman or constable, or to any truant officer appointed under these regulations, or to the principal of any industrial or boarding school, or to any employee of the Department of Indian Affairs.

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14. Notwithstanding anything in these regulations contained, no Protestant child shall be placed in a Roman Catholic school or in a school conducted under Roman Catholic auspices ; and no Roman Catholic child shall be placed in a Protestant school or in a school conducted under Protestant auspices.

15. The superintendent general of Indian Affairs shall have the right, notwithstanding anything in these regulations contained, to return to the custody of its parent, guardian or other person having the charge or control thereof, any child placed in an industrial or boarding school under these regulations.

Vide Canada Gazette, vol. XXVIII., p. 832.

By proclamation of the 5th of February, 1895, under the provisions of section 82 of "The Indian Act," Revised Statutes of Canada, chapter 43, the sections of said Act numbered 83 to 92, both inclusive, and relating to the enfranchisement of Indians. shall be extended to the bands of Indians resident in the province of Manitoba.

Vide Canada Gazette, vol. XXVIII., p. 1453.

By Order in Council of the 1st of April, 1895, under sections 137 and 138, which are added to the Indian Act by section 11 of chapter 32 of the Acts 57-58 Victoria, section 12 of the regulations established by the Order in Council of the 10th November, 1894, was repealed, and the following section substituted therefor :—

" 12. If any child in an industrial or boarding school should leave such school without permission of the superintendent general, the assistant Indian commissioner, or of the principal of the school, or should any child who has been allowed out, fail to return at the stipulated time, any Indian agent or justice of the peace shall, on information made to that effect by any officer of such school, issue a warrant authorizing the person named therein to search for and take such child back to and again place it in the school in which it had been previously placed as aforesaid. But notwithstanding anything in this section, it shall be competent for any employee of the Indian Department, or any constable, to arrest without a warrant any child found in the act of escaping from any industrial or boarding school, and to convey such child to the school from which it escaped."

Vide Canada Gazette, vol. XXVIII., p. 1803.

Department of Justice.

Department of Justice.

By proclamation of the 1st of August, 1894, the words "or for the price of any intoxicating liquor or intoxicant" in the ninth and tenth lines of subsection 4 of section 88 of chapter 50 of the Revised Statutes, and the words "or any intoxicating liquor or intoxicant" in the last line of said subsection were repealed. (Act respecting the North-west Territories as amended by 57-58 Victoria, chapter 17.)

Vide Canada Gazette, vol. xxviii., p. 329.

By Order in Council of the 25th of August, 1894, the Ordinance of the Government of the North-west Territories passed on the 16th of September, 1893, viz., 56 Victoria, Ordinance No. 19, intituled "An Ordinance respecting Municipal Assessment and Collection of Taxes and Licenses," was disallowed.

Vide Canada Gazette, vol. xxviii., p. 333.

By proclamation of the 29th of November, 1894, Lieut.-General Alexander George Montgomery-Moore, the senior officer, for the time being, in command of Her Majesty's regular troops in the Dominion, assumed the administration of the Government of Canada during the absence out of the Dominion of the Governor General the Right Honourable Sir John Campbell Hamilton-Gordon, Earl of Aberdeen.

Vide Canada Gazette, vol. xxviii., p. 879.

By proclamation of the 28th of December, 1894, it was ordained that subsection 2 added by 57 and 58 Victoria, chapter 57, to the end of section 662 of the Criminal Code of 1892, should come into force upon the 1st day of January, 1895, said subsection being as follows:—

"2. Notwithstanding any law, usage or custom to the contrary, seven grand jurors, instead of twelve, as heretofore, may find a true bill in any province where the panel of grand jurors is not more than thirteen: Provided that this subsection shall not come into force until a day to be named by the governor by his proclamation."

Vide Canada Gazette, vol. xxviii., p. 1172.

By proclamation of the 1st of April, 1895, sections 5 and 6 of the Act 57 and 58 Victoria, chapter 13, intituled "An Act further to amend the Dominion Elections Act," were brought into force from that day.

Vide Canada Gazette, vol. xxviii., p. 1737.

Department of Marine and Fisheries.

Department of Marine and Fisheries.

Correction :—At p. xxxv. of the volume of Statutes for 1892 in the abridged Order in Council dated the 25th of April, 1892, for the Department of Marine and Fisheries, and suspending certain specified Orders in Council, at the fifth line from the bottom, the date 2nd September, 1891, should read 22nd September, 1891.

By Order in Council of the 19th of June, 1894, under the provisions of section 16 of "The Fisheries Act," chapter 95 of the Revised Statutes, the following regulation was made for the better protection of salmon and trout :—

Eel Fishing.

No one during the months of October and November shall fish for eels with a spear or torch in any waters of the Dominion of Canada frequented by salmon and trout.

Vide Canada Gazette, vol. xxviii., p. 25.

By Order in Council of the 26th of July, 1894, in virtue of section 16 of chapter 95 of the Revised Statutes of Canada, intituled "The Fisheries Act," the following regulations were made :—

"Fishing by means of nets of any kind, without lease or license from the Minister of Marine and Fisheries, is prohibited in the waters of Chiputneticook or Schoodie Lakes in the province of New Brunswick."

Vide Canada Gazette, vol. xxviii., p. 157.

By Order in Council of the 30th of June, 1894, under the provisions of section 16 of "The Fisheries Act," chapter 95, Revised Statutes of Canada, the following fishery regulations were adopted :—

REGULATIONS RESPECTING ANGLERS' PERMITS IN THE INLAND WATERS OF
[THE DOMINION OF CANADA.]

1. No person, other than a British subject, shall angle for, fish for or take any bass, maskinongé, pike, perch (pickerel) or trout in Canadian waters, without having first obtained therefor an angler's permit, issued by the local fishery officer in each district under the authority of the Minister of Marine and Fisheries.

2. Each person, not a British subject, shall pay for such angler's permit a fee of five dollars for a period of three months, or a fee of ten dollars for a period of six months.

3. One angler's permit only shall be issued to each applicant. Such permit shall not be transferable, and can be legally used only by the person

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whose name appears thereon. Each holder of an angler's permit shall be required to produce and exhibit his permit, when called upon to do so by any fishery officer.

4. No person shall use, under an angler's permit, more than one fishing line, provided with not more than three hooks.

5. No person shall, under an angler's permit, take, catch or kill, in one day, more than twelve bass or pike, perch (pickerel), twenty trout or four maskinongé.

6. No bass or pike, perch (pickerel) shall be retained or kept out of the water which shall measure less than ten inches in length, and no trout shall be retained or kept out of the water under six inches in length, but every person who takes or catches any of the fish mentioned, of a less size than the minimum measurement named, shall immediately return such undersized fish to the water from which they were taken, and shall, if possible, liberate such fish alive.

7. No person holding an angler's permit shall export, sell or offer for sale, any fish caught with hook and line.

8. Any person or persons violating any of the above regulations shall be liable to the fines and penalties provided by "The Fisheries Act," chapter 95 of the Revised Statutes of Canada.

9. Nothing in these regulations shall affect the rights of any person or persons holding leases of fishing rights from either federal or provincial authorities.

Vide Canada Gazette, vol. XXVIII., p. 243.

By Order in Council of the 1st of August, 1894, the fishery regulations of 30th June, 1894, were amended by adding thereto the following clause:—

"10. Foreigners, when temporarily domiciled in Canada and employing Canadian boats and boatmen, shall be exempt from the regulations requiring permits."

Vide Canada Gazette, vol. XXVIII., p. 243.

By Order in Council of the 24th of August, 1894, under the provisions of "The Bounty Act, 1891," 54-55 Victoria, chapter 42, the regulations governing the payment of fishing bounties established by Order in Council of the 2nd November, 1893, and the amendment of the 27th November, 1893, were rescinded and the following substituted therefor:—

1. Fishermen who have been engaged in deep-sea fishing for fish other than shell-fish, salmon and shad, or fish taken in rivers or mouths of rivers, for at least three months, and have caught not less than 2,500 pounds of sea fish, shall be entitled to a bounty; provided always that no bounty shall be paid to men fishing in boats measuring less than 13 feet keel, and not more than three men (the owner included) will be allowed as claimants in boats under 20 feet.

2. No bounty shall be paid upon fish caught in trap-nets, pound-nets and weirs, nor upon the fish caught in gill-nets fished by persons who are pursuing

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other occupations than fishing, and who devote merely an hour or two daily to fishing these nets and are not, as fishermen, steadily engaged in fishing.

3. Only one claim will be allowed in each season, even though the claimant may have fished in two vessels, or in a vessel and a boat or in two boats.

4. The owners of boats measuring not less than 13 feet keel which have been engaged during a period of not less than three months in deep-sea fishing for fish other than shell-fish, salmon or shad, or fish taken in rivers or mouths of rivers, shall be entitled to a bounty on each such boat.

5. Canadian registered vessels of 10 tons and upwards (up to 80 tons) which have been exclusively engaged during a period of not less than three months in the catch of sea-fish other than shell-fish, salmon or shad, or fish taken in rivers or mouths of rivers, shall be entitled to a bounty to be calculated on the registered tonnage, one-half of which bounty shall be payable to the owner or owners and the other half to the crew, except in cases where one or more of the crew shall have failed to comply with the regulations, then such share or shares shall not be paid.

6. The three months during which a vessel must have been engaged in fishing, to be entitled to bounty, shall commence on the day the vessel sails from port on her fishing voyage and end the day she returns to port from said voyage.

7. Owners or masters of vessels intending to fish and claim bounty on their vessels must, before proceeding on a fishing voyage, procure a license from the nearest collector of customs or fishery overseer, said license to be attached to the claim when sent in for payment.

8. Dates and localities of fishing must be stated in the claim, as well as the quantity and kinds of sea-fish caught.

9. Ages of men must be given. Boys under fourteen years are not eligible as claimants.

10. Claims must be sworn to as true and correct in all their particulars.

11. Claims must be filed on or before the 30th November in each year.

12. Officers authorized to receive claims will supply the requisite blanks free of charge, and after certifying the same will transmit them to the Department of Marine and Fisheries.

13. No claim in which an error has been made by the claimant or claimants shall be amended, after it has been signed and sworn to as correct.

14. Any person or persons detected making returns that are false or fraudulent in any particular will be debarred from any further participation in the bounty and be prosecuted according to the utmost rigour of the law.

15. The amount of the bounty to be paid to fishermen and owners of boats and vessels will be fixed from time to time by the Governor in Council.

16. From and after 1st January, 1895, all vessels fishing under bounty license are required to carry a distinguishing flag, which must be shown at all times during the fishing voyage at the main topmast head. The flag must be four feet square, in equal parts of red and white, joined diagonally from corner to corner. Any case of neglect to carry out this regulation reported to the Department of Marine and Fisheries, will entail the loss of the bounty, unless satisfactory reasons are given for its non-compliance.

Vide Canada Gazette, vol. xxviii., p. 333.

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By proclamation of the 8th of September, 1894, the regulations for the port of Sydney, N. S., as a quarantine station were amended by repealing so much thereof as sets apart a certain space in the said harbour where boats, ships and vessels are to anchor for quarantine purposes, and it was directed that all boats, ships and vessels of the class and description mentioned in the said regulations as liable to make their quarantine in the said harbour of Sydney, shall anchor wherever within the limits of the said harbour the medical superintendent of quarantine at the said port of Sydney may direct.

Vide Canada Gazette, vol. xxviii., p. 373.

By Order in Council of the 28th of May, 1894, the rate of wharfage on deals placed on government wharfs, piers, and breakwaters for export from Canada, was fixed at 10 cents per 1,000 feet deal measure.

Vide Canada Gazette, vol. xxviii., p. 705.

By Order in Council of the 21st of November, 1894, under the provisions of chapter 95 of the Revised Statutes of Canada, intituled "The Fisheries Act," the following fishery regulations for the sturgeon fishery in the province of British Columbia, were adopted:—

REGULATIONS FOR THE STURGEON FISHERY IN BRITISH COLUMBIA.

1. No one shall fish for, catch, kill, buy, sell or have in possession, any sturgeon in the province of British Columbia, between the 1st day of June and the 15th day of July, both days inclusive, in each year, nor shall any sturgeon be fished for, caught or killed during the weekly close time from Saturday morning at six o'clock until the following Sunday afternoon at six o'clock.

All nets or other fishing gear used and all fish caught, during the annual close season or the weekly close time, shall be liable to seizure and confiscation, and the person or persons so violating the law, shall be liable to the fines and penalties provided by the Fisheries Act.

2. Sturgeon fishing shall be carried on only by means of gill-nets, drift-nets and baited hooks, and no person or persons shall carry on sturgeon fishing except under license obtained from the Minister of Marine and Fisheries.

3. The meshes of all nets for catching sturgeon shall not be less than twelve inches extension measurement from knot to knot, when in use fishing, and nothing shall be done to practically diminish their size. The length of each set of the said gill or drift nets shall not exceed three hundred (300) yards in the water at one time.

The total number of sets of gill or drift nets to be used under license by any one person or company, shall not exceed five, and the joining of such nets together to make a continuous net exceeding 300 yards in total length is prohibited. The distance between adjacent nets when set for fishing shall not be less than 250 yards.

4. Not more than six (6) hooks shall be attached to each sturgeon line. Each of the said hooks shall be individually separated by a distance of not less than five (5) feet. Unbaited hooks are forbidden, and lines with hooks improperly baited with a view to evading this prohibition shall be seized and confiscated in accordance with clause 11 of these regulations.

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5. Sturgeon licenses shall be granted only to *bona fide* resident British subjects and no other person or persons shall be eligible for licenses. The holder of every sturgeon license shall be a *bona fide* resident British subject and the actual owner of the nets and other apparatus and fishing gear to be used under such license, and no transfer of such license or of the apparatus with which the fishing is carried on under such license, shall be made to any other person or persons whomsoever, unless written permission to do so shall have been obtained from the Minister of Marine and Fisheries.

6. Each sturgeon net and each sturgeon line shall have affixed to it a wooden or metal float, painted white and of such size as to be plainly visible, upon which shall be indelibly written or stamped the name or names of the licensee or licensees and the number of such net or line.

7. Each and every licensee carrying on sturgeon fishing shall make a return with a declaration thereto attached, under his, her or their signature, showing the number and aggregate weight of the sturgeon captured during the season for which such license was issued; such return and declaration shall be given to the local fishery officer within whose division the fishing is carried on, on or before the first day of December of the year for which such license was issued.

8. Sturgeon under four (4) feet in length shall not be fished for, caught, killed, bought, sold or had in possession by any one, but if captured in nets or by baited hooks or otherwise, such undersized fish shall be liberated alive immediately thereafter, and if not so liberated the person or persons failing to comply with this regulation shall be liable to the fines and penalties provided by the Fisheries Act.

9. Applicants for sturgeon fishing licenses shall describe in their applications the locality in which they desire to fish, the quantity of nets, lines and hooks and other fishing gear which they wish to be included in the licenses, and shall at the same time pay the fee or fees necessary to obtain such license or licenses.

10. The fee for the legal fishing season, payable on each sturgeon net of 300 yards, whether gill or drift net, under a license, shall be five dollars (\$5), and for each sturgeon line, a fee of one dollar (\$1).

11. All materials, implements, nets, lines or appliances used, and all fish caught, taken, killed, bought, sold or had in possession, in violation of these regulations, shall be seized and confiscated, and the possessors or the owners thereof shall furthermore be liable to the penalties provided by the Fisheries Act, and any licensee wilfully violating these regulations shall forfeit his license and shall not thereafter be eligible to obtain a sturgeon fishery license.

12. These regulations shall come into force forthwith in the province of British Columbia and shall supersede and revoke all or any other regulations now existing or in suspension in regard to sturgeon fishing in so far as they may relate to the province of British Columbia.

Vide Canada Gazette, vol. xxviii., p. 881.

By Order in Council of the 17th of January, 1895, under the provisions of "The Fisheries Act," chapter 95, Revised Statutes of Canada, section 5 of the general fishery regulations for Manitoba and the North-west Territories,

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prohibiting fishing with gill-nets on Lake Winnipeg, after the season of 1894, adopted by Order in Council of the 8th May, 1894, was rescinded.

Vide Canada Gazette, vol. xxviii., p. 1369.

By Order in Council of the 26th of February, 1895, in virtue of the provisions of the Act 57-58 Victoria, chapter 48, intituled "An Act to amend and consolidate the Acts relating to the Harbour Commissioners of Montreal," the following by-laws of the Corporation of the Harbour Commissioners of Montreal were confirmed and all other by-laws adopted by the said commissioners for their guidance were rescinded:—

BY-LAWS OF THE CORPORATION OF THE HARBOUR COMMISSIONERS OF MONTREAL.

Repeal.

1. The by-laws of the harbour commissioners of Montreal heretofore passed and in force are, and each of them is, hereby repealed.

Interpretation.

2. In these by-laws, unless the context otherwise requires:

- (1.) Whenever any matter or thing is expressed in the present tense, the expression shall be applied to the circumstances as they arise, so that due effect may be given to each by-law and every part thereof, according to its spirit, true intent and meaning.
- (2.) The expression "shall" shall be construed as imperative, and the expression "may" as permissive.
- (3.) Words importing the singular number include the plural also and the converse.
- (4.) Whenever power is given to any person, officer or functionary, to do or to enforce or to prevent the doing of any act or thing, all such powers shall be understood to be also given as are necessary to enable him to do or to enforce or to prevent the doing of such act or thing.
- (5.) The expression "commissioners" means the Corporation of the Harbour Commissioners of Montreal.
- (6.) The expression "harbour master" includes the deputy harbour master.
- (7.) The expression "owner" includes every part owner.
- (8.) The expression "vessel" includes every kind of boat, barge, dredge, elevator, scow, or floating craft and whether propelled by steam or otherwise, and "steam vessel" includes vessels propelled wholly or in part by steam or other engines.
- (9.) The word "raft" means any raft, crib, dram or bag boom of logs, timber or lumber of any kind, and includes logs, timber or lumber in a boom or being towed.
- (10.) The word "goods" means any movables other than vessels and rafts.

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Proceedings of the Commissioners.

3. A president shall be elected by the commissioners from among themselves, annually, at their first ordinary meeting in September, or at the earliest convenient period thereafter, and shall hold office until the election of his successor.

4. The president shall preside at all meetings of the commissioners, and shall have authority to maintain order and regularity; but, in his absence, one of the commissioners shall be chosen by vote to perform his duties, and, during such absence, shall have all the powers hereby conferred upon the president.

5. Ordinary meetings of the commissioners shall be held weekly on such day and at such hour as may be fixed by resolution; at which meetings any business within the jurisdiction of the commissioners may be dealt with and disposed of.

6. Special meetings of the commissioners may be called by the president or by any three of the commissioners; and a notice of every such special meeting shall be sent by the secretary to each commissioner, specifying the object for which such special meeting is called. And no business shall be transacted at any special meeting other than that which is specified in the notice so sent, or such business as is incidental or accessory thereto.

7. At the first ordinary meeting in September the commissioners may appoint standing committees, composed of commissioners, in such numbers and for such purposes as are determined by resolution.

Standing committees shall have the right to deal with all matters within the limits of the purpose for which they are so appointed respectively, to the extent to which they are authorized so to do by resolution.

Standing committees shall report their deliberations and decisions to the commissioners.

The commissioners may always reject or reverse any decision or determination of any standing committee, unless such decision or determination falls within the powers confided to them, and within their jurisdiction, and has been carried out before being reported to the commissioners; provided always that nothing herein shall enable the commissioners to reject or reverse any decision of three commissioners to whom any of the corporation's powers may have been delegated.

8. Special committees may be appointed at any meeting of the commissioners, to act in such manner as they are instructed by the resolution appointing them to do with reference to any matter with which the commissioners are competent to deal at such meeting.

9. The order of business at all meetings of the commissioners shall be as may be from time to time directed by the commissioners.

10. All debentures to be issued by the commissioners shall be signed by three commissioners. All other instruments shall be executed by the president or by the presiding commissioner. No instrument of any kind shall be binding on the corporation unless countersigned by the secretary. The provisions of this by-law may be varied as to any particular instrument by the resolution authorizing the execution thereof.

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11. This section shall be applicable only to such debentures as may hereafter be issued containing provisions for that purpose.

(a.) The secretary shall keep a register of the number and description of any such debentures as may be registered.

(b.) Any debenture may be registered by the secretary upon the written request of the owner thereof.

(c.) When any debenture is registered, the secretary shall record the fact of such registration, the date thereof and the name of the owner of the debenture in his register, and shall endorse the same upon the debenture.

(d.) Such registration shall suspend the negotiability of the debenture until the secretary shall have cancelled the same at the written request of the party legally entitled to the ownership of such debenture.

(e.) Upon the cancellation of the registration of any debenture, the secretary shall record in his register the fact of such cancellation, the date thereof, and the name of the party requiring the same, and shall endorse the same upon the debenture, and the debenture shall then become and remain negotiable as if the same had never been registered until such time as the negotiability thereof may again be affected by another registration.

(f.) The secretary may require such proof as he thinks necessary of the title and identity of any person requiring the registration or cancellation of registration of any debenture.

12. The corporation shall have no dealings of any kind with any of its members; nor shall any member thereof, or any officer or other person employed by, or in the service of the commissioners, be concerned, directly or indirectly, in any contract that may hereafter be entered into appertaining to any works carried on by the commissioners; but all transactions shall be conducted by and through the secretary or other officer specially authorized, subject to the approval of the board.

13. Each commissioner attending a meeting of the commissioners at the time fixed for holding the same shall be paid the sum of five dollars.

Officers.

14. The duties of the secretary and of the harbour master, and of all other officers of the commissioners, shall be performed by them subject to such particular directions and instructions as the commissioners may, from time to time, give or cause to be given.

15. No person shall, by act or omission, interfere with, obstruct or impede the harbour master, or other person in the performance of his duty whilst acting in the service of the commissioners, or shall aid, abet, encourage, prompt or order any person so to do.

16. Whenever any person is acting under a permission in writing from any officer or other person authorized to grant such permission, in connection with any matter or thing within the control or jurisdiction of the commissioners, he shall upon the first demand of the wharfinger or of the harbour master, or of any other official employed about the harbour by the commissioners, exhibit to the wharfinger, harbour master, or other official making such demand the writing containing such permission.

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Arrival of Vessels.

17. The agent, consignee, master or person in charge of every vessel arriving in the harbour, shall, without delay and before she breaks bulk, make and cause to be delivered at the wharfinger's office a true and correct report in writing, signed and certified by him, of the arrival of the vessel, of her tonnage, and of her draught of water, and, unless the same have been reported to the collector of customs, also of her cargo, and the value thereof; such report shall also contain a description of the rig of the vessel, the name of the vessel, and of her master or captain, the place from whence and the date when the vessel sailed, the name of the consignee thereof and of the pilot thereof; the number of men employed thereon, the number of passengers carried thereby, and the name of the steamer (if any) which towed the vessel into harbour: and shall pay all dues in respect of the vessel and of her cargo, to the wharfinger or other person authorized by resolution of the commissioners to receive the same; and shall also then pay all arrears of dues, and all penalties then due to the said corporation in respect of the vessel, or of her cargo on any previous voyage thereof.

18. The harbour master shall, according to his discretion, assign to each vessel arriving in the harbour, the berth it shall occupy, giving precedence, however, when practicable, to a vessel with cargo over a vessel in ballast, or taking in cargo; and may change such berth from time to time as he sees fit; and such assignment of a berth may be made by a verbal notice to the agent, consignee, master or person in charge of the vessel, and either on each trip of the vessel, or for the whole business season. And no vessel shall take up or occupy a berth in the harbour, unless such berth has been assigned to her by the harbour master.

19. The colours of every vessel arriving in the harbour shall be kept flying until the report above mentioned has been made and delivered, and until the harbour master has allotted a berth to the vessel; and the blue peter shall be hoisted on every vessel twenty-four hours previous to her departure from the harbour.

20. During the prevalence of any epidemic, or when there is a cause to apprehend the spread of any infectious or contagious disease, the harbour master may designate and set apart some certain anchorage, wharf, or place, for any vessel arriving in the harbour, where such vessel shall remain until such sanitary precautions have been used as are appointed in that behalf by a resolution of the commissioners; and upon the delivery of a verbal notice of the appointment of such anchorage, wharf, or place—with a copy of such resolution—to the agent, consignee, master or person in charge of such vessel, either before or immediately upon her arrival in the harbour, such vessel shall forthwith proceed to such anchorage, wharf, or place, and there remain until the terms of such resolution have been fully complied with.

21. Every vessel entering the harbour shall have a water gauge marked conspicuously and accurately on her stem and stern; and her name shall be painted on the stern, bow or quarter, so as to be easily discerned from the wharf; and the tonnage of each river craft entering the harbour shall be cut into the face of the foreside of the beam forming the after part of the main hatch, in figures of not less than four inches in length, and in such manner as to be visible from the deck.

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22. No steam vessel, while within the harbour above the Victoria pier, shall move at a rate exceeding five knots an hour over the ground.

23. No vessel shall anchor within the harbour in such a place or position as to prevent a free and unobstructed passage for all other vessels to and from the harbour, and to and from the entrances of the Lachine Canal, or any wharf in the harbour.

Departure of Vessels.

24. No vessel shall leave the harbour until the agent, consignee, master or person in charge thereof has made and delivered to the collector of customs or the wharfinger a full and correct report in writing, signed and certified by him, of her outward cargo, with the description thereof in detail, and its value, and also of her draught of water; nor until all dues on the vessel and on her cargo, and all penalties incurred in respect of the vessel or by the master or person in charge of the vessel, and all costs and charges with which the vessel or the master or person in charge thereof is chargeable towards the commissioners, have been fully paid.

25. All rates, dues or penalties in respect of any vessel or cargo shall be paid or secured to the satisfaction of the commissioners before such vessel or cargo leaves the harbour of Montreal, and in default thereof the secretary may cause such cargo or vessel to be seized and held therefor, and may require the collector of customs to refuse clearance papers to such vessel.

Vessels lying in the Harbour.

26. All vessels in the harbour shall be under the control of the harbour master, so far as regards their position, mooring, fastening, removal and the space and other accommodation masters or persons in charge thereof may require from each other; and no person on board or in charge of any vessel in the said harbour shall disregard or disobey the orders of the harbour master in such respects, and in the event of disregard or disobedience of the orders of the harbour master to move any vessel, the harbour master may cast off or cut away the hawsers or other fastening of such vessel, or may cut away any ring or post to which such hawsers or other fastening is attached; and in such event, in addition to the penalty hereinafter provided for, the master of such vessel shall pay to the commissioners the damage (if any) caused to the wharf or wharfs by cutting away of such ring or post; and the expense of replacing it.

27. In the event of the refusal or neglect of any person on board of any vessel to obey the orders of the harbour master to move the vessel under the powers conferred upon him by the last preceding section—the harbour master may take possession of, and move the vessel; and may use any reasonable means and force for that purpose; and may moor, anchor, or make fast the vessel at such other place as he thinks fit, and at the expense of such vessel and her owner.

28. No raft shall be or remain in any part of the harbour, except with the express permission of the harbour master, and in case of the violation of this by-law in respect of any raft the harbour master may cut the same adrift.

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Rafts whilst in the harbour shall be kept in proper control, and no raft shall move therein below the Victoria bridge except the same shall be in tow of a steam vessel.

29. No hawser or rope shall be run or fastened across any part of the harbour, excepting for the express purpose of hauling a vessel in or out immediately, or for the purpose of hauling a vessel off the ground, in which cases the hawser or rope shall be slackened in order to give a free and uninterrupted passage to any other vessel that requires to pass.

30. Vessels lying at any wharf, or within a pier, within the limits of the harbour, shall not have an anchor out, except for the purpose of immediately hauling in or out.

31. The shore fastenings of every vessel within the harbour shall be attached to the rings placed on the outer edges of the wharfs, or to mooring posts, and shall not in any manner cross or traverse the wharfs, or be attached to any lamp post or to any matter or thing on the wharfs other than the fastenings specially provided for that purpose.

32. All vessels lying at the wharfs within the harbour shall have their yards topped up, their booms and outriggers rigged in, their jib-booms and flying jib-booms rigged in as far as practicable, their studding-sail-boom-irons taken off, their sprit-sail-yards laid fore and aft, and their anchors secured, so as to avoid doing damage to other vessels.

33. No master or other person in charge of, or on board of any vessel within the harbour, to which any other vessel is made fast by any rope, hawser or chain, shall cut or cast off such rope, hawser or chain, or cause or permit the same to be cut or cast off, without giving ample and distinct notice of the intention so to do to the master or person in charge of the vessel so made fast.

34. Every steam vessel at any of the wharfs in the harbour, or at any landing place within the harbour, shall provide a good and sufficient gangway from the vessel to the wharf or landing place, with ridge ropes on both sides, supported by wooden or iron stanchions not less than three feet high, for the use of persons going and coming from on board the vessel; and at night a light which shall be provided by the vessel shall be placed on every such vessel near such gangway, so that such gangway may be seen clearly from the wharf and from on board the vessel.

35. Any vessel lying next the stream shall, when required by the harbour master, permit any other vessel to moor alongside and to make fast. When two or more vessels are lying at the same wharf, one outside of the other, and if the outside vessels have no gangways of their own extending to the wharf, a free and unencumbered passage over the decks of those nearest the wharf shall be allowed to those lying outside of them, as well for loading or unloading such outside vessel or vessels, as for ordinary communication with the shore.

36. Any vessel aground within the harbour shall show three bright white lights over that side or end of such vessel nearest which other vessels must approach in passing her; and any vessel overreaching the end of any wharf shall exhibit a red light where best it can be seen on such end of said vessel as overreaches the wharf.

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Vessels loading and unloading.

37. Loading or unloading from vessels or rafts in the harbour shall commence as soon as possible and shall be carried on continuously and to the satisfaction of the harbour master.

38. No explosive or easily inflammable substances, nor any coals shall be landed except where the harbour master shall direct, and when landed the same shall be immediately removed and taken away from such wharf by the owner or consignee thereof as fast as they are landed thereon; and no appointment of a berth, or permission to land the cargo of any vessel at any wharf, shall entitle the owner, master or person in charge of such vessel to land such articles opposite such berth or upon such wharf, unless permission has also been granted by the harbour master to land the same thereon as hereinbefore provided.

39. Vessels loading or unloading, whether on the wharfs or into lighters, or into any other kind of vessels, shall have a good tight canvas save-all stage or spout, in order to prevent any portion of their cargo from falling into the water.

Precautions against Fire.

40. A watch, consisting of one or more grown persons shall be kept, and maintained from sunset to sunrise on board of every vessel in the harbour, and such watch shall instantly give the alarm in the event of any danger, accident, disturbance, or fire on board of such vessel, or on board of any other vessel in the harbour, as soon as perceived; and the failure of the watch on any vessel to respond to the call, hail or inquiry of any officers of the commissioners or the police shall be a violation of this by-law.

41. Every vessel lying in the harbour shall be supplied with not less than six buckets holding at least four gallons each and filled with water, which shall be placed and shall stand during the whole of the said period at some convenient place upon the deck of such vessel, ready for instant use in case of fire.

42. The master or person in charge of any vessel lying alongside of any of the wharfs, or adjoining to any other vessel, shall cause her hatchways to be securely and completely covered with hatches or gratings, at all times when the work of loading and unloading is not actually proceeding.

43. All steam vessels, except those using coal for generating steam, shall, while within the harbour, have wire caps fitted over their chimneys so as to prevent sparks issuing therefrom, the interstices of which caps shall not be more than one-quarter of an inch square.

44. All steam vessels while navigating the other waters within the port of Montreal (those using coal for generating steam excepted), shall have wire caps to their chimneys (the interstices of which caps shall not be more than one-quarter of an inch square), to be fitted over the chimneys, so as to prevent sparks issuing therefrom while lying at any wharf, or when approaching or leaving the shore, or when towing any vessel.

45. No person shall boil or heat tar, pitch, turpentine, resin or grease, or cause the same to be boiled or heated, for grading or breaming vessels, or for any other purpose, in any vessel, or on any part of the wharfs, beaches or

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jetties in the harbour, except in such places as the harbour master points out; and in every case, a proper person shall be placed in charge of the pot or kettle in which the same is boiling or heating, and shall be provided with a shovel, and a sufficient cover, for instantly extinguishing any fire arising from the ignition of such tar, pitch, turpentine, resin or grease, and for extinguishing completely the original fire, when the purpose for which it was kindled has been accomplished; and no vessel shall be graded or breamed within the limits of the harbour without the permission of the harbour master.

46. Except on sea-going vessels, no fire or light of any kind shall be used between sunset and sunrise on board of any vessel, whilst lying at a wharf within the harbour and loaded with any hay or straw, and all such hay or straw shall be kept completely and constantly covered with tarpaulin or oil-cloth.

47. No fire shall be used, or suffered to remain alight, on board of any vessel in the harbour, except in close cambooses of iron or other metal, or of brick or stone, when made on deck, or in stoves of similar materials when under deck; and when made on deck such fires shall not be lighted before sunrise, and shall be extinguished at sunset; but fires necessary for generating steam may at any time be made on board of any steam vessel, if there is a competent person keeping watch on board.

48. No oil or lamps, except when in actual use for illuminating purposes, shall be kept in any of the sheds upon the wharfs within the harbour. All persons having oil or lamps for use upon the wharfs with the harbour, shall provide lamp rooms and tanks, so constructed as to be fire-proof and to be easily movable, the whole to the satisfaction of the harbour master; and except when in actual use, all such lamps and oil shall be kept in such lamp rooms and tanks as aforesaid.

49. No keg, package or other receptacle containing any explosive substance, except such as are kept for the necessary use of a vessel upon which the same may be, shall be brought into the harbour without the express permission of the harbour master.

50. The owner or consignee of any explosive or of any keg, package or other receptacle containing any explosive substance, and the master or person in charge of any vessel upon which the same may be, shall immediately after the arrival thereof at the harbour of Montreal, report to the harbour master the nature, quality and quantity of such explosives.

51. No keg, package or other receptacle containing any explosive substance shall be landed at any place within the harbour except with the written permission of the harbour master, nor unless and until suitable vehicles are on the wharf in readiness to convey the same away.

52. No keg, package or other receptacle containing any explosive substance shall be allowed to be in any open boat, or upon the deck of any vessel or upon any wharf or in any vehicle within the harbour, except the same be covered over and protected by tarpaulins or other suitable coverings.

53. No keg, package or other receptacle containing any explosive substance shall be brought to or placed upon any wharf for shipment, unless and until the vessel on which the same is to be shipped is ready to receive the same immediately on board.

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54. The harbour master may in his discretion give particular directions as to the moving or handling of any keg, package or other receptacle containing explosives brought within the limits of the harbour, and any person neglecting to comply with such directions shall be guilty of an offence against these by-laws.

Encroachments and Encumbrances.

55. No goods or substances of any kind or buildings shall be placed on any wharf nearer than eight feet from the edge thereof, nor shall any goods or substances of any kind or buildings be placed on any wharf in the harbour, or on the beach thereof, in such manner as to obstruct the access thereto or the thoroughfare thereon, and if the same be so placed, the owner or person in charge thereof or the person by whom they were so placed shall forthwith remove the same upon the order of the harbour master to that effect.

56. No rubbish, refuse, ashes or other material shall be thrown into the harbour, nor shall any material of any kind except goods in course of transit, material for the use of ships or to be used in connection with the shipping of goods, or the cars, sheds or vessels in the harbour be brought or left upon the wharfs, and if such material be so brought or left, the same shall be removed by the owner or person in charge thereof, or by the person by whom the same were so brought and left, forthwith upon the order of the harbour master to that effect.

57. All goods shall be removed from the wharfs as soon as possible, and no goods landed from any vessel shall remain on the wharf more than four clear working days after the discharging of the vessel in which they shall have arrived, nor shall any goods intended to be loaded upon any vessel so remain on the wharfs for a greater period than four clear working days.

58. Cattle and live animals other than horses working on the wharfs, shall not be allowed on the wharfs except whilst in the course of being conveyed to or from the harbour by water, nor to remain on the wharfs for a longer period than three hours, and then only whilst in charge of competent drivers.

59. The commissioners may, from year to year, allot for the use of any regular line of vessels trading to the harbour of Montreal any space or portion of the wharfs, piers, or vacant ground, and the harbour master or such other officer as is thereto authorized by the commissioners, may, on behalf of the commissioners, and under their directions, permit the erection thereon of temporary buildings and plant, and he may, acting as aforesaid, allot any part of the same for the piling thereon of firewood or other lumber, or of other articles, the whole subject to such rate of charges, and for such period as is, from time to time, fixed by the commissioners; and such allotment shall be in writing. Upon the expiry of the term of such allotment, the space so allotted shall be forthwith cleared of all buildings, goods or material of any kind, by the person to whom the same may have been allotted.

60. No person shall erect or place any shed, shanty, boat-house, or movable or other building of any kind or nature whatsoever, in or upon any place within the boundaries of the harbour, without the express permission in writing of the harbour master being first obtained, under such rules and restrictions as the commissioners appoint.

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61. If any breach of the last six foregoing by-laws is committed, the harbour master may remove anything in respect of which such breach has been committed; and such removal shall be at the cost and charges of the owner or consignee of such thing, or of the master or person in charge of the vessel from which it has been landed, at the option of the commissioners; and such costs and charges and any further or other reasonable costs and charges in respect thereof, and of the custody and safe-keeping thereof, and all penalties incurred in respect thereof, shall be a lien upon such thing, which shall not be delivered up by the commissioners to any person whomsoever, until all such costs, charges and penalties have been paid. And notwithstanding such removal, such thing shall continue to be at the risk of the owner thereof; and if the costs and charges thereon, and all penalties due in respect thereof are not paid, and such thing is not taken away by the owner thereof, or his representatives, within thirty days after such removal, it may be sold by public auction for the benefit of whom it may concern, and the commissioners shall only be accountable in respect thereof for the net proceeds of such sale, less all such costs, charges and penalties.

62. No person shall make or dress any masts or spars, or do any carpenter's work on any of the wharfs, beaches or jetties in the said harbour, except with the express permission of the harbour master previously obtained, and at such place as he has designated for the purpose.

63. No ballast, coal, ashes, cinders, hay or straw, or matter or thing whatsoever by which the navigation may be impeded or injured, shall be thrown into the water in the harbour; nor shall any oil, tar or other like substance be discharged or drained into the water of the harbour.

64. No person shall place, pile, deposit or leave any stones, dirt, rubbish, snow, ice, or other matter or thing whatsoever, upon the revetment wall, or upon any of the wharfs or jetties in the harbour, or upon any part of the beach thereof, or upon the roads or open spaces therein, or upon the ice thereon in winter, except in the latter case in such place as is designated for that purpose by the harbour master or harbour engineer.

65. No person shall cut ice, or make any holes in the ice, or make any road thereon, or occupy the same in any manner, within the limits of the harbour, except at such place or places therein as are allotted and designated by the harbour master or the harbour engineer, for those purposes respectively; and no person shall convey away, destroy, injure, or deface any pickets or other marks placed on the ice for the purpose of indicating the limits within which any road may be made, or ice cut, or within which any rubbish, snow, or ice may be deposited; and no person shall destroy, injure, deface or carry away any pickets or other marks placed on the ice by the harbour engineer in the performance of his duty.

66. No placards or bills or advertisements of any kind shall, except with the written consent of the harbour master, be placed on any of the walls, fences, wharfs, poles, posts or buildings within the harbour limits, nor shall any disfigurement whatsoever be caused thereto.

67. No person without the consent of the commissioners, shall encroach, enter upon, take possession of, or use any part or portion of the harbour or port of Montreal, or any part or portion of the immovable property, lands or beach, the control and management whereof are vested in the commissioners.

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Vehicles.

68. No person shall drive a horse on any of the wharfs, or any of the ramps leading to the wharfs, at a quicker motion than a walk; and all vehicles going to or from any vessel in the harbour shall take the ramp nearest to such vessel.

69. No vehicle shall be permitted to stand on any wharf in the harbour in such a manner as to obstruct the passage to and fro upon such wharf,—or to or from any vessel arriving or lying at, or departing from such wharf; nor shall any driver of any vehicle, or any other person, obstruct, importune, or annoy any person, landing from or embarking on board of any vessel in the harbour.

70. Every person in charge of a horse, or of any vehicle drawn by a horse, shall remain beside such horse, except when loading or discharging such vehicle, and shall not then go so far that the horse is beyond his control; and no cabman or driver of any vehicle on any wharf in the harbour shall leave such vehicle on any pretense whatsoever, until he has been called and his vehicle engaged.

71. (a.) No railway car, carriage or truck shall be brought within the following limits, to wit, upon the wharfs or piers, or upon the property of the commissioners, except for the purpose of loading or unloading goods conveyed to or from the harbour by water.

(b.) No locomotive shall be brought within the said limits, except between such hours as the harbour master directs, and then only for the purpose of moving cars, carriages or trucks; and no more locomotives shall be used for such purpose than are absolutely necessary.

(c.) No such car, carriage, truck or locomotive shall stand or remain within said limits in such a way as to interfere with the free access from the different ramps to the harbour.

(d.) All cars, carriages, trucks or locomotives shall be moved from place to place in or from the said limits, as the harbour master or other officer acting for him may, from time to time, direct, and if within one hour from the giving of such direction, such car, carriage, truck or locomotive shall not have been moved in accordance therewith, the harbour master or other proper officer may move or cause it to be moved at the expense of the railway company by which it was brought upon the wharfs.

Obstructing Navigation.

72. If any mark, placed or to be placed in any part of the harbour, or within its limits, to facilitate the business or purposes of the commissioners, or any dredge lying or in operation in the harbour, is removed, carried away, destroyed, or injured by any person, or by any vessel, or vehicle, such mark or vessel shall be replaced, if possible, and the damage shall be repaired or made good forthwith at the expense of the vessels or persons causing the same, and by the owner, agent, consignee, master or person in charge of such vessel, or vehicle, and within forty-eight hours from such removal, destruction, or injury, failing which, such person, master, owner, consignee, shall incur the penalty hereinafter fixed for the breach of any of these by-laws.

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73. No person shall encumber navigable water within the limits of the port of Montreal, or any of the harbours, creeks, inlets and beaches within the said limits, or shall in any way obstruct the navigation thereof with stones, filth, rubbish, timber, logs, spars, rafts or cribs, wrecks of steamers or other vessels; or throw therein coal, ashes, cinders, hay, straw, ballast, or any other matter or thing by which the navigation may be impeded or injured; or throw the same into the water at or near any wharf or landing place, and a further like penalty to that which is hereafter imposed for a breach of this by-law shall be incurred by any person guilty of such breach, if he does not remove or cause to be removed any such encumbrance or obstruction within a reasonable time to the satisfaction of the commissioners after being required so to do by the officer appointed for such purpose by the commissioners, and a further like penalty for every subsequent day during which such encumbrances or obstructions are not removed.

74. No person shall, in the port of Montreal,—

- (a.) Encumber the water or shore in any manner;
- (b.) Obstruct, impede, or injure the navigation in any manner;
- (c.) Throw, drain or discharge into the water, or deposit on shore, anything likely to cause such encumbrance, obstruction, impediment or injury, or to injuriously affect vessels or rafts, or to cause a nuisance of any kind, or to cause danger to health.

(2.) In this by-law the word "shore" means every part of the port of Montreal above low water mark, and includes all structures of any kind.

(3.) And for greater certainty, but not so as to restrict the generality of the foregoing provisions, it is hereby declared that ballast, stones, earth, coal, ashes, cinders, hay, straw, chaff, grain, grease, chemicals, oil, tar, pitch, filth and rubbish of all kinds, come within the meaning of paragraph (c).

GENERAL REGULATIONS FOR THE PORT OF MONTREAL.

75. No vessel while under weigh or drifting down shall trail her anchor.

76. Every steam vessel, whilst navigating within the pilotage district of Montreal, during fogs, shall reduce the rate of speed to not exceeding half speed.

77. No vessel drawing eight feet of water or less, and no barge or raft whatsoever, shall—except in case of accident, or stress of weather, or force of current—use the deep-water channels in the following portions of the river St. Lawrence:—

- (1.) Near Pointe-aux-Trembles (*en haut*).
- (2.) At, between and near Varennes and Pointe Marie.
- (3.) The portion through which the Contrecoeur Channel passes.
- (4.) In Lake St. Peter between the upper end of the St. Francis bank and the English bank.
- (5.) At or near port St. Francis.
- (6.) At, between and near Batiscan and Cape Charles.

78. All rafts descending the river, whether in tow of a steamer or otherwise, shall—

- (a.) Keep the northward of Isle-de-Laurier, or Laurette Island, and Isle Bellegarde, and—

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(b). When opposite to Isle-au-Raisin, leave the ship channel and follow the straight channel marked by two beacons on Isle-à-la-Pierre, keeping the said beacons in a line, and passing to the south of buoys placed to mark the channel for rafts. And the penalty incurred by the breach of this by-law shall be so incurred as well in respect of any steamer towing any raft infringing this by-law as in respect of such raft.

79. All rafts navigating the waters within the limits of the port of Montreal shall have the name of the owner thereof legibly painted in letters not less than eighteen inches long on both sides of a board not less than five feet in height, to be affixed to the *cabane* or other permanent place on the raft, so as to be easily discernible.

80. No vessel shall, between Quebec and Montreal, pass another vessel proceeding in the same direction in any dredged channel (excepting the straight reaches in Lake St. Peter), nor shall any such vessels so pass in any of the undredged channels except there be a distance of three hundred and fifty feet between the two vessels as they pass. In every case a vessel overtaking another at a greater rate of speed and intending to pass, shall signal the other when at a distance of half a mile by giving one prolonged blast on its steam-whistle, to which the other shall immediately answer by a similar signal. And thereupon and while the one vessel is overtaking and passing the other, if there be not more than three hundred and fifty feet between them, the latter shall slacken its speed to dead slow and the former shall also slacken its speed to a rate merely sufficient to allow it to pass the other.

81. All up-coming vessels, on each occasion, before meeting downward-bound vessels at sharp turns, narrow passages, or where the navigation is intricate, shall stop, and, if necessary, come to a position of safety below the point of danger, and there remain until the channel is clear.

These directions apply to the following points :

- Cape Charles.
- Cap-à-la-Roche.
- Cape Levrard.
- Grandmont Pouillier.
- Champlain Pouillier.
- Bécancour Pouillier.
- Three Rivers.
- Iron Shoal.
- Black and White Buoy.
- Lightship No. 1.
- The point of Soldier's Island.
- Iron buoy at lower end of Contrecoeur Channel.
- The curve below the small traverse of Contrecoeur Channel.
- The black and white buoy in the upper part of Contrecoeur Channel.
- Verchères Point.
- The Pouillier at 'Three Buoys's' below Cap St. Michel.
- Cap St. Michel.
- Varenes.
- Pointe-aux-Trembles (*en haut*).
- St. Mary's Current.

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82. Any tow-boat engaged in assisting in the movement of any vessel shall whilst so engaged be subject to the direction of the pilot or person in charge of such vessel.

REGULATIONS FOR THE RIVER RICHELIEU.

83. No vessel shall be anchored or moored within the limits of the port of Montreal, so as to prevent a free and uninterrupted passage for all other vessels, or a free and safe access to or egress from the harbour of Sorel or to and from any wharf therein at which any vessel is accustomed to take her berth.

84. No raft shall be anchored or moored lower down in the harbour of Sorel than one hundred feet above the grist-mill, and every such raft shall be moored or anchored on the west side of the river, so as not to extend further out in the stream than one hundred and fifty feet from the beach.

85. All steam vessels departing from the harbour of Sorel at night stern foremost, shall carry a distinguishing red light at the head of the flag-staff at the stern, and shall continue to carry such light until clear of the entrance of the said harbour.

86. No vessel in the harbour of Sorel, from sunset to sunrise, shall lie at an outside berth, so that two vessels shall not be abreast at any wharf excepting whilst transshipping freight, to the risk, inconvenience and detention of the mail and other steamers entering or leaving the said harbour.

87. The master or person in charge of every steamer towing any vessel in the River Richelieu, whenever such steamer calls or stops at the harbour of Sorel, for any cause whatever, shall be bound to leave the vessel in tow of such steamer, either in the River St. Lawrence or in that part of the Richelieu which is above the ferry at the foot of George street in the town of Sorel; the whole in such wise as in no way to obstruct the navigation of either of the said rivers or the wharfs on the River Richelieu opposite the town of Sorel, or any of them.

88. All rafts towed up the Richelieu River within the limits of the port of Montreal shall be kept to the starboard or right hand-side of the river, so as to give a free passage at all times to all other vessels requiring to pass up or down the river.

89. The following provisions apply to vessels placed, anchored or moored in the harbour of Sorel, for winter quarters :—

- (1.) No vessel shall anchor or be moored nearer a wharf than at the distance of ten feet therefrom.
- (2.) Not more than two vessels shall be abreast at any of the wharfs, and the outside vessel shall be moored or fastened at a distance of at least ten feet from the inner one.
- (3.) No vessel shall be anchored or moored at any of the wharfs nearer another vessel longitudinally than 30 feet therefrom.
- (4.) No schooners, barges, bateaux, or other small river craft, shall be placed, anchored or moored, between the space comprised without the entrance to the said harbour and the point opposite the building known as the steam mill.

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(2.) If there is any breach of the foregoing provisions of this by-law, and if the owner, agent, master or person in charge of the vessel fails to comply with the said provisions within one hour after he has been required so to comply by any person authorized by the commissioners to make such requirements, he shall be held to have committed an additional breach.

REGULATIONS RESPECTING PILOTS.

Committee of Pilots.

90. The pilots for and above the harbour of Quebec shall appoint annually from amongst themselves a committee, who shall be recognized by the commissioners as representing the said pilots in all matters relating to pilotage.

Apprentice Pilots.

91. No person shall be recognized as an apprentice pilot within the meaning of the Pilotage Act or of these by-laws, unless he has been previously licensed as an apprentice pilot under by-laws 91 and 92; nevertheless, these regulations shall apply to apprentice pilots licensed before the coming into force thereof to such extent as the commissioners may deem practicable in view of the time any such apprentice pilot may serve after such date.

92. Any person who desires to obtain a license as an apprentice pilot shall make application in his own writing to the commissioners for such license; but if any such applicant is a minor, no proceedings shall be had upon such application until it has been sanctioned by his tutor or lawful guardian.

93. The commissioners shall examine the applicant, and may grant him a license as an apprentice pilot, if, on such examination, they are satisfied—

- (1.) That he is above the age of 16 years, and under the age of 30 years;
- (2.) That his character for sobriety and honesty is good;
- (3.) That he is able to read and write either English or French.

94. Every apprentice pilot shall serve five years, of which five seasons of navigation shall be spent on vessels trading between Montreal and Quebec or points below Quebec, on the St. Lawrence, and the two last seasons under indentures to a licensed pilot, of which service such apprentice shall furnish satisfactory proof.

95. The apprentice, during the winter season, shall make three ocean voyages before the mast, to and from Europe or South America, one of which shall be on a sailing vessel.

96. If after five years' apprenticeship an apprentice pilot is found competent by the commissioners before his branch is granted, a permit will be granted him to serve, and he shall make fifteen trips up and down between Montreal and Quebec, under different pilots, the apprentice being under the control of the commissioners, and all pilots shall take such apprentices with them when they are piloting vessels, if required so to do by order of the commissioners.

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Admission of Apprentices to be Pilots.

97. When an apprentice pilot has furnished proof that he has duly performed the terms of his apprenticeship and has complied with all the provisions of sections 91, 92, 93, 94 and 95, and if he has passed a satisfactory examination before the commissioners, his name shall be entered as qualified to receive his branch whenever an addition to the number of pilots becomes necessary.

98. No apprentice pilot shall be eligible to obtain a license as pilot who is under the age of twenty-one years, or above the age of forty years, nor unless he has also satisfied the commissioners that his character for sobriety and honesty is good, and that he is possessed of the qualities requisite for a good pilot, and that he is able to write and speak both English and French, and has passed an examination before the commissioners in the presence of the committee of pilots as to his competency and knowledge of the navigable waters within the jurisdiction of the commissioners.

99. Until the commissioners, to meet the requirements of the trade, shall, with the consent of the Governor in Council, pass a by-law to that effect, the number of pilots shall not be increased beyond fifty-five.

Records and Fees.

100. A record shall be kept of applications for licenses as apprentices or pilots, together with the examination of such apprentices or pilots, which may be taken by a shorthand writer if the commissioners deem fit. And a record shall also be made and retained of the name in full, and the age of every applicant licensed as an apprentice or as a pilot, and of all the other matters required to be reported to the Governor in Council under the Pilotage Act.

101. The fee payable for each license to an apprentice shall be five dollars, and for each license to a pilot ten dollars.

Retirement and Removal of Pilots.

102. Any pilot who is desirous of temporarily ceasing to act as a pilot, may make application to the commissioners for permission so to do, and such permission may be granted by the commissioners if they see fit.

103. When a licensed pilot has attained the age of sixty-five years, if he has complied with the provisions of the 32nd section of the Pilotage Act, by producing and delivering up his license to the commissioners, and if, upon examination by the commissioners, he is found competent to perform the duties of a pilot, he shall receive a license for one year, and thereafter from year to year so long as he continues such compliance and is so found competent.

104. Every pilot or apprentice pilot who is guilty of any breach of any by-law of the commissioners, or of any dereliction of duty, is liable to have his license suspended or permanently withdrawn. And any pilot whose license is so suspended or withdrawn shall forthwith deliver his license to the commissioners.

105. If at any time complaint is made to the commissioners that any licensed pilot has become incapacitated by mental or bodily infirmity, or by habits of drunkenness, to perform his duty as a pilot effectively, such pilot

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shall be notified of such complaint, and thereafter—at a time and place to be fixed for the purpose by the commissioners—inquiry shall be made under oath into the truth of the complaint, on which inquiry the accused pilot shall have the right to adduce evidence on his behalf, and shall be heard in person or by attorney in his own defence, if he desires it. And if such complaint is found to be true, the accused pilot may be altogether deprived of his license, or may be suspended from acting as a pilot under such license for such time as the commissioners determine.

106. If any dispute arises between any master or person in charge of any vessel and any pilot respecting any matter within the jurisdiction of the commissioners, and if either party makes complaint to the commissioners in respect of such dispute, the commissioners shall decide upon such dispute, after hearing the parties and their witnesses and examining such evidence as is laid before them on the subject; and the order or award made by the commissioners upon such dispute shall be final and binding on all the parties thereto: and if any person concerned in such dispute refuses or neglects to obey the order or award, he shall be held to be guilty of a breach of these by-laws.

Employment of Pilots.

107. There may be an office of the commissioners in Quebec, and the officer in charge thereof shall manage such business as may, under their regulations, be transacted there, and shall execute any instructions that are given him by the commissioners.

108. The officer appointed to represent the commissioners in Quebec, shall prepare a register of pilots and designate them in their turn for service in rotation throughout the season, and shall secure to each pilot his regular turn, save and except those cases to which reference is made in the two next succeeding articles.

109. Any pilot may, subject to the commissioners' approval, agree with the agent of not more than one transatlantic line for special service for a season of navigation on any vessels of such line for not exceeding thirty trips between Montreal and Quebec either up or down, or with the agent of any gulf port line for similar service on any vessels of such line for not more than the proportionate number of trips which would fall to such pilot if such line employed one pilot for each two vessels.

No pilot making such agreement shall, during the season of navigation to which the same is intended to apply, be entitled to any duty as pilot by turn or in rotation.

110. The master, or agent, of any vessel requiring a pilot shall notify the officer at Quebec, who shall thereupon designate the first three pilots on the register for the service, and the master or agent may select any one of such three. And the officer at Quebec shall be satisfied that the selected pilot has not directly or indirectly used any influence to secure himself such pilotage. And in case of any pilot being employed out of his turn for any purpose, on his again presenting himself at the office at Quebec, his name shall be placed last on the register.

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111. Every vessel liable to compulsory payment of pilotage dues and moving into or out of the limits of the harbour of Montreal or from one point to another within the same, shall pay such dues for the service of a branch pilot, except in the case of vessels which are merely shifting their positions at a wharf and attached thereto by their moorings.

112. No pilot shall serve a larger proportion in number of ships or vessels than the harbour commissioners deem expedient to determine, from time to time, by orders regulating the number of vessels in any particular trade or trades, which any one pilot may serve. And after due notice has been given to any pilot of any such order, he shall not accept engagements, violating such order, or in excess of the number of engagements to which he is entitled under such order.

Discipline of Pilots.

113. No pilot shall disobey any summons or directions of the commissioners; nor shall any pilot in attendance upon the commissioners in obedience to such summons or directions absent himself until regularly discharged.

114. Every pilot shall behave himself civilly, and shall be strictly temperate and sober when called on to perform any of the duties of his office and whilst performing the same, and shall use the utmost care and diligence for the safe conduct of every ship or vessel, whether in tow of a steam vessel or not, while under his charge, and shall use the utmost care to prevent her from doing damage to others.

115. No pilot shall demand or receive any higher or greater sum for the pilotage of any vessel than is allowed by the tariff of pilotage for the time being in force in the pilotage district of Montreal.

116. No pilot, or apprentice to a pilot, shall aid or assist any seaman or apprentice legally bound to any master of any vessel, to secrete himself, or facilitate in any way the desertion of any seaman or apprentice legally bound.

117. Every pilot being in Montreal, and not engaged to pilot any vessel thence, shall, when thereunto required by the secretary of the commissioners, repair on board and take charge of any vessel requiring a pilot, and continue in charge thereof according to the tenor of the requisition so made to him.

118. Every pilot shall, when thereunto required by the secretary of the commissioners, repair on board and take charge of any vessel of any denomination in Her Majesty's service, and continue in such charge according to the tenor of such requisition.

119. When any pilot has gone on board, or has agreed with the owner or master of any vessel, not in Her Majesty's service, or with any agent on behalf of such vessel to pilot the vessel, he shall perform his part of the agreement according to the tenor thereof, subject, nevertheless, to such orders as he receives from the secretary of the commissioners.

120. Any pilot, when engaged to pilot any vessel from the harbour of Montreal to Quebec, or to any intermediate place, shall give notice thereof, personally or in writing, to the secretary of the commissioners, before his departure, and shall repair as late as possible before such departure to the

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commissioners' office to obtain information as to the state of the buoys, beacons and channel, and shall give a like notice on his arrival at Montreal, after having piloted any vessel bound upwards.

121. When any dredging vessel belonging to the commissioners is employed in the channel in the harbour of Montreal, pilots having vessels in charge shall not leave the harbour without first giving notice of such being their intention to the secretary of the commissioners or to the harbour master.

122. Every pilot who has taken charge of any vessel from Montreal to Quebec, shall remain on board the vessel until it has been safely moored to the satisfaction of the master or person in charge.

123. Every pilot in charge of any vessel piloted into the harbour of Montreal shall remain on board until the vessel has been secured in a discharging berth, and shall keep colours flying until the vessel is so berthed to or alongside of any wharf, unless he is sooner discharged by the master, owner, or person in charge.

124. Every pilot who observes any alteration in sand banks or channels, or that any buoys, beacons, or floating lights have been driven away or are out of place, or broken down, or that any of the lights in lighthouses are not properly lighted, shall forthwith give notice thereof, either personally or in writing, to the secretary of the commissioners.

125. Every pilot who is on board of any vessel from which is thrown into the navigable waters within the jurisdiction of the pilotage district of Montreal, any ballast or other thing likely to obstruct, impede or injure navigation whatsoever, shall report the same to the secretary of the commissioners, immediately upon his arrival in the harbour of Montreal, and any other pilot who has seen the offence committed, or who has knowledge thereof, shall report the same as herein ordered.

126. Whenever any accident occurs to or is caused by any vessel whilst in the charge of a pilot within the pilotage district of Montreal, such pilot shall forthwith, after he ceases to be in the actual charge of the vessel, repair to the office of the commissioners at Montreal, and there personally report himself and the accident that has occurred, with all particulars thereof in writing, to the secretary of the commissioners.

And if the accident consists of the grounding or stranding of any vessel in charge of a pilot, or the collision of such vessel with any other vessel, the pilot shall be *ipso facto* suspended from the exercise of his functions as a pilot until the cause of the accident has been investigated and the decision of the commissioners pronounced thereon, and for such further time (if any) as is determined by them by such decision. And the pilot shall deliver his license to the commissioners together with the report required.

But if by the accident the vessel is only temporarily delayed in her voyage, the suspension of the pilot shall only commence from the time at which he ceases to be in actual charge of the vessel, by her arrival at her port of destination, or if seaward bound, at the limit to which his duty extends, as the case may be.

*Department of Marine and Fisheries.**Penalties.*

127. Every one shall be held to commit a breach of the by-laws of the Corporation of the Harbour Commissioners of Montreal, who—

- (a.) In whatever capacity he is acting, fails or neglects to comply with, violates, infringes, or in any other manner contravenes any provision of any such by-law ; or—
- (b.) Is the master, pilot, owner, or person in charge of any vessel in the conduct or management of which any such breach is committed ; or—
- (c.) Is the consignee, agent, or person in charge of any goods in respect of which any such breach is committed.

128. Whenever an offence is committed against the provisions of the Act in virtue of which these by-laws are made, or against the provisions of these by-laws, and the person by whom such offence has been committed fails to comply forthwith with the provisions in respect of which he has so committed an offence, he shall be deemed to have committed a separate offence in respect of each consecutive period of twenty-four hours after the commission of the original offence in respect of which he so fails to comply with such provisions, and he shall be liable to a separate penalty therefor as if for a separate offence against these by-laws.

129. Every one who commits a breach of the by-laws of the Corporation of the Harbour Commissioners of Montreal shall incur a penalty not exceeding forty dollars and the costs of conviction, and in default of payment of such penalty and costs shall be imprisoned until such payment is made, but not for more than thirty days.

But if the offence in question is against the provisions of the by-law made by the harbour commissioners as pilotage authority, the penalty therefor shall not exceed in any case forty dollars for a breach of such by-law, with, in the case of a continuing breach, a further penalty not exceeding four dollars for every twenty-four hours during which such breach continues.

130. From and after the date of the coming into force of the present by-law, rates shall be levied as hereinafter set forth on the following articles, when landed, shipped or moved by rail or other conveyance on the wharfs in the harbour of Montreal :—

On coal, coke, grain and seeds of all kinds, seven and a half cents per ton.

On ballast, clay, fire-bricks, gypsum, lime, marble, and all other stone, phosphates, sand, salt, scorix blocks, ten cents per ton.

On apples, oranges, lemons and other green fruit, crates and their contents, flour and meal, fish, meats, pitch, potatoes, tar, horses, neat cattle, sheep, swine, hay, straw, wood pulp, fifteen cents per ton.

On pig and scrap iron, pot and pearl ashes, twenty cents per ton.

On bricks, ten cents per thousand ; on cordwood, five cents per cord ; on lumber, ten cents per thousand feet board measure.

On all goods, wares and merchandise, except bullion and specie, not elsewhere specified, twenty-five cents per ton.

On goods upon which in the opinion of the harbour commissioners it is not convenient to ascertain the rates according to the above provisions, it shall be lawful for the said commissioners to levy a rate of one-fourth of one per cent on the value thereof.

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No entry shall be less than five cents.

Only one rate shall be levied on property covered by the foregoing provisions when landed on the wharfs for reshipment only.

On all goods remaining on the wharfs more than four clear working days from the time of the discharging of the vessel in which they arrived in the case of goods imported, there shall be levied additional rates as follows:—

On cement, one cent per barrel per day.

On salt, one-half cent per bag per day.

On iron, one-half cent per hundredweight per day.

On bricks, ten cents per thousand per day.

On drain pipes and all other non-enumerated articles, one-half cent per hundredweight per day.

For the purpose of this by-law, a ton shall be calculated as being 2,000 pounds weight, or forty cubic feet measurement, according as the goods to to which the same applies have been, or shall be, carried by water by ton weight or ton measurement.

The weight of the articles hereinafter described may be estimated as follows :

Ashes, pot or pearl, three barrels to one ton.

Apples, flour, meal, potatoes, nine barrels to one ton.

Fish, meats, pitch, tar, seven barrels to one ton.

Horses, two to one ton.

Neat cattle, three to one ton.

Sheep, fifteen to one ton.

Swine, ten to one ton.

131. From and after the coming into force of the present by-law, the following fees shall be payable for pilotage between the harbours of Quebec and Montreal and between the several places therein mentioned:—

From the Harbour of Quebec to Portneuf and the opposite side of the River St. Lawrence, or below Portneuf and above the Harbour of Quebec.

For the pilotage of any vessel in tow, or propelled by steam (except as hereinafter mentioned) for each foot of draught of water—upwards.....	\$0 50
Downwards.....	0 50
For the pilotage of any sea-going vessel propelled by steam, for each foot of draught of water—upwards.....	0 62½
Downwards	0 62½
For the pilotage of any vessel under sail, for each foot of draught of water—upwards.....	1 05
Downwards	0 70

From the Harbour of Quebec to Three Rivers and the opposite side of the River St. Lawrence, or any place above Portneuf and below Three Rivers.

For the pilotage of any vessel in tow, or propelled by steam (except as hereinafter mentioned) for each foot of draught of water—upwards.....	\$1 50
Downwards	1 50

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For the pilotage of any sea-going vessel, propelled by steam, for each foot of draught of water—upwards	\$1 75
Downwards.....	1 75
For the pilotage of any vessel under sail, for each foot of draught of water—upwards.....	2 60
Downwards	1 90
<i>From the Harbour of Quebec to Sorel and the opposite side of the River St. Lawrence, or any place above Three Rivers and below Sorel.</i>	
For the pilotage of any vessel in tow or propelled by steam (except as hereinafter mentioned), for each foot of draught of water—upwards.....	\$1 50
Downwards	1 50
For the pilotage of any sea-going vessel propelled by steam, for each foot of draught of water—upwards.....	1 87½
Downwards	1 87½
For the pilotage of any vessel under sail, for each foot of draught of water—upwards.....	3 15
Downwards	2 10
<i>From the Harbour of Quebec to the Harbour of Montreal, or to any place above Sorel and below the Harbour of Montreal.</i>	
For the pilotage of any vessel in tow or propelled by steam (except as hereinafter mentioned), for each foot of draught of water—upwards	\$2 00
Downwards	2 00
For the pilotage of any sea-going vessel propelled by steam, for each foot of draught of water—upwards.....	2 50
Downwards	2 50
For the pilotage of any vessel under sail, for each foot of draught of water—upwards.....	4 20
Downwards	2 80
From the harbour of Montreal to Sorel, or to any place above Sorel and below Hochelaga, and from Sorel, or any place above Sorel and below Hochelaga, to the harbour of Montreal, for each foot of draught of water for each such pilotage—upwards	1 00
Downwards	1 00
For the removal of any vessel from one wharf to another, within the limits of the harbour; or from any of the wharfs into the Lachine Canal; or out of the said canal to any of the wharfs in the harbour; or from the foot of the current; or from Longueuil into the harbour; or from the harbour to the foot of the current, or to Longueuil; for each such service.....	5 00
<i>Vide Canada Gazette, vol. xxviii., p. 1572.</i>	

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By Order in Council of the 22nd of April, 1895, under the provisions of "The Fisheries Act," chapter 95 of the Revised Statutes, paragraph (a) of section 12 of the general fishery regulations, province of Quebec, adopted by Order in Council of the 18th day of July, 1889, was amended by adding thereto the following :—" Provided that on that part of the Gulf of St. Lawrence extending from La Tabatière to Dog Island Run, it shall be lawful to fish for, buy, sell or have in possession lobsters up to the 1st day of September in each year."

Vide Canada Gazette, vol. xxviii., p. 1942.

By proclamation of the 9th of May, 1895, chapter 86 of the Revised Statutes of Canada (" An Act respecting Harbour Masters"), was declared to apply to the port of Cape Tormentine, in the county of Westmoreland, New Brunswick.

Vide Canada Gazette, vol. xxviii., p. 2071.

By Order in Council of the 16th of May, 1895, under the provisions of "The Fisheries Act," chapter 95 of the Revised Statutes, the Order in Council of the 13th May, 1893, respecting the bass fishery in the provinces of Ontario and Quebec, was rescinded, and the following fishery regulations adopted in lieu thereof :—

" In the provinces of Ontario and Quebec, no one shall fish for, catch, kill, buy, sell or possess any bass, between the 15th day of April and the 15th day of June, both days inclusive, in each year.

" Provided that in the province of Quebec this regulation does not apply to sea bass or bar fish."

Vide Canada Gazette, vol. xxviii., p. 2120.

By Order in Council of the 16th of May, 1895, under the provisions of section 16 of "The Fisheries Act," chapter 95, Revised Statutes of Canada, section 10 of the general fishery regulations for the province of New Brunswick, dated 18th July, 1889, relating to the sturgeon fishery, the Order in Council dated 5th May, 1891, affecting the sturgeon fishery, in so far only as it applies to the province of New Brunswick, and the Order in Council dated 25th April, 1892, suspending certain fishery regulations, in so far only as it applies to the Order in Council of 5th May, 1891, and then only in so far as it affects the province of New Brunswick, as well as any Order or Orders in Council that may be in force affecting the sturgeon fishery of that province, were rescinded and the following regulations substituted in lieu thereof :—

STURGEON FISHERY REGULATIONS FOR THE PROVINCE OF NEW BRUNSWICK.

1. No person shall fish for, catch, kill, buy, sell, or have in possession any sturgeon in the province of New Brunswick, between the fifteenth day of June and the fifteenth day of July, both days inclusive, in each year.

2. No net shall be used for the purpose of catching sturgeon until a license therefor has been obtained from the Minister of Marine and Fisheries.

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3. The meshes of all nets used for capturing sturgeon shall not be less than 13 inches extension measure, measured from knot to knot when the net is dry, and nets shall not be so set or arranged as to practically diminish this prescribed size of mesh.

4. Every net set or used for the purpose of capturing sturgeon must be plainly and legibly marked with the licensed owner's name, who, in accordance with the following paragraph, must be a *bona fide* resident British subject.

5. Licenses for the privilege of net fishing for sturgeon shall be granted to and accepted by *bona fide* resident British subjects on payment of a license fee of fifteen dollars to the local fishery officer duly appointed for the fishery district in which such fishing operations are to be carried on, the inspector of fisheries for the district, or the Department of Marine and Fisheries at Ottawa.

6. No sturgeon or sturgeons, measuring four feet in length, and under, shall be killed or had in possession, but if caught, or taken, shall be liberated alive. The measurement to be made from the extreme point of the nose to the tip of the tail.

7. Every violation of all or of any of the above provisions of these regulations numbered 1 to 6 shall render the fishing materials employed at the time liable to confiscation and shall involve the cancellation of the license.

Vide Canada Gazette, vol. XXVIII., p. 2120.

By Order in Council of the 16th of May, 1895, under the provisions of section 16 of "The Fisheries Act," chapter 95 of the Revised Statutes, paragraph (a) of section 8 of the general fishery regulations for the province of New Brunswick, established by the Order in Council of the 18th July, 1889, chapter 70 of the Consolidated Orders in Council of Canada, affecting the shad and gaspereaux fisheries, was rescinded and the following substituted in lieu thereof:—

SECTION 8.—SHAD AND GASPÉREAU.

"(a.) The close time for shad and gaspereaux shall extend from sunset on Friday evening to sunrise on Monday morning, in each week, during which time it shall be unlawful to fish for, catch or kill any shad or gaspereaux. The fisheries within the harbour of St. John are, however, exempted from the foregoing provisions of this section."

Provided always that as regards the River St. John and its tributaries, the close time shall extend from 6 o'clock on Saturday evening to sunrise on Monday morning, in each week.

And also under the authority of the statute above quoted, paragraph 1 of section 19 of the special fishery regulations established by the said Consolidated Order of the 18th July, 1889, for the counties of St. John, King's, Queen's, Sunbury, York, Carleton, and Victoria, was rescinded and the following substituted in lieu thereof:—

"1. Except in that portion of the River St. John extending from the city of St. John to Jemseg, no net shall exceed 30 fathoms in length and 60 meshes in depth, nor extend more than 30 fathoms into any river, cove or creek, nor

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more than one-fourth part of the width of the water between the shore on either side of such river, cove or creek, and any island or sand bar in such river, cove or creek.”

Vide Canada Gazette, vol. xxviii., p. 2120.

By Order in Council of the 16th of May, 1895, under the provisions of section 16 of “The Fisheries Act,” chapter 95 of the Revised Statutes, the Order in Council of the 21st day of October, 1893, affecting the bass fishery in the province of New Brunswick was rescinded, and the following fishery regulations substituted in lieu thereof:—

BASS FISHERY REGULATIONS, PROVINCE OF NEW BRUNSWICK.

1. No person shall fish for, catch, kill, buy, sell or have in possession any striped bass between the first day of April and the 30th day of November, both days inclusive, in each year, and no person shall fish for, catch, kill, buy, sell or have in possession any striped bass two pounds in weight or under, at any time, in the province of New Brunswick. If any such bass, two pounds or under in weight, be caught in nets or other fishing apparatus lawfully used, such fish shall be liberated alive.

Always provided that nothing contained in this regulation shall prevent any person from catching or killing bass which exceed two pounds in weight by means of angling at any time, with hook and line, but the burden of proof of lawful capture shall devolve on the possessor, purchaser or seller of any fish caught in contravention of this regulation.

2. In the province of New Brunswick, bass shall not be fished for, caught or killed by means of any kind of net having meshes of a less size than five inches extension measure, nor by means of seines.

3. No person shall fish for bass in the province of New Brunswick with a net or nets without a license from the Minister of Marine and Fisheries.

The annual license fee on such net shall be one dollar, which fee shall be paid before any such net is used.

4. All persons opening holes through the ice for the purpose of taking bass shall cause the same to be marked with four evergreen bushes, each 6 feet in height.

5. Provided that nothing contained in the foregoing clauses of this regulation shall prevent fishing with gill nets, having meshes of 5 inches extension measure, during the month of September in that portion of the Miramichi Bay extending from the lower or easterly side of the Bartibogue River to the division line between the counties of Northumberland and Gloucester, and from Terrell Point on the south side to the division line between the counties of Northumberland and Kent.

Provided also that such fishing shall be confined to waters in which no licenses are issued for salmon fishery privileges, and that the fee on such gill nets shall be fixed at one dollar per net.

Vide Canada Gazette, vol. xxviii., p. 2121.

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By Order in Council of the 31st of May, 1895, under section 16 of chapter 95 of the Revised Statutes, intituled "The Fisheries Act," subsection (*m*) of section 17 of the general fishery regulations for the province of Nova Scotia, adopted on the 18th day of July, 1889, was amended by adding thereto the following words:—

"Provided that nets may be set for taking gaspereaux only, from the 15th to the 31st day of May, both days inclusive, in each year."

Vide Canada Gazette, vol. xxviii., p. 2169.

By proclamation of the 5th of June, 1895, chapter 86 of the Revised Statutes of Canada ("An Act respecting Harbour Masters"), was declared to be applied to the port of Petit de Grat, in the county of Richmond, Nova Scotia.

Vide Canada Gazette, vol. xxviii., p. 2213.

By Order in Council of the 5th of June, 1895, under section 16 of chapter 95 of the Revised Statutes, intituled "The Fisheries Act," subsection (*d*) of section 11 of the general fishery regulations for Manitoba and the North-west Territories, adopted in Council on the 8th day of May, 1894, was amended so that the close season for sturgeon in the province of Manitoba and in the North-west Territories should extend from the 15th day of May to the 15th day of June in each year, both days inclusive.

Vide Canada Gazette, vol. xxviii., p. 2215.

By Order in Council of the 10th of June, 1895, for the purpose of removing all doubt it was declared that the Order in Council of April 25, 1895, did revive the rules adopted by the Order of June 9, 1894, and that rule No. 2 of the said Order to regulate the space for cattle was revived, to wit:—

"Space No. 2.—Fat cattle carried on the upper or spar deck or any other deck must be given a space of 2 feet 8 inches clear in width by 8 feet clear in length, each, and not less than 6 feet 3 inches in height (but pens for sheep shall not be less than 7 feet in height, divided into two compartments 3 feet 6 inches in height each), and in no case shall more than four head of cattle be allowed in each pen except at the end of a row, where five may be allowed together; provided, however, that five cattle, each 1,000 pounds weight or under, commonly known as 'stockers' may be carried in a pen instead of four fat cattle. As regards space for sheep, not more than eight or ten sheep will be counted equal to one fat ox according to the discretion of the inspector. Cows in calf are to be given the same space as fat oxen."

Vide Canada Gazette, vol. xxviii., p. 2311.

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By Order in Council of the 27th of June, 1894, under the provisions of "The Public Works Act," chapter 36 of the Revised Statutes, and of chapter 98 of the Revised Statutes, intituled "An Act respecting tolls on government works for the transmission of timber," the following rules and regulations were made for the management, maintenance, proper use and protection of the government timber slides, and other works constructed to facilitate the transmission of timber, lumber and saw-logs on the Ottawa River and its tributaries, and for the collection of tolls and dues for the use of the same, and to impose and authorize the collection upon the said works of the tolls and dues hereinafter mentioned, such rules, regulations, tolls and dues to be in lieu of all rules, regulations, tolls and dues heretofore in force or imposed in respect of such works, and to have full force and effect from the 15th day of April, 1894.

NOTE.—The words "rafts or parcels of timber," whenever occurring in these regulations, shall be held to mean saw-logs, railroad ties, and all other kinds of wood goods as well as square or flatted timber.

REGULATIONS.

Section 1.—The government slides, booms and other works connected therewith in the Ottawa district shall be under the control and management of the superintendent of the works for that district, or in case there should be no superintendent, or in the absence of such an officer, under the control and management of the slide-master, deputy slide-master, boom-master, or other officer in charge for the time being at any of the stations; and these officers, and no others, shall have the power of regulating the supply of water required for the passage of timber, of allotting the space for rafting or mooring timber, of determining the quantity of timber that may pass daily through the slides or booms, of awarding the amount that may be due by the owner or owners of timber, or persons in charge thereof, for damages that may have been done to any of the works, of imposing fines or penalties for any violation of the slide regulations, of seizing the timber, and of detaining or selling the same at public auction, as hereinafter provided, and of recovering the said dues, penalties or damages when the owners of timber or persons in charge thereof refuse or neglect to pay the same; and the orders of the said superintendent of the works, slide-master, deputy slide-master or other officer in charge of the works as aforesaid, must, in all cases, be obeyed by the owners of timber or their employees, who, in case of refusal or neglect to obey such orders, shall be subject to the fines or penalties hereinafter imposed, as the case may be.

Section 2.—No raft or parcel of timber shall be permitted to enter any government slide or boom for the purpose of passing through, without the owner or person in charge of such raft or parcel of timber first giving notice thereof to, and obtaining permission from, the superintendent, slide-master, deputy slide-master, boom-master or other officer in charge of the station as aforesaid, under a penalty of not less than four dollars and not more than twenty dollars.

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Section 3.—The owner or person in charge of any raft or parcel of timber, previous to entering any of the government crib slides, for the purpose of passing such raft or parcel of timber through the same, shall make a full and complete report to the slide-master or person acting in that capacity, of such raft or parcel of timber, containing an account of the number of cribs and the description of timber composing the raft or parcel of timber, the name and designation of the owner or owners, together with marks and all other particulars relating thereto, under a penalty of not less than twenty dollars and not more than two hundred dollars, for refusing or neglecting to make such report.

Section 4.—On the arrival of any description of timber at or near any of the government slides, booms or works, the owner thereof or person in charge of the same shall immediately send a sufficient number of men to pass said timber through the said slides, booms or works, and shall not allow the timber to accumulate at the head of the said slides, booms or works, or to obstruct the passage of other timber to or from the said slides, booms or works, and shall not change the position of any boom or work without the permission of the superintendent or other officer in charge of the works being first had in writing, and any person so doing without such authority shall be liable to a penalty of not less than one hundred or more than two hundred dollars for each offence, and if a “jam” of any description of timber takes place in any of the said slides, booms or works, or near the same, the owner or person in charge shall at once remove the “jam” or obstruction under the direction of the slide-master, boom-master, or officer acting in that capacity; and in case the owner or person in charge of said timber should refuse or neglect to remove the same within twenty-four hours, the said slide-master, boom-master or officer or person by him authorized in that behalf, shall have the power of removing the same at the proper costs, risks, and expenses of the owners thereof, who shall be subject to a penalty of not less than fifty dollars and not more than two hundred dollars for every day during which their timber shall obstruct the passage of other timber, over and above the amount that may be awarded by the superintendent, slide-master or other officer in charge of the work, as well for the expenses for removing the same as for any damages that may have been done in consequence of such refusal or neglect. And in no case shall the government be liable for any damage or loss caused by the breaking away of any work whether through the weakness of the work itself, changing the position of booms, or from over-pressure of logs or timber in contravention of these regulations.

Section 5.—The number of men required at each station shall be regulated by the said superintendent or other officer in charge of the station, who are hereby empowered to employ, at the cost and charges of the owners of the timber, saw-logs, etc., the number of men necessary to pass the same in safety over or through such station, when the owner or owners of such timber, saw-logs, etc., has refused or failed to supply such men at the time required by the superintendent or other officer in charge of the station, and any owner or person in charge of such timber or logs who shall neglect or refuse to comply with this regulation shall incur a penalty of not less than fifty dollars and not

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exceeding two hundred dollars over and above the payment of the amount at which any injury or damage so done to the works may be estimated by the superintendent.

Section 6.—Should the owner or person in charge of any parcel of timber or saw-logs fail or neglect to provide the number of men indicated by the said superintendent, or other duly authorized officer, under these regulations, the said superintendent or other officer in charge of the station may employ the required number of men at the expense of the owner or owners of the timber, saw-logs, etc., and the expense so incurred shall be a first lien on the said timber, saw-logs, etc., which may be seized and detained by the said superintendent or other authorized officer until all such charges or expenses so incurred shall be paid, or they may be collected in the same manner as is provided by law for the collection of ordinary slide and boom dues.

Section 7.—No raft or parcel of timber shall be moored or banded up nearer to the entrance to or the outlet from any of the government slides, booms or works than the berths pointed out by the superintendent or other officer in charge or specially designated in these regulations; and when permission shall be granted to the owners or persons in charge of any raft or parcel of timber to place any raft or parcel of timber in or near the slides, booms or works, the owners or persons in charge of such rafts or timber shall not in any case take any more or other space or place than the berth or berths allotted by the said superintendent or other officer in charge of the works, and shall at any time, when directed so to do, move the said rafts or timber from place to place, or remove the same entirely, as soon as required so to do by the said superintendent or the slide-master or other officer in charge of the works, under a penalty of not less than twenty-five dollars and not more than fifty dollars in case of refusal or neglect on the part of the said owners or persons in charge of such timber or rafts to comply with the requirements of this section.

Section 8.—The owner or owners, or person in charge of any raft or parcel of timber shall, before removing the same from any slide, boom or public work connected therewith, or beyond the limits prescribed by these regulations, subscribe and deliver to the said superintendent, slide-master, deputy slide-master, or other officer, as the case may be, duly appointed as aforesaid, an acknowledgment in duplicate, certifying the number and description of cribs or of pieces of timber so passed, and the number and average dimensions of each class, if required, and shall pay the slide dues, or secure the same to the satisfaction of the collector of slide dues, under a penalty of not less than twenty dollars and not more than two hundred dollars, and shall further pay double the amount of dues which would otherwise be payable, on any raft or parcel of timber passing such slide, boom or public work without such acknowledgment.

Section 9.—The collector of slide dues, or any person or persons duly authorized by him in that behalf, shall, at all hours during the day, have free access, and full power and permission to enter and remain as long as he or they may see fit upon any raft or parcel of timber for the purpose of examining the same, and every facility shall be afforded him or them for ascertaining the number of cribs or the number of pieces and description of timber of which the same is composed, and any person obstructing the collector of slide

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dues, slide-master or other persons duly authorized, as aforesaid, in the execution of his or their duty, shall incur a penalty of not less than fifty dollars and not more than two hundred dollars.

Section 10.—The owner or owners as well as the person or persons in charge of any raft or parcel of timber shall be held jointly and severally responsible for any injury or damage done to the slides, booms, piers, or other works connected therewith, by any of the parties in their employment; and it shall and may be lawful for the superintendent of the works or officer acting in his behalf, to seize and detain such raft or parcel of timber until the injury so done shall be repaired, or until security to the satisfaction of the said superintendent or such other officer shall have been given for such amount as shall be awarded on account of such damage; and any and every person interfering with the management or supply of water, or with any of the duties of the said superintendent, slide-master, boom-master or other officer in charge of said works, or any of them, without having been duly authorized in writing so to do by the said officers in charge, and any and every person doing injury or damage, as aforesaid, to any of the government works on the River Ottawa or its tributaries or to the booms, slides, gates, piers or other works connected therewith, or aiding or assisting in doing such injury or damage, shall, for the first offence, incur a penalty of not less than fifty dollars and not more than one hundred dollars, over and above payment of the amount which may be awarded for such damages; and, for the second and every subsequent offence, shall incur a penalty of not less than one hundred dollars and not more than two hundred dollars, over and above payment of such damage, the amount of which damage shall, in each case, be ascertained and determined by the superintendent or person acting in his behalf.

Section 11.—It shall be competent for the collector of slide dues, his deputy or deputies, assistant or assistants, or person duly authorized by him, to enter upon, seize and detain, at the risk, costs and charges of the owner or owners thereof, any raft or parcel of timber which shall have been removed away from any of the government slides, booms or works, without the slide dues thereof, the amount awarded for damages, or the fines or penalties, if any, being first paid or secured to his satisfaction, and any and every person obstructing the collector of slide dues, or other person or persons duly authorized, as aforesaid, in the execution of his or their duty, shall incur a penalty of not less than twenty dollars and not more than two hundred dollars.

Section 12.—Rafts, cribs and every description of timber shall be held liable for the dues, damages and penalties imposed under these regulations; and the superintendent or other duly appointed officer is hereby authorized and required to seize and detain any such raft, crib or parcel of timber until payment of such dues, damages and penalties is made, or until the owner or person in charge shall have given satisfactory security for the payment thereof, within thirty days after the same shall have been declared to be incurred, or shall have been demanded; and, in default of such payment being made within the said term of thirty days, then the superintendent or other duly appointed officer may proceed to sell by public auction any such raft, crib or parcel of timber, but at least two weeks' notice of the day of the intended sale by auction shall in the meantime have been given and have been duly inserted

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in one or more of the public newspapers published at the nearest place from the said works, and a copy of such notice shall also have been placarded during the same time (two weeks before the intended sale) in a public and conspicuous place at or near the said works where the raft, crib or timber is lying; and if the costs attendant on such auction sale, as well as all other costs, damages and penalties imposed or awarded, cannot be realized from the timber so seized and sold, the same shall be recoverable from the owner of said raft, crib or parcel of timber.

Section 13.—No rafts of round, square or flatted timber, or saw-logs, shall be allowed to be banded up, retained or held within the sheet of water bounded by the Ottawa slide and the south shore of Victoria Island to the eastern extremity of the same, and extending easterly to a mark on the south side of Pine Tree Island, thence in a southerly direction to a mark at the water's edge of the River Ottawa, opposite the centre of Kent street, in the city of Ottawa; thence along the south shore of the said river to the foot of the slide aforesaid.

Section 14.—But in case of cribs of timber or saw-logs being damaged or broken up in passing the slide they may be repaired or re-raftered within the aforesaid limits, if, in the opinion of the superintendent of the works, such repairing or re-raftering be necessary. But in no case shall they be allowed to remain within the said limits longer than 48 hours after passing the slide.

Section 15.—Every violation of the preceding section or encroachment on said limits shall subject the owner, person or persons in charge of such raft to a penalty of not less than twenty-five dollars and not exceeding fifty dollars.

Section 16.—No steamboat, barge or other craft, or boat-house, during the season of running timber, shall be allowed to moor within the said limits in a position that obstructs a free outlet from the slide; and in all cases vessels loading or unloading must be brought to the wharfs or landing places and lie parallel with the current, but in no case shall there be more than two vessels abreast of each other, under a penalty, for every offence, of not less than fifteen dollars nor more than fifty dollars.

Section 17.—Rafts, vessels or other craft, or boat-house, as aforesaid, shall be held liable for the penalty imposed under these regulations; and the superintendent of the works is authorized and required to seize and detain any such raft, vessel, barge, boat, or boat-house, until payment of such penalty, or until the owner or person in charge shall give satisfactory security for the payment thereof, within thirty days after such penalties shall have been declared or demanded; and in default of such payment being made within such specified time, then the said superintendent may proceed to sell by public auction any such raft, vessel, boat, or boat-house, after having first given two weeks' notice of the day of such intended sale; such notice to be inserted in one or more of the public newspapers published in the city of Ottawa at least two clear weeks prior to the day of sale, levying the cost attendant thereon, as well as the fine so imposed, upon the owner or owners or person or persons claiming such property.

Section 18.—Persons engaged in "driving" timber down the Gatineau River, in the Ottawa district aforesaid, shall not deposit on the banks of the main stream, or any of its tributaries, any saw-logs or square timber, within reach of the spring floods, nor float any timber down the river aforesaid until

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the ice has left the pond near the mouth of the Gatineau River, the said pond being a receptacle for lumber, and connected with the main boom on said Gatineau River by a canal; and whereas during the season of low water, steamers, barges, or other river craft or rafts of square timber or sawed lumber cannot pass through the "trip" boom forming the upper portion of the Gatineau boom in the north channel of the Gatineau River, but have to be passed through the main guide boom in that river by a more southerly channel, the said boom shall be kept clear of logs or timber, and the owners or persons in charge having any logs or timber obstructing the said boom, during the said season of low water, when steamers, barges, or other river craft or rafts of square timber or sawed lumber cannot pass through the "trip" boom aforesaid, shall be held liable for all damages that may be caused to the owners or persons in charge of steamers or other river craft, or rafts of any description of timber, on account of detention, or otherwise, by such obstruction, over and above the penalty hereinafter mentioned; and during the season of high water in the said river the owners or persons in charge of rafts or timber shall not allow more than fifteen thousand pieces of saw-logs or square or other timber to accumulate or be in the main guide boom leading to the canal at the same time; every violation of this regulation shall subject the owners or persons in charge of such logs or timber to a penalty of not less than twenty-five dollars and not more than fifty dollars for each and every day during which the present regulation shall be violated, over and above the amount that may be awarded by the superintendent of the "Ottawa River Works" for any damage that may be done to the booms or works in consequence of such violation.

Section 19.—The gaps at the upper and lower boom of the Gatineau works during the season for running timber and logs shall be open at five o'clock in the morning and close at seven o'clock in the evening if so directed by the superintendent or officer in charge, or at an earlier or later hour if found necessary by the said superintendent, boom-master or person in charge of the said gaps. And the said gaps shall be continually kept open for running between the hours named, with the exception of two hours for meals.

Section 20.—When any timber, logs or other lumber arrive at the sorting gaps on the Gatineau River aforesaid, the owner of such timber, logs or other lumber shall at once cause the removal thereof. In the case of neglect or delay on the part of the owner or owners or persons in charge thereof to comply with this regulation, whereby the passage of the timber, logs or other lumber of other owner or owners might or should be impeded, the superintendent, boom-master or his assistant at the Gatineau or upper gap, or the person appointed to carry out these regulations at the outlet of the Gatineau pond, in the Ottawa River or lower gap, respectively, is hereby empowered to turn adrift the timber or logs causing the impediment, and the loss resulting therefrom shall fall upon its owner or owners.

Section 21.—The officers hereinbefore mentioned shall have full power to enforce these regulations at their respective stations; and the superintendent of the "Ottawa River Works" or officer acting in his behalf in any case of damages on account of breakages or overcrowding the timber of any description, shall determine what damages shall be paid on account thereof, and in what proportions such damages shall be paid at either the upper or lower gap.

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Section 22.—In order to a uniform application of tariff charges all lumber and timber shall, except where otherwise by the said tariff or any amendment thereto specifically provided, be classified as follows :—

Section 23.—Square and waney or board timber shall be denominated square timber, and shall be charged for by the crib, and in the case of any such timber passing any of the works otherwise than in cribs—a number of pieces sufficient in the discretion of the collector or any deputy duly authorized by him to make an ordinary sized crib (not however to exceed one thousand cubic feet), shall be counted as one crib.

Section 24.—Round timber or from 12 to 16½ feet in length, commonly called “saw-logs,” shall be charged for by the 1,000 feet board measure, but in all cases where the culler’s measurement of the logs is not furnished to the collector of slide and boom dues, as hereinafter provided, five pieces shall be charged for as 1,000 feet board measure.

Section 25.—Flatted, or partly hewn timber, under 13 inches mean diameter from bark to bark, shall be charged for when cribbed at half square timber rates.

Section 26.—All flatted, round or partially hewn timber 17 feet and upwards in length, except as provided in section 25, shall be charged for by the 1,000 feet board measure, but in all cases where the culler’s measurement is not furnished to the collector of slide and boom dues, as hereinafter provided, three pieces shall be charged for as 1,000 feet B.M. Railway ties 8 feet in length and under shall be computed at the rate of 40 pieces to one thousand feet board measure. Fence posts 8 feet in length under 6 inches diameter at the small end shall be reckoned at 80 pieces to 1,000 feet board measure.

Section 27.—Other wood goods shall be charged for at the discretion of the collector, at such proportionate rates as would be chargeable under these regulations against the class of goods to which they are most nearly allied.

Section 28.—In dealing with sawn lumber, twelve thousand feet board measure shall be deemed to be equivalent to one crib.

Section 29.—When pulp wood or wood intended for manufacturing purposes other than sawn lumber is driven loose, ten (10) pieces of nine inches and under at the small end and thirteen feet in length shall be held to equal one cord, but to permit such wood to be treated and charged by the cord, specifications must be furnished to the collector of slide and boom dues showing the number of pieces of each length and diameter, and failing such specifications ten pieces shall be charged as 1,000 feet board measure ; such specifications shall be accompanied by an affidavit stating the purpose for which the wood is intended and that the sizes and lengths are according to their culler’s books of measurement.

(b.) When pulp or other wood is measured in the pile, raft or crib, and the number of cords so ascertained, an affidavit shall be required from the manufacturer of the same, corroborated by the affidavit of the receiver of the wood or his agent as to the number of cords, and the receiver or purchaser, or manufacturer, or all of them, may be called upon to produce the settlement of accounts between them relating to such wood, and one cord shall be charged for as 1,000 feet board measure.

Section 30.—No timber, saw-logs, lumber or other wood goods shall be removed beyond a radius of three miles from beyond the Chaudière Falls,

Department of Public Works.

unless payment of tolls and dues thereon have been first made or secured to the satisfaction of the collector of tolls and dues, and any such goods so removed upon which the said tolls and dues remain unpaid within twenty-four hours after having been so removed may be detained by the collector, under authority of the fourth section of the Act hereinbefore cited, and the collector shall forthwith report the same to the Minister of Public Works and may retain such goods until the slide dues, and all costs and expenses, shall have been paid, unless otherwise ordered.

Section 31.—Every saw-mill owner or person in charge of or operating a saw-mill, and every other person dealing in timber, saw-logs, sawn timber or other wood goods, shall furnish to the collector of tolls and dues on or before the 30th day of June in each year, a statement upon oath or solemn declaration under the statute in that behalf, and upon a printed form which will be furnished by the collector on application, showing the undermentioned particulars as to all such goods made or acquired by him, excepting square timber sent in rafts to Quebec, up to the said date, or from the end of the period covered by the last preceding report under this or the following section, and on or before the fifteenth day of October in each year, a similar statement as to all such goods made or acquired by him subsequent to the 30th day of June, or date of previous return. Such statements or returns shall describe in detail all goods comprised therein, setting out, as to such goods respectively, the following particulars:—

Whether the same was made by the party furnishing the return or were purchased by him from others, and if made by himself, the name of the foreman employed by him, and if purchased, the name of the vendor;

The river or stream from which the same come;

Where the same are at the time of the return;

The slides, booms or other works used by them;

The length of telegraph poles and round cedars and such other particulars as may be required by the printed form of return to be furnished by the collector.

Section 32.—And shall furnish specifications in detail of all saw-logs, showing the number of pieces of each length and diameter, also specifications of all round or flatted timber, showing the number of pieces of each length and diameter, the latter measured from bark to bark, and in all cases where it is claimed that spruce logs under ten inches in diameter are solely taken out to be converted into pulp wood and paid for by the cord, a separate specification, showing the lengths and diameters, shall be provided, accompanied by the affidavits of the culler who measured the logs and of the book-keeper or manager of the person or firm owning them, on forms to be furnished by the collector of slide and boom dues; and the latter shall have access to the books and original specifications of measurement of all saw-logs, etc., of any firm if he thinks it desirable or necessary to verify any returns furnished under these regulations. Any person making default under this section shall, subject to the limitation provided by section 3 of the said Act, chapter 98, R.S.C., incur and pay a penalty of ten dollars a day for each of the first thirty days of such default, and for each day thereafter a penalty of twenty-five dollars.

Section 33.—The collector of tolls and dues may at any time demand from any person required to make returns under the next preceding section,

Department of Public Works.

a return showing the stock then in possession of such person or the goods made or acquired by him since the date of his last return, and every return made under this section shall set out, with reference to such stock or the goods so made or acquired, all the particulars mentioned in the next preceding section, or such of them as may be specified in the demand, and every return called for under this section shall be made within five days after the same is demanded, under the like penalties for default as are prescribed in the next preceding section of these regulations.

Section 34.—If in the opinion of the collector of tolls and dues any returns required under either of the two next preceding sections is incomplete or unsatisfactory in any way, he may call upon the party furnishing such return to amend or ratify the same, and should such party fail within five days after such demand to comply therewith he shall incur and pay the like penalties as are prescribed in the 32nd section of these regulations.

Section 35.—The dues for tolls on all slides and works shall be paid as provided in section 8 of these regulations, or when demanded, but in every case before the thirty-first day of December of the year in which such dues shall have accrued, without prejudice to the rights of the Crown to enforce payment at any prior date.

After that date the collector shall be bound by all means in his power to collect such dues.

Section 36.—Interest at the rate of six per cent per annum shall be charged on the whole amount of dues accrued unpaid on the thirty-first day of December.

Section 37.—The following tolls shall be and are hereby imposed and shall be payable on saw-logs and other timber, passing through the public works, or parts of the same, on the Ottawa River and its tributaries :—

TARIFF OF TOLLS

Department of Public Works.

TARIFF OF TOLLS to be levied on Timber, Saw-logs, &c., passing through the Government Slides and Works on the Ottawa River and its Tributaries.

Name of River.	Slide or other Improvement.	Per Slide or other Improvement. — Red or White Pine, or Hardwood.			Rates to Clear	
		Per crib of Square Timber.	Per stick of Square Timber.	Saw-logs, per 1,000 ft. B.M.	To foot of	To River
					per Crib of Square Timber.	Ottawa, Saw-logs, per 1,000 ft. B.M.
		\$ cts.	\$ cts.	\$ cts.	\$ cts.	\$ cts.
Ottawa.....	For passing through slide at Roche Capitaine.....	1 00	.....	0 04½	4 50	.....
do	For passing through slide at Des Joachims.....	1 00	.....	0 04½	3 50	.....
do	For passing through slide at Calumet and Mountain Rapids.....	1 00	.....	0 04½	2 50	.....
do	For passing through slide at Portage du Fort.....	0 50	.....	0 02½	1 75	.....
do	For passing through slide at Chats.....	1 00	.....	0 04½	1 50	.....
do	do do Chaudière.....	1 00	.....	0 04½	1 00	.....
do	Chenaux Boom.....	.....	0 02	0 03	.....	.....
Petawawa.....	Works above head of Trout Lake.....	0 75	.....	0 06	3c. p. stick and \$5	0 40
do	Trout Lake to foot of works at Thompson's Rapids.....	.....	0 03	0 10	3c. p. stick and \$4.25	0 34
do	From foot of Thompson's Rapids through Lake Travers.....	1 00	.....	0 06	4 25	0 24
do	Crooked Chute.....	0 50	.....	0 06	3 25	0 18
do	Bois Dur to River Ottawa.....	1 25	.....	0 12	3 00	0 12
Madawaska.....	Chain Rapids to Calabogie Lake.....	1 50	.....	0 12	3 50	0 26*
do	Calabogie Lake to head of Arnprior slide.....	0 50	.....	0 06	2 00	0 14*
do	Chain Rapids to head of Arnprior slide.....	1 75	.....	0 18	.....	.....
do	Slide at Arnprior.....	0 50	.....	0 05	1 75	0 11
do	Retaining booms and piers in Chats Lake at mouth of river.....	0 25	.....	0 06	.....	0 06
Du Moine.....	Works above High Falls slide through to Ottawa River.....	.....	0 15	0 02	15c. p. stick and \$4.50	0 02
do	Below High Falls to Ottawa River.....	0 75	.....	0 01	5 25	0 01
Coulouge.....	Slide at High Falls.....	1 50	.....	0 18	4 00	0 18
Black River.....	Slide at Black River.....	1 00	.....	0 18	3 50	0 18
Gatineau.....	Booms.....	.....	0 06	0 12	.....	0 12

* When boom at mouth of river is used for square timber, 25c. per crib additional to be charged.

NOTE—Ordinary cribs of sawn lumber 50 per cent additional to square timber rates.

Small flatted timber, at half square timber rates when rafted.

Forty railway ties or eighty fence posts to be reckoned as 1,000 ft.

One cord of pulp wood to be reckoned as 1,000 ft. B. M.

Round cedars, 25 ft. and upwards in length, to be treated at saw-log rates; under 25 feet, at half rates.

Vide Canada Gazette, vol. xxviii., p. 115.

By Order in Council of the 25th of March, 1895, a revised tariff of tolls to be levied by the Upper Ottawa Improvement Company for the season of 1895, for the use of their works, was approved of.

Vide Canada Gazette, vol. xxviii., p. 1739.

Department of the Secretary of State.

Department of the Secretary of State.

By Order in Council of the 27th of June, 1894, it was declared that the second part of "The Canada Temperance Act" shall be in force and take effect in the city of Charlottetown, upon, from and after the day on which the annual or semi-annual licenses for the sale of spirituous liquors now in force in the said city will expire, provided such day be not less than ninety days from the day of the date hereof, and if it be less, then on the like day in the following year; and if there be no licenses in force in the said city of Charlottetown, then the second part of "The Canada Temperance Act" shall become and be in force and take effect in the said city of Charlottetown after the expiration of thirty days from the day of the date hereof.

Vide Canada Gazette, vol. xxviii., p. 24.

By Order in Council of the 4th of September, 1894, under the provisions of the section substituted by section 3 of the Act 51 Victoria, chapter 35, intitled "An Act in amendment of the Canada Temperance Act," for section 96 of "The Canada Temperance Act," it was declared that the Order in Council of the 19th of June, 1885, whereby the second part of the said "The Canada Temperance Act, 1878," was brought into force in the county of Chicoutimi, was revoked.

Vide Canada Gazette, vol. xxviii., p. 424.

Letters patent have been issued, as dated below, incorporating the following companies, and notices thereof published in vol. xxviii. of the *Canada Gazette*, at the pages stated, viz. :—

	PAGE.
Ames-Holden Co. ; capital increased to \$200,000 ; 24th August, 1894...	465
Ames-Holden Co. of Montreal ; supplementary ; 23rd January, 1895...	1326
Ames-Holden Co. of Toronto ; capital increased to \$100,000 ; 24th August, 1894.	465
<i>Aurore</i> Publishing Co. ; capital \$10,000 ; 7th July, 1894.....	164
C. A. Liffiton Co. ; capital \$10,000 ; 20th September, 1894.....	538
Canada Engraving and Lithographing Co. ; capital \$150,000 ; 24th December, 1894.....	1123
Canadian Cone Coupler Carriage Co. ; capital \$25,000 ; 11th January, 1895.....	1282
Canada Switch Manufacturing Co. ; capital increased to \$200,000, and name changed to "Canada Switch and Spring Co." ; 31st May, 1895.....	2176
Canadian Forwarding and Export Co. ; capital \$10,000 ; 18th July, 1894	164

Department of the Secretary of State.

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Canadian Royal Art Union ; supplementary ; 24th December, 1894....	1123
Canadian Trading and Shipping Co. ; capital \$250,000 ; 21st November, 1894.....	891
Canadian Typograph Co. ; capital \$250,000 ; 19th June, 1894.....	46
Carey Wire Sewing Process Co. ; supplementary ; 23rd February, 1895	1498
Collingwood Meat Co. ; capital \$200,000 ; 19th June, 1894.....	46
Colonial Telegraph and Telephone Co. ; capital \$25,000 ; 28th September, 1894.....	539
Consumers Gas Co. ; capital increased to \$750,000 ; 18th July, 1894....	164
Cossitt Brothers Co. ; capital \$400,000 ; 2nd February, 1895.....	1370
Crown Pressed Brick Co. ; capital \$100,000 ; 20th September, 1894....	538
Danville Asbestos and Slate Co. ; capital \$250,000 ; 31st May, 1895...	2176
Dominion Gold Dredging and Placer Mining Co. ; capital \$40,000 ; 27th March, 1895.....	1751
Dominion Rubber Reclaiming Co. ; capital \$100,000 ; 26th November, 1894.....	891
Featherston Piano Co. ; capital \$50,000 ; 27th March, 1895.....	1751
General Importation Co. ; capital \$150,000 ; 25th March, 1895.....	1691
George Mathews Co. ; capital \$200,000 ; 5th October, 1894.....	576
Hamilton Bridge Works Co. ; capital \$10,000 ; 29th May, 1895	2224
Hamilton Vinegar Works ; capital increased to \$500,000, and name changed to "Hamilton Distillery Co." ; 24th July, 1894	164
Hughes Car Ventilating Co. ; capital \$500,000 ; 3rd October, 1894....	539
International Produce and Manufacturing Exchange Co. ; capital \$200,000 ; 7th July, 1894.....	164
Jacob Y. Shantz & Son Co. ; capital \$140,000 ; 30th January, 1895....	1370
Jaś. Cosgrove Anti-Hernia Co. ; capital \$50,000 ; 21st November, 1894.	891
La Compagnie d'Imprimerie <i>Le Canada</i> ; capital \$25,000 ; 8th October, 1894.....	576
Laughlin-Hough Drawing Table Co. ; capital \$55,000 ; 13th June, 1895.	2224
<i>Le Temps</i> Publishing Co. ; capital \$9,000 ; 23rd January, 1895.....	1326
London Merchants and Manufacturers Steamship Co. ; capital \$50,000 ; 5th June, 1895.....	2273
Maclaren Match Co. ; capital \$40,000 ; 28th March, 1895.....	1751
Massey-Harris Co. ; supplementary ; 1st April, 1895.....	1808
Mica Boiler Covering Co. ; capital \$50,000 ; 18th February, 1895.....	1456
Melbourne Steamship Co. ; capital \$45,000 ; 24th July, 1894.....	465
Montreal and Toronto Steamboat Co. ; capital \$24,000 ; 13th March, 1895.....	1639
Montreal Watch Case Co. ; capital \$50,000 ; 24th December, 1894.....	1123
National Bakery Co. ; capital \$50,000 ; 31st July, 1894.....	336
Niagara District Fruit Growers' Joint Stock Co. ; capital increased to \$20,000 ; 28th September, 1894.....	617
Niagara River Tramway Co. ; capital \$40,000 ; 19th March, 1895.....	1638
Noble Brothers Co. ; capital \$100,000 ; 21st May, 1895.....	2129
North-west Shoe Co. ; capital \$40,000 ; 11th December, 1894.....	1075
Ottawa Porcelain and Carbon Co. ; capital \$100,000 ; 23rd February, 1895	1538

Department of the Secretary of State.

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Packard Electric Co. ; capital \$300,000 ; 1st August, 1894.....	336
Pembroke Milling Co. ; capital \$75,000 ; 27th November, 1894.....	940
Perce' Fishing Co. ; capital \$25,000 ; 31st May, 1895.....	2176
Phoenix Printing Ink Co. ; capital \$20,000 ; 24th December, 1894.....	1123
Prescott Elevator Co. ; capital \$175,000 ; 26th February, 1895.....	1583
Riverside Manufacturing Co. ; capital increased to \$200,000 ; 27th September, 1894.....	538
Rogers and Morris Co. ; capital \$70,000 ; 25th April, 1895.....	1944
Standard Shirt Co. ; capital \$200,000 ; 16th April, 1895.....	1903
Sheep Creek Irrigation Co. ; capital \$1,000 ; 1st April, 1895.....	1808
Taylor Hydraulic Air Compressing Co. ; capital \$500,000 ; 7th May, 1895.....	2026
Tulameen Mining Co. ; capital \$20,000 ; 28th March, 1895.....	1691
T. W. Ness Electrical Co. ; capital \$150,000 ; 28th June, 1894.....	82
Union Card and Paper Co. ; capital \$100,000 ; 24th December, 1894...	1122
Wentworth Navigation Co. ; capital \$18,000 ; 26th February, 1895.....	1582
Wood Vulcanizing Co. ; capital \$75,000 ; 1st August, 1894.....	336

Department of Trade and Commerce.

Department of Trade and Commerce,

By Order in Council of the 1st of August, 1894, under the provisions of chapter 104 of the Revised Statutes of Canada, intituled "The Weights and Measures Act," the regulations for the inspection of weights and measures established by Order in Council of the 5th July, 1890, were amended by striking out schedule E and substituting the following in lieu thereof:—

SCHEDULE E.

Section 15. Of fees to be collected for verification of measures of capacity.

DOMINION MEASURES.

Denominations.	Material.				
	Bronze Cast.	Sheet Brass or Copper.	Sheet Iron or Tin Plate.	Hard Pewter.	Wood.
	cts.	cts.	cts.	cts.	cts.
Bushel.....	30	30	20	.....	15
$\frac{1}{2}$ Bushel.....	25	25	15	.....	10
Peck.....	20	20	15	.....	10
Gallon.....	15	15	5	15	5
$\frac{1}{2}$ Gallon.....	10	10	5	10	5
Quart.....	5	5	5	5	5
Pint.....	5	5	5	5	5
$\frac{1}{2}$ Pint.....	5	5	5	5	5
Gill.....	5	5	5	5	5
$\frac{1}{4}$ Gill.....	5	5	5	5	5
Measures below $\frac{1}{4}$ gill.....	5	5	5	5	5
Victor Molasses Gate.....	.....	.....	25	.....	.....

Rates by sets cancelled.

(a.) Multiples of a bushel shall in future be admitted to verification. The fee for verifying, stamping or branding such measures shall be the same as above for the first bushel, and fifteen cents for each additional bushel.

(b.) Decimal sub-multiples of the bushel may also be admitted to verification, and the fees for the verification thereof shall be 10 cents for the first, and 5 cents for each additional tenth of a bushel.

In order to ensure the admission to verification of such measures and to facilitate the work of their inspection, they must be so constructed as to be perfectly water-tight.

(c.) Multiples of the gallon, for liquid measures, may in future be admitted to verification. The fee for verifying such measures shall be the same as above, 5 cents being also charged for each additional gallon.

(d.) No special rates will be further allowed, in cases where tin, sheet iron or wooden measures of capacity are submitted for original verification, at manufactories, in lots of not less than 25 or 50.

Department of Trade and Commerce.

(e.) No special rates will be allowed for sets of measures from bushel to gallon, or from gallon to gill.

(f.) The fees specified in the foregoing tariff, for the verification of measures of capacity, shall be absolute and remain the same in all cases.

Vide Canada Gazette, vol. xxviii., p. 292.

By proclamation of the 9th of October, 1894, under the provisions of 57 and 58 Victoria, chapter 33, section 10 (Customs Act), shingles may be imported into Canada free of duty.

Vide Canada Gazette, vol. xxviii., p. 1171.

By proclamation of the 28th of May, 1895, under the provisions of 57 and 58 Victoria, chapter 33 (Customs Act), the import duty upon eggs was reduced to three cents per dozen from May 28th, 1895.

Vide Canada Gazette, vol. xxviii., p. 2213.

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ACTS
OF THE
PARLIAMENT
OF THE
DOMINION OF CANADA

PASSED IN THE SESSION HELD IN THE
FIFTY-EIGHTH AND FIFTY-NINTH YEARS OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA

BEING THE
FIFTH SESSION OF THE SEVENTH PARLIAMENT

*Begun and holden at Ottawa, on the Eighteenth day of April, and closed by
Prorogation on the Twenty-second day of July, 1895*



HIS EXCELLENCY
THE RIGHT HONOURABLE SIR JOHN CAMPBELL HAMILTON-GORDON, EARL OF ABERDEEN
GOVERNOR GENERAL

VOL. I.
PUBLIC GENERAL ACTS

OTTAWA
PRINTED BY SAMUEL EDWARD DAWSON
LAW PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY
ANNO DOMINI 1895



58-59 VICTORIA.

CHAP. I.

An Act for granting to Her Majesty certain sums of money required for defraying certain expenses of the public service, for the financial year ending the 30th June, 1895, and for other purposes relating to the public service.

[Assented to 28th June, 1895.]

MOST GRACIOUS SOVEREIGN,

WHEREAS it appears by a Message from His Excellency Preamble.
the Right Honourable Sir John Campbell Hamilton-Gordon, Earl of Aberdeen, Governor General of Canada, and the estimates accompanying the same, that the sums hereinafter mentioned are required to defray certain expenses of the public service of Canada, not otherwise provided for, for the financial year ending the thirtieth day of June, one thousand eight hundred and ninety-five, and for other purposes connected with the public service; May it therefore please Your Majesty that it may be enacted, and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, that:—

1. This Act may be cited as *The Appropriation Act (No. 1)*, Short title. 1895.

2. From and out of the Consolidated Revenue Fund of Canada there shall and may be paid and applied a sum not exceeding in the whole one million one hundred and forty-three thousand and fifty-four dollars and twenty-eight cents, towards defraying the several charges and expenses of the public service of Canada, from the first day of July, in the year of our Lord one thousand eight hundred and ninety-four, to the thirtieth day of June, in the year of our Lord one thousand eight hundred and ninety-five, not otherwise provided for, and set forth in the schedule to this Act, and also for the other purposes in the said schedule mentioned.

Sum granted
for financial
year 1894-95,
\$1,143,054.28.

Special provisions as to certain items.

3. The amounts granted by this Act for the renewal of the superstructure of the pier at the lower entrance of Farran's Point Canal and for building lower gates at lock No. 22 of the said canal, and to renew the superstructure of the pier at the entrance to lock 22 of the Galops Canal, shall, unless sooner expended, be applicable for the said purposes until the first day of September, one thousand eight hundred and ninety-five; and the amount granted for continuing artesian boring in the North-west Territories shall, unless sooner expended, be applicable for the said purpose until the thirty-first day of December, one thousand eight hundred and ninety-five.

Appropriation Act, 1894, amended.

4. The amount (\$20,000) granted by *The Appropriation Act, 1894*, for printing, etc., in connection with the Royal Commission on the liquor traffic is hereby transferred from "Miscellaneous" to "Legislation" in schedule B to the said Act, and shall, unless sooner expended, be available for the said purpose until the thirty-first day of December, one thousand eight hundred and ninety-five.

Account to be rendered in detail.

5. A detailed account of the sums expended under the authority of this Act shall be laid before the House of Commons of Canada during the first fifteen days of the then next session of Parliament.

SCHEDULE.

SUMS granted to Her Majesty by this Act, for the Financial Year ending 30th June, 1895, and the purposes for which they are granted.

SERVICE.	Amount.	Total.
CHARGES OF MANAGEMENT.		
Assistant Receiver General's Office, Charlottetown—Amount required to cover payment of the salary of the late T. Foley for March, 1893.	\$ cts.	\$ cts.
		81 67
CIVIL GOVERNMENT.		
Department of Customs—To provide for payment to W. D. P. Bales, messenger, of amount voted in Supply Bill for fiscal year, 1894-95, for his salary at the maximum of the class, notwithstanding anything to the contrary in the Civil Service Act	\$ 80 00	
Further amount required for sundries	750 00	
		830 00
Department of Trade and Commerce—To pay J. C. Carleton for services as acting messenger during the months of June, August and October, 1894.		68 33
Governor General's Secretary's Office—Further amount required for contingencies—		
Printing	\$ 300 00	
Sundries	500 00	
		800 00
Post Office Department—Further amount required for contingencies—		
Clerical and other assistance		1,650 00
Department of Justice—To pay J. W. Hughes for his services from the 1st to the 31st January, 1895, notwithstanding anything in the Civil Service Act	\$ 77 50	
To pay F. H. Gisborne for extra services, notwithstanding anything in the Civil Service Act	150 00	
Penitentiary Branch—To pay H. B. S. Lane, in addition to his salary for acting as Accountant of Penitentiaries from 1st May, 1894, to 1st July, 1895.	200 00	
		427 50
To recoup the vote for Unforeseen Expenses, the amount transferred by Orders in Council to the credit of the Contingencies Appropriation of these Departments—		
Justice	\$3,500 00	
Marine and Fisheries	1,000 00	
Agriculture	1,500 00	
		6,000 00
Carried forward		9,775 83
		81 67

SCHEDULE—*Continued.*

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
Brought forward.....	9,775 83	81 67
CIVIL GOVERNMENT—<i>Concluded.</i>		
Department of the Secretary of State—To pay G. de la Porte for services as an extra clerk in the Records Branch.....	62 00	
Department of Indian Affairs—To provide an additional amount in the vote for extra clerks and messengers.....	\$ 300 00	
To pay S. Bray, D.L.S., for work in settling Indian Reserve claims in the Pas Agency, and in surveying reserves in the same district.....	150 00	
	450 00	10,287 83
ADMINISTRATION OF JUSTICE.		
<i>British Columbia.</i>		
To pay Mr. Justice Crease, as local judge in Admiralty, Exchequer Court, as salary from 27th November, 1893, to 25th March, 1895, at \$600 per annum.....	\$ 796 02	
To pay Chief Justice Theodore Davie, of the Supreme Court of British Columbia, salary as local judge in Admiralty from 25th March, 1895, to 30th June, 1895, at \$1,000 per annum.....	268 49	
To provide for additional amount required for judges' circuit allowances, British Columbia.....	500 00	
	1,564 51	
<i>Ontario.</i>		
To provide for travelling expenses to judges holding weekly sittings of the High Court of Justice at Ottawa and London.....	500 00	
<i>Quebec.</i>		
To pay Chief Justice Casault part of salary as senior puisne judge residing at Quebec from May 27th, 1894, to July 23rd, 1894, at \$1,000 per annum.....	158 00	
		2,222 51
PENITENTIARIES.		
St. Vincent de Paul Penitentiary—To pay guard W. W. Gibson, the difference between \$400 and \$500 per annum, from the 1st April, 1894, until 30th June, 1895, notwithstanding anything to the contrary in the Penitentiary Act.....	125 00	
British Columbia Penitentiary—To pay Mr. Justice Drake for services as commissioner <i>re</i> investigation.....	\$ 200 00	
To pay Geo. L. Foster, Accountant of Penitentiaries, the difference between \$1,800 and \$2,050, from the 24th October, 1894, until the 30th June, 1895.....	170 50	
	370 50	495 50
LEGISLATION.		
HOUSE OF COMMONS.		
Further amount required to pay for expenses of revision of the voters' lists.....	\$ 40,000 00	
To provide for the payment of fifteen days' salary to each of the amanuenses to the official reporters for the session of 1893, eight at \$45 each.....	360 00	
To pay Hugh Sutherland, late member of Parliament for Winnipeg, balance of his sessional indemnity, 1886.....	469 00	
Carried forward.....	40,829 00	13,087 51

SCHEDULE—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
Brought forward.....	\$ 40,829 00	13,087 51
LEGISLATION—Concluded.		
Additional amount required for publishing debates.....	10,000 00	
Additional amount required for committees, shorthand writers, witnesses, etc.....	1,000 00	
To cover amount expended to 23rd July last on sessional translation, and amount expended during recess on translation (including Experimental Farm and Dairy Reports).....	1,830 00	
To pay two extra clerks for session of 1895, at \$300.....	600 00	
To pay R. Boudreault, clerk to the leader of the Opposition for the sessions of 1894 and 1895, at \$300.....	600 00	
To pay O. Durocher and J. O. Durocher for the privilege and authority to manufacture and to use in connection with the Dominion elections a certain invention described in the Patent of Canada, No. 30784 as "Ballot slip".....	2,500 00	
	57,359 00	
LIBRARY OF PARLIAMENT.		
To provide for the payment of the following sessional messengers for the balance of the session of 1894, over one hundred days, the appropriation for 1893-94 having been for one hundred days only, while the session lasted one hundred and thirty-one days—		
Joseph Lafontaine, 31 days at \$2.50.....	\$ 77 50	
Thos. W. Hodgins, 31 days at \$2.50.....	77 50	
	\$ 155 00	
Also to provide for the payment of two extra or sessional messengers from the 18th April, to the 30th June, 1895, 74 days...	370 00	
	525 00	57,884 00
ARTS, AGRICULTURE AND STATISTICS.		
To meet expenses for promoting the dairy interest of Canada by placing fresh-made creamery butter on the British markets without deterioration, for securing recognition of its quality in that market.....	3,000 00	
Jamaica Exhibition—To pay unsettled account.....	46 39	
		3,046 39
MILITIA.		
Pay and allowances—Permanent Corps and Active Militia.....	45,000 00	
Clothing and necessaries.....	33,000 00	
Transport and freight—To pay railway and other claims.....	2,000 00	
Monuments—Battlefields of Canada.....	4,000 00	
Pay and allowances, Annual Drill, 1894-5.....	7,000 00	
Militia Annual Drill, 1894-5—To provide for drill in camps of instruction for the rural corps.....	220,000 00	
		311,000 00
RAILWAYS AND CANALS.		
<i>(Chargeable to Capital.)</i>		
SAULT STE. MARIE CANAL.		
Construction.....		310,000 00
Carried forward.....		695,017 90

SCHEDULE—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
Brought forward.....		695,017 90
RAILWAYS AND CANALS.		
<i>(Chargeable to Income.)</i>		
LACHINE CANAL.		
Repairs to breakwater, etc.....	\$2,500 00	
To pay salaries and expenses in connection with the commission of inquiry into Lachine Canal expenditure.....	6,700 00	
		9,200 00
RIDEAU CANAL.		
To complete swing bridge and approaches, etc., at Smith's Falls.....	\$3,200 00	
To pay for land damages caused by overflow of water.....	5,000 00	
		8,200 00
BEAUHARNOIS CANAL.		
To remove old obstructions across Lost Channel.....	\$ 600 00	
To pay Moïse Brunet \$45, Joseph Poirier \$10, for damages by overflow.....	55 00	
Valleyfield drain—To provide for overdraft.....	1,236 33	
To pay Contractor Grier's final estimate.....	799 21	
To pay Contractor Chagnon's men's back wages.....	2,235 58	
To pay Contractor Chagnon's unpaid accounts.....	1,302 54	
Expenses in connection therewith.....	126 34	
To repair foundation of guard lock at Valleyfield.....	4,500 00	
		10,855 00
CHAMBLY CANAL.		
To pay A. Hurteau & Frère for timber.....	\$1,957 15	
To pay for land taken from A. Yule and A. F. Riddell.....	1,100 00	
		3,057 15
CORNWALL CANAL.		
To complete Government sewer.....	\$4,000 00	
To complete telephone line.....	500 00	
For repairs on lock No. 15.....	3,000 00	
For repairs on lock No. 16.....	3,000 00	
To pay William Tackabury indemnity for injury received while on duty.....	400 00	
		10,900 00
FARRAN'S POINT CANAL.		
To renew superstructure of pier at lower entrance.....	\$8,000 00	
To build lower gates at lock No. 22.....	4,000 00	
		12,000 00
ST. ANNE'S CANAL.		
To repair lock.....		150 00
TRENT CANAL.		
To assist in rebuilding Rosa's Bridge over Otonabee River.....		800 00
Carried forward.....	55,162 15	695,017 90

SCHEDULE—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
Brought forward.....	55,162 15	695,017 90
RAILWAYS AND CANALS—Concluded.		
<i>(Chargeable to Income)—Concluded.</i>		
ST. PETER'S CANAL.		
To repair mitre sills, gates, floor and lock.....	\$7,000 00	
To pay Donald Ferguson $\frac{3}{4}$ of 3 months' wages during the time he was laid up from injuries received while on duty, from September 22nd, 1891, to December 22nd, 1891, at \$1.15 per day.....	59 80	
To pay James Sampson $\frac{3}{4}$ of 3 months' wages during the time he was laid up from injuries received while on duty, from 1st January to 1st March, 1892, at \$1.15 per day.....	59 80	
	7,119 60	
GALOPS CANAL.		
To renew superstructure of pier at entrance to lock 22.....	3,500 00	
WELLAND CANAL.		
To pay claim of North Cayuga Township for damage to road by floods.....	\$ 567 00	
To pay R. E. Carle for time he was laid up disabled from accident by the falling of a derrick in yard at Port Dalhousie on 19th December, 1892.....	81 32	
	648 32	66,430 07
PUBLIC WORKS.		
<i>(Chargeable to Income.)</i>		
PUBLIC BUILDINGS.		
<i>Prince Edward Island.</i>		
Charlottetown Dominion Building—To pay Committee of Queen Square grounds, Charlottetown, for keeping in order the portion of the square used in connection with the said building during 1893 and 1894.....	\$ 590 00	
<i>New Brunswick.</i>		
St. John Custom-house—To complete payments for works of construction, fittings, furniture and other supplies.....	7,600 00	
<i>Maritime Provinces Generally.</i>		
Dominion Public Buildings—Renewals, improvements, repairs, etc.....	3,000 00	
<i>Quebec.</i>		
Dominion Public Buildings—Renewals, improvements, repairs, etc.....	\$2,000 00	
Montreal Post Office.....	3,000 00	
	5,000 00	
Carried forward.....	16,100 00	761,447 97

SCHEDULE—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
Brought forward	\$ 16,100 00	761,447 97
<i>PUBLIC WORKS—Continued.</i>		
<i>(Chargeable to Income)—Continued.</i>		
<i>PUBLIC BUILDINGS—Concluded.</i>		
<i>Ontario.</i>		
Brockville Public Building—To pay Tompkins, Crain & Co., contractors, amount due on final estimate.	\$2,475 37	
Cornwall Public Building—Balance due the late John James Brown, architect of Montreal, and to be paid to his legal representatives in full and final settlement of all claims for professional services rendered by the late Mr. Brown in connection with the said building.	131 32	
Peterborough Custom-house—Balance due contractor for grading, fencing, etc.	300 00	
Strathroy Public Building—Balance due contractors on final estimate	215 00	
	3,121 69	
<i>Manitoba.</i>		
Brandon Industrial School—To complete payments.	2,500 00	
<i>British Columbia.</i>		
Vancouver Public Building—To complete payment to contractors for construction and heating of building and to superintending architect.	1,367 94	
<i>Repairs, Furniture and Heating.</i>		
Rideau Hall, including grounds—Renewals, improvements, repairs, furniture and maintenance.	\$3,000 00	
Lighting Public Buildings throughout the Dominion.	15,000 00	
Heating Public Buildings, Ottawa, including salaries of engineers, firemen, elevator attendants and caretakers.	5,000 00	
Telephone Service—To pay arrears of rents of instruments used in 1893 and 1894.	400 00	
	23,400 00	
		46,489 63
<i>HARBOURS AND RIVERS.</i>		
<i>Nova Scotia.</i>		
South Ingonish Wharf—To provide for the amount of a judgment rendered in the Exchequer Court in the suit of the Queen vs. Murdoch G. McLeod, for the expropriation of a property required for wharf purposes, together with the costs recovered. \$	635 88	
Pictou Harbour—To provide for the purchase of a portion of Pictou Light Beach for harbour protection purposes.	350 00	
	985 88	
<i>New Brunswick.</i>		
Hopewell Cape—To pay balance due for lumber required for repairs to ballast wharf	\$ 317 69	
Buctouche Wharf—To complete payments in connection with work of repairs, etc., carried out in 1894-95.	104 38	
	422 07	
Carried forward	1,407 95	761,447 97

SCHEDULE—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
Brought forward	\$ 1,407 95	46,489 63
PUBLIC WORKS—Concluded.		
(Chargeable to Income)—Concluded.		
HARBOURS AND RIVERS—Concluded.		
Maritime Provinces Generally.		
General repairs and improvements to harbour and river works..	3,000 00	
Quebec.		
Rivière du Sud—For protection work at Montmagny	5,000 00	9,407 95
SLIDES AND BOOMS.		
For new piers and booms, St. Maurice district		2,500 00
MAIL SUBSIDIES AND STEAMBOAT SUBVENTIONS.		
To complete payment for steam communication between Prince Edward Island and the mainland, during the season of 1894 as per terms of contract	500 00	
To pay the Bay of Fundy Steamship Co. for services performed in the month of June, 1893, between St. John, Digby and Annapolis	910 42	
To pay the Furness Line for services between St. John, Halifax and London, in January, 1892	1,000 00	
To pay the Yarmouth Steamship Co. for steam communication between St. John and Halifax, via Yarmouth, during the season of 1894	7,000 00	
To pay Roderick McDonald balance on account of steamship service between Port Mulgrave, Arichat and Canso, Guysboro' and Port Hood, from 1893 to 1895	3,000 00	
		12,410 42
OCEAN AND RIVER SERVICE.		
To provide for a gratuity of 3 months' pay to the daughter of the late Captain Atkins, in his life time an officer on the steamer "Lansdowne," who died at Yarmouth, 12th Dec., 1894, and was over thirty years in the employ of the Government	135 00	
Additional amount required for Winter Mail Service	1,000 00	
To provide for the refund of fines imposed on owner of the "Golden City"	200 00	
		1,335 00
LIGHTHOUSE AND COAST SERVICE.		
To pay Wm. Howe, amount of account in connection with maintenance of lights above Montreal	32 90	
To provide a gratuity to the widow of the late Wm. Smith who lost his life in the attempt to save the government buoy adrift from Portuguese shoals during the storm of the 15th April, 1895	500 00	
		532 90
SCIENTIFIC INSTITUTIONS.		
To provide the widow of the late J. R. Spencer, the amount of one year's salary due that officer while employed as an observer at Fort Churchill in 1885		120 00
Carried forward		834,243 87

SCHEDULE—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
Brought forward.....		834,243 87
FISHERIES.		
To provide additional amount for legal expenses, including prosecutions <i>re</i> Fishing Bounty Frauds.....	4,000 00	
To provide for the payment to Collectors of Customs for services in connection with the issuing of Fishing Licenses to United States fishing vessels during the year 1894.....	338 80	
To pay the following persons \$15 each for services in compiling and forwarding daily reports in connection with Fisheries Intelligence Bureau during season 1894, viz.: J. P. Brennan, R. Benoit, C. P. Lelacheur, E. G. Randall, A. J. Clarke, T. C. Cook, S. Aucoin, J. M. Viets, J. Thurber, R. McLean, C. Owen, E. A. Calder, J. H. Dunlop, J. R. Ruggles, P. O'Toole, L. McKeen, J. M. McNutt, M. A. Dunn, Geo. Rowlings, A. G. Hamilton, P. T. Fougère, E. D. Tremaine, J. W. Taylor, E. E. Letson, D. Murray, J. A. D'Entremont, R. H. Bolman, W. C. Henley, D. McAulay, D. Urquhart.....	435 00	
To pay S. Wilnot moneys disbursed by him in connection with the Fish Hatchery in Ottawa, and the Ontario Fisheries Commission.....	78 60	
To provide further amount for fisheries.....	4,500 00	
To pay Wm. Howe amount of account in connection with Ottawa Hatchery and Fishery Exhibition.....	260 57	
To provide further amount in connection with tidal service.....	1,500 00	
		11,112 97
INDIANS.		
ONTARIO AND QUEBEC.		
To provide for excess of expenditure over revenue in the account for the payment of Robinson treaty annuities... \$ 1,000 00		
To pay Messrs. Strickland and Burnham for islands Nos. 82 and 83 in Stony Lake.....	228 20	
		1,228 20
NOVA SCOTIA.		
To provide an additional amount for medical attendance and medicines.....	\$ 1,000 00	
To pay Daniel McNeil for legal services in the case of McLean <i>vs.</i> Livingston <i>et al.</i> , as taxed by the Department of Justice.....	229 25	
To pay Alexander McDonald for legal services in connection with trespasses on the Malagawatch and Whyccomagh Reserves, county of Inverness, N.S., as taxed by the Department of Justice.....	90 00	
		1,319 25
NEW BRUNSWICK.		
To provide an additional amount for medical attendance and medicines..	700 00	
BRITISH COLUMBIA.		
To provide additional amount for medical attendance and medicines.....	\$ 4,000 00	
To provide an amount sufficient to pay the Department of Lands and Works, B.C., for the transport of F. A. Devereux, Indian Reserve Surveyor.....	500 00	
		4,500 00
		7,747 45
Carried forward.....		853,104 29

SCHEDULE—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
Brought forward.....		853,104 29
GEOLOGICAL SURVEY DEPARTMENT.		
Amount required to pay Printing Bureau, publication of maps, reports etc., stationery and printing, wages of temporary employees and advances to explorers on account of 1895-96.....	8,000 00	
To provide for continuing Artesian boring in North-west Territories.....	9,000 00	17,000 00
NORTH-WEST MOUNTED POLICE.		
Required to complete the service of the year.....		15,000 00
MISCELLANEOUS.		
To meet balance of expense incurred in connection with the Colonial Conference held in Ottawa in June and July, 1894.....	4,443 32	
To remunerate the following officers for services in connection with the Colonial Conference, notwithstanding anything in the Civil Service Act to the contrary:—		
J. L. Payne, joint secretary.....	\$ 200 00	
Douglas Stewart do.....	200 00	
John Carleton, messenger.....	100 00	
	500 00	
To refund amount received by the Department of the Interior as bonus for a timber-berth in what was known as the Disputed Territory, after the award of the Boundary Commission, no timber having been cut.....	255 00	
To pay grant to the Royal Canadian Humane Society.....	250 00	
Further amount required to meet expenditure in connection with the Royal Commission on liquor traffic.....	8,000 00	
To pay the Medicine Hat General Hospital—		
For the maintenance of R. VanLuven, from 10th May, 1891, to 30th November, 1892, 561 days at 50c. per day.....	\$ 280 50	
For the maintenance of S. Johnson from 15th November, 1890, to 30th November, 1892, 746 days at 50c. per day.....	373 00	
	653 50	
To cover expenses of the late Sir J. S. D. Thompson's funeral.....	25,000 00	
To pay contribution to the Lady Thompson fund.....	25,000 00	64,101 82
COLLECTION OF REVENUE.		
CUSTOMS.		
To pay Miles Cowan, Clerk in Her Majesty's Customs at the Port of Windsor, Ont., an allowance in addition to his salary for services rendered while Acting Collector at that Port, from 1st June, 1889, to 30th November, 1892.	\$ 600 00	
To meet legal expenses in the case of the Toronto Railway Company vs. the Queen.....	1,143 79	1,743 79
WEIGHTS AND MEASURES.		
To pay Levi Werner compensation for loss by use of improperly verified measures.....	63 19	
Carried forward.....	1,806 98	949,206 11

SCHEDULE—Continued.

Service.	Amount.	Total.
	\$ cts.	\$ cts.
Brought forward	1,806 98	949,206 11
COLLECTION OF REVENUE—Concluded.		
ELECTRIC LIGHT INSPECTION.		
To pay balance of purchase of standards.....	1,359 46	
RAILWAYS AND CANALS.		
<i>Galops Canal.</i>		
To pay John Mallon for kitchen to house at lock 26.....	\$ 248 00	
<i>Beauharnois Canal.</i>		
To pay the widow of the late bridge tender, Pierre Leger, a gratuity of 2 months' salary.....	76 00	
<i>Williamsbury Canal.</i>		
To pay collector of canal tolls, George Reid, \$9 per month for travelling expenses as paymaster	108 00	
<i>Cornwall Canal.</i>		
To pay F. Dawson wages from date at which he retired from duty to close of season of 1894, 240 days at \$1.25.....	300 00	
<i>Rideau Canal.</i>		
To pay widow of late diver McGingran a gratuity of 2 months' salary.....	\$ 100 00	
To pay John Redmond from date of his retiring from the service to date at which his superannuation took effect, 72 days at \$1.25	90 00	
	190 00	
<i>Welland Canal.</i>		
To pay Wm. McClory and Robert Edgraft from date at which they retired from duty to date at which superannuation took effect, 6 $\frac{2}{3}$ months each at \$45	619 20	
<i>Lachine Canal—Repairs.</i>		
To repair breakwater at Lachine.....	\$ 500 00	
do generator	500 00	
For maintenance and lighting of Mill Street	1,200 00	
To repair slope walls.....	300 00	
	2,500 00	
<i>Culbute Canal—Staff.</i>		
To grant 2 months' salary as a gratuity to Terrance Smith and A. McDonnell, whose services have been dispensed with in consequence of abandonment of the canal	120 00	
	4,161 20	
Carried forward.....	7,327 64	949,206 11

SCHEDULE—*Concluded.*

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
Brought forward	7,327 64	949,206 11
COLLECTION OF REVENUE—<i>Concluded.</i>		
POST OFFICE.		
Amount required to complete the payments at the authorized rate for provisional allowance in Manitoba and British Columbia	\$1,850 27	
Amount required to complete the payments for mail service on the Intercolonial Railway	19,289 09	
To compensate A. C. James, 2nd class railway mail clerk in the Manitoba Division, for loss of personal property, including a silver watch, gold chain and other articles, in an accident to the postal car at Mattawan Bridge, through the wrecking and burning of train No. 1, on the 9th June, 1894, on which train he was on duty.	79 00	
To compensate F. H. Smith, Assistant Post Office Inspector in the Toronto Postal Division, for loss of and damage to clothing and other articles while endeavouring to recover mail matter at Mattawan Bridge from wreck of Canadian Pacific mail train on 9th June, 1894.	18 25	
To compensate W. Niblock for damage to his boat and loss of personal property while endeavouring to recover mail matter at Mattawan bridge from wreck of Canadian Pacific mail train, on the 9th June, 1894.	7 25	
To compensate A. C. McNaughton for loss of personal property, including articles of clothing and other articles, while endeavouring to recover mail matter at Mattawan Bridge from wreck of Canadian Pacific mail train, on the 9th June, 1894.	15 00	
Amount required to enable the Postmaster General to pay J. H. Bartlett, in addition to his present salary as 2nd class clerk, the sum of \$60 for attending to the clock of the Ottawa Post Office.	60 00	
Amount required to complete the payments for ordinary mail service.	40,000 00	
	61,318 86	68,646 50
OPEN ACCOUNT.		
To pay for the purchase and distribution of seed grain to needy settlers resident in the North-west Territories, chiefly in the district of Assiniboia.		55,000 00
UNPROVIDED ITEMS, 1893-94.		
Amount required to cover unprovided items, as per Auditor General's Report, page lx.		70,201 67
Total.		1,143,054 28

OTTAWA : Printed by SAMUEL EDWARD DAWSON, Law Printer to the Queen's most Excellent Majesty.



58-59 VICTORIA.

CHAP. 2.

An Act for granting to Her Majesty certain sums of money required for defraying certain expenses of the public service, for the financial year ending the 30th June, 1896, and for other purposes relating to the public service.

[Assented to 22nd July, 1895.]

MOST GRACIOUS SOVEREIGN,

WHEREAS it appears by Messages from His Excellency the Right Honourable Sir John Campbell Hamilton-Gordon, Earl of Aberdeen, Governor General of Canada, and the estimates accompanying the same, that the sums hereinafter mentioned are required to defray certain expenses of the public service of Canada, not otherwise provided for, for the financial year ending the thirtieth day of June, one thousand eight hundred and ninety-six, and for other purposes connected with the public service; May it therefore please Your Majesty that it may be enacted, and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, that:—

1. This Act may be cited as *The Appropriation Act (No. 2)*, Short title. 1895.

2. From and out of the Consolidated Revenue Fund of Canada there shall and may be paid and applied a sum not exceeding in the whole twenty million six hundred and five thousand four hundred and fifty-nine dollars and eighty cents towards defraying the several charges and expenses of the public service of Canada, from the first day of July, in the year of our Lord one thousand eight hundred and ninety-five, to the thirtieth day of June, in the year of Our Lord one thousand eight hundred and ninety-six, not otherwise provided for, and set forth in the schedule to this Act, and also for the other purposes in the said schedule mentioned.

Sum granted for financial year 1895-96, \$20,605,459 80

Special provisions as to N. W. T.

3. The amounts granted by this Act for the Government of the North-west Territories shall not be deemed to have lapsed if not expended within the year for which they are granted.

Account to be rendered in detail.

4. A detailed account of the sums expended under the authority of this Act shall be laid before the House of Commons of Canada during the first fifteen days of the then next session of Parliament.

Declaratory as to certain loans authorized but not raised.

5. And whereas there remained on the thirtieth day of June, one thousand eight hundred and ninety-five, unborrowed and negotiable, of the loans authorized by Parliament for the construction of public works, and for general purposes, the following sums:—

Authorized and guaranteed by the Imperial Parliament for the Canadian Pacific Railway	\$ 1,946,666 67
For public works and general purposes.....	12,815,985 53
	\$14,762,652 20

Such sums may be raised under R.S.C., c. 29.

Therefore it is declared and enacted, that the Governor in Council may authorize the raising of the several sums above mentioned, as they are required for the purposes aforesaid, respectively, under the provisions of *The Consolidated Revenue and Audit Act*, and the sums so raised shall form part of the Consolidated Revenue Fund of Canada, out of which like sums shall be applicable to the several purposes aforesaid, under the Acts and provisions thereunto relating respectively.

Application of such sums.

SCHEDULE.

Sums granted to Her Majesty for the Financial Year ending 30th June, 1896, and the purposes for which they are granted.

SERVICE.	Amount.	Total.
CHARGES OF MANAGEMENT.		
	\$ cts.	\$ cts.
Office of the Assistant Receiver General, Toronto	7,100 00	
do do Montreal	5,600 00	
do do Halifax	8,300 00	
do do St. John	6,600 00	
do do Winnipeg	6,600 00	
do do Victoria	4,000 00	
do do Charlottetown	4,100 00	
Country Savings Banks, New Brunswick, Nova Scotia and Prince Edward Island—		
Salaries	10,400 00	
Contingencies	1,700 00	
Commission for payment of interest on Public Debt, purchase of Sinking Funds and transfer of Stock	32,850 00	
Brokerage on purchases for Sinking Funds	5,400 00	
English Bill Stamps, Postage, Telegrams, etc.	4,000 00	
Expenses in connection with the issue and redemption of notes.	5,000 00	
Printing Notes	50,000 00	
Printing, advertising, inspection, expressage and miscellaneous charges, including commutation of stamp duty	12,500 00	
		164,150 00
CIVIL GOVERNMENT.		
The Governor General's Secretary's Office	\$ 11,012 50	
The Office of the Queen's Privy Council for Canada	33,855 00	
The Department of Justice, including \$200 additional to the salary of G. L. B. Fraser, \$600 for the Private Secretary of the Solicitor General, and a salary of \$300 to Thomas Pickens, messenger, notwithstanding anything to the contrary in the Civil Service Act	23,585 00	
The Department of Justice, Penitentiaries Branch	5,675 00	
The Department of Militia and Defence	44,875 00	
The Department of Secretary of State	37,062 50	
do Printing and Stationery	28,162 50	
do Interior	98,454 00	
The Office of the Controller of the North-west Mounted Police	10,062 50	
The Department of Indian Affairs	50,495 00	
The Office of the Auditor General	26,740 00	
The Department of Finance, including the salary of S. J. Jenkins, as a first-class clerk, at \$1,400 per annum, notwithstanding anything to the contrary in the Civil Service Act	50,050 00	
The Department of Customs, including the salaries of R. R. Farrow as a first-class clerk, at \$1,400; of R. W. Breadner, as a second-class clerk, at \$1,100; of J. A. Watson, H. V. Rorke, A. M. Lafontaine, as third-class clerks, at \$600; and of W. D. P. Bales, as messenger, at \$500, notwithstanding anything to the contrary in the Civil Service Act	39,037 50	
Carried forward	459,066 50	164,150 00

SCHEDULE—*Continued.*

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
Brought forward	\$459,066 50	164,150 00
<i>CIVIL GOVERNMENT—Continued.</i>		
The Department of Inland Revenue, including the salary of F. R. E. Campeau, as chief clerk and accountant, at \$1,800, and an allowance of \$600 for the Private Secretary of the Controller, notwithstanding anything to the contrary in the Civil Service Act	37,830 00	
The Post Office Department	203,205 00	
The Department of Agriculture, including the salaries of M. Leyden, at \$600, and T. B. Bassette, at \$500, notwithstanding anything to the contrary in the Civil Service Act	55,540 00	
The Department of Marine and Fisheries, including the salary of M. C. Doyle, at \$900, notwithstanding anything to the contrary in the Civil Service Act	58,305 00	
The Department of Public Works	48,985 00	
do Railways and Canals	46,712 50	
do Geological Survey, including the statutory increase of James White, the geographer, from 1st July, 1895, notwithstanding anything to the contrary in the Civil Service Act	49,742 50	
The Department of Trade and Commerce	7,550 00	
To provide for the salary of a third class clerk	650 00	
The Office of the High Commissioner for Canada— Salaries	8,900 00	
Contingencies, rent and insurance on office, income tax, fuel, light, stationery, etc., and the amount (\$2,000) required towards the contingent expenses (water, light, fuel, carriage hire and railway fare) of the High Commissioner, and \$1,200 for contingencies (rates, taxes, insurance, ground rent, etc.) of the official residence, including the income tax on the High Commissioner's salary	11,143 50	
Post Office Department, amount required to pay those officers of the Savings Bank Branch engaged in the balancing of and computing interest on depositors' accounts, to 30th June, 1895	2,650 00	
Amount required for salaries of Board of Examiners and other expenses under the Civil Service Act	2,000 00	
	992,280 00	
<i>CONTINGENCIES.</i>		
The Governor General's Secretary's Office— Clerical and other assistance	\$ 1,400 00	
Printing	250 00	
Stationery	700 00	
Sundries	10,000 00	
	\$ 12,350 00	
The Queen's Privy Council for Canada— Clerical and other assistance	\$ 1,400 00	
Printing	2,000 00	
Stationery	2,000 00	
Sundries	3,500 00	
	8,900 00	
The Department of Justice— Clerical and other assistance	\$ 2,500 00	
Clerical, Penitentiary Branch	300 00	
Printing	1,500 00	
Stationery	2,200 00	
Sundries	3,000 00	
	9,500 00	
Carried forward	\$ 30,750 00	164,150 00

SCHEDULE—Continued.

SERVICE.	Amount.		Total.
	\$	cts.	\$ cts.
Brought forward	\$30,750 00	992,280 00	164,150 00
CIVIL GOVERNMENT—Continued.			
CONTINGENCIES—Continued.			
The Department of Militia and Defence—			
Clerical and other assistance.....	\$ 1,500 00		
Printing	1,200 00		
Stationery.....	1,400 00		
Sundries	3,000 00		
		7,100 00	
The Department of the Secretary of State—			
Clerical and other assistance	\$ 1,600 00		
Printing	900 00		
Stationery.....	1,000 00		
Sundries	2,400 00		
		5,900 00	
The Department of Public Printing and Stationery—			
Clerical and other assistance.....	\$ 2,000 00		
Printing	600 00		
Stationery.....	600 00		
Sundries	1,800 00		
		5,000 00	
The Department of the Interior—			
Clerical and other assistance.....	\$ 1,800 00		
Printing	5,000 00		
Stationery	3,500 00		
Sundries	7,000 00		
		17,300 00	
The Department of Indian Affairs—			
Clerical and other assistance.....	\$ 1,800 00		
Printing	1,550 00		
Stationery	1,500 00		
Sundries	2,500 00		
		7,350 00	
The Office of the Auditor-General—			
Clerical and other assistance.....	\$ 1,300 00		
Printing	650 00		
Stationery.....	600 00		
Sundries	450 00		
		3,000 00	
The Department of Finance and Treasury Board—			
Clerical and other assistance.....	\$ 1,000 00		
Printing	1,600 00		
Stationery	700 00		
Sundries	3,500 00		
		6,800 00	
The Department of Customs—			
Clerical and other assistance.....	\$ 1,700 00		
Printing	600 00		
Stationery	1,400 00		
Sundries	2,000 00		
		5,700 00	
The Department of Inland Revenue—			
Clerical and other assistance	\$ 1,500 00		
Printing	750 00		
Stationery	1,600 00		
Sundries	3,000 00		
		6,250 00	
The Department of Public Works—			
Printing	\$ 1,500 00		
Stationery.....	1,400 00		
Sundries	4,100 00		
		7,000 00	
Carried forward	\$102,150 00	992,280 00	164,150 00

SCHEDULE—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
Brought forward.....	\$102,150 00	992,280 00
CIVIL GOVERNMENT—Concluded.		
CONTINGENCIES—Concluded.		
The Post Office Department—		
Clerical and other assistance.....	\$ 18,800 00	
Printing.....	12,400 00	
Stationery.....	4,100 00	
Sundries.....	4,500 00	
	39,800 00	
The Department of Agriculture—		
Clerical and other assistance.....	\$ 9,000 00	
Printing.....	2,300 00	
Stationery.....	1,200 00	
Sundries.....	4,000 00	
	16,500 00	
The Department of Marine and Fisheries—		
Clerical and other assistance.....	\$ 2,000 00	
Printing.....	4,000 00	
Stationery.....	2,000 00	
Sundries.....	2,000 00	
	10,000 00	
The Department of Railways and Canals—		
Printing.....	\$ 2,000 00	
Stationery.....	4,000 00	
Sundries.....	2,000 00	
	8,000 00	
The Department of Trade and Commerce—		
Sundries, including clerical and other assist- ance.....	\$ 3,000 00	
Printing.....	1,000 00	
Stationery.....	1,000 00	
	5,000 00	
Care and cleaning of departmental buildings, including amount of \$100 required to pay for firing noon gun, which amount may be paid to a member of the Civil Service, notwithstanding anything to the contrary in the Civil Service Act.....	28,000 00	
Printing Bureau, cleaning, etc.....	1,500 00	
	210,950 00	
ADMINISTRATION OF JUSTICE.		1,203,230 00
MISCELLANEOUS.		
Miscellaneous expenditure, including North-west Territories..	\$ 37,000 00	
Salary of two Judges, District Court of Montreal, at \$3,000 ..	6,000 00	
Travelling expenses of Judges in the North-west Territories..	3,000 00	
Circuit allowances, British Columbia.....	7,500 00	
Travelling allowances, Court of Queen's Bench and County Court Judges, Manitoba.....	2,500 00	
Circuit allowances to Judges <i>ad hoc</i>	200 00	
To pay two Official Arbitrators, \$1,000 each.....	2,000 00	
Travelling expenses of Official Arbitrators.....	200 00	
To provide for travelling expenses of Judges holding weekly sittings of the High Court of Justice at London and Ottawa	1,500 00	
Expenditure under Cap. 181, R.S.C.....	700 00	
	60,600 00	
SUPREME COURT OF CANADA.		
The Reporter.....	\$ 2,400 00	
The Assistant Reporter, 1st Class Clerk.....	1,550 00	
Clerk in the office of the Registrar, 2nd Class Clerk.....	1,100 00	
Second Clerk in the office of the Registrar, 3rd Class Clerk ..	700 00	
Librarian.....	1,100 00	
	6,850 00	
Carried forward.....	\$ 6,850 00	60,600 00
		1,367,380 00

SCHEDULE—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
Brought forward	\$ 6,850 00	60,600 00 1,367,380 00
ADMINISTRATION OF JUSTICE—Concluded.		
SUPREME COURT OF CANADA—Concluded.		
R. G. Davis, Secretary and Stenographer to the Chief Justice and Judges of the Court, to be a 3rd Class Clerk, notwithstanding anything in the Civil Service Act	750 00	
Caretaker	700 00	
3 Messengers, at \$500 each	1,500 00	
Contingencies and disbursements, Judges' travelling expenses; also salaries of officers (Sheriff, Registrar as editor and publisher of Reports, Usher, etc.), and \$300 for books for Judges	3,750 00	
Printing, binding and distributing the Supreme Court Reports. For the purchase of Law Books and works of reference for the Supreme Court Library	4,500 00 3,000 00	
		21,050 00
THE EXCHEQUER COURT OF CANADA.		
2nd Class Clerk	\$ 1,400 00	
3rd Class Clerk	1,000 00	
3rd Class Clerk	500 00	
Messenger	397 50	
Contingencies, Judge's and Registrar's travelling expenses, salary of Sheriffs, printing, stationery, etc., and \$50 for Judge's books	4,000 00	
Printing, binding and distributing Exchequer Court Reports. Additional to Registrar as editor and publisher of Reports	1,000 00 300 00	
To pay increase of salary to L. A. Audette, from 1st July, 1895, to 30th June, 1896	225 00	
Salary of Registrar in Admiralty, Quebec	666 66	
do Marshal do do	333 34	
To provide accommodation when necessary for Exchequer Court in Admiralty	300 00	
Travelling allowance for Local Judges and other officers.	300 00	
		10,422 50
		92,072 50
POLICE.		
Dominion Police		22,000 00
PENITENTIARIES.		
Kingston	215,510 00	
St. Vincent de Paul	99,282 00	
Dorchester	48,576 00	
Manitoba	47,793 90	
British Columbia	42,530 00	
Regina Jail	13,768 40	
		467,460 30
LEGISLATION.		
SENATE.		
Salaries and contingent expenses of the Senate	\$ 60,738 00	
To pay Minnie Burns, daughter of the late Senator Burns, the sessional indemnity for 1895	1,000 00	
To provide for a refund to Moise Gagnon, sessional messenger, in consequence of his provisional appointment as permanent messenger not having been confirmed, of the amount paid by him into the Superannuation Fund, No. 2	26 19	
		61,764 19
Carried forward		61,764 19 1,948,912 80

SCHEDULE—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
Brought forward	61,764 19	1,948,912 80
LEGISLATION—Concluded.		
HOUSE OF COMMONS.		
Salary of the Deputy Speaker	\$ 2,000 00	
Salaries	71,412 50	
Expenses of Committees, Sessional and Extra Clerks, etc.	13,600 00	
Contingencies, including \$300 for clerical assistance for the Leader of the Opposition	21,400 00	
Publishing Debates	40,000 00	
Estimate of Serjeant-at-Arms	33,942 50	
Contingent expenses in connection with the Voters' Lists ...	2,500 00	
	184,855 00	
LIBRARY OF PARLIAMENT.		
Salaries of the Officers of the Library	\$ 17,162 50	
To provide for two statutory increases to clerks in the library at \$50 each	100 00	
Books for the General Library, including binding, etc.	12,000 00	
do Library of American History	1,000 00	
Contingencies	2,600 00	
	32,862 50	
GENERAL.		
Printing, binding and distributing the Laws	\$ 6,000 00	
Printing, printing paper and binding	85,000 00	
	91,000 00	
		370,481 69
ARTS, AGRICULTURE AND STATISTICS.		
Archives	6,000 00	
Patent Record, printing and engraving	9,250 00	
Collection and compilation of Criminal Statistics (cap. 60, R. S. C.)	1,800 00	
Statistics, printing Year-Book and Statistical Abstract of Canada	4,000 00	
Experimental Farms, maintenance	\$ 70,000 00	
do Dairying Branch	25,000 00	
	95,000 00	
To enable Dairy Commissioner to promote dairying interests by advances for making cheese and butter within the provinces, the proceeds of sales of products from such advances to be replaced to the credit of the Consolidated Revenue Fund	40,000 00	
Aid to Agricultural Societies, N. W. T.	7,000 00	
The Haras National, for the use of six stallions for the Experimental Farms	6,000 00	
Census and Statistics, for issuing volumes IV. and V., including proof- reading and expenses of printing	5,000 00	
General Statistics	2,500 00	
Printing and distributing of reports and bulletins of Experimental Farms, and distribution of seed grain for testing by farmers, also trees and tree seeds	2,000 00	
Additional for promoting dairy industry in Nova Scotia, New Brunswick, Manitoba, the North-west Territories and British Columbia, viz.:— Additional travelling instructors in Nova Scotia for the whole year	\$ 300 00	
Two travelling dairies in Manitoba and the North-west, four men at \$500 each	2,000 00	
Travelling expenses, \$350 each	1,400 00	
Three dairy stations in Manitoba and the North-west Territories at \$500 each	1,500 00	
	5,200 00	
Amount for additional work in Prince Edward Island, Manitoba, N. W. Territories and British Columbia	2,500 00	
Special Exhibition of Photography at the Imperial Institute	1,000 00	
To enable the Dairy Commissioner to promote the dairying interest of Canada by making provision for the placing of fresh-made creamery butter on the British markets in regular shipments, without deteriora- tion in quality, and for securing recognition of its quality there	20,000 00	
		207,250 00
Carried forward		2,526,644 49

SCHEDULE—Continued.

SERVICE.	Amount.	Total.
	§ cts.	§ cts.
Brought forward		2,526,644 49
QUARANTINE.		
Salaries and contingencies of Organized Districts.....	35,000 00	
Public health in other districts.....	5,000 00	
Tracadie Lazaretto.....	4,000 00	
Winnipeg and St. Boniface Hospitals.....	4,000 00	
Cattle Quarantines.....	22,000 00	
		70,000 00
IMMIGRATION.		
Salaries of agents and employees in Canada.....	21,150 00	
Contingencies, Canadian agencies.....	7,000 00	
Salaries of agents and employees in Great Britain and Ireland.....	9,285 00	
Contingencies of agencies in Great Britain and Ireland.....	7,150 00	
Women's Protective Immigration Society, Montreal.....	500 00	
Immigration expenses.....	84,915 00	
		130,000 00
PENSIONS.		
For amount of Annuity to :—		
Lady Cartier.....	1,200 00	
Mrs. Delaney.....	400 00	
Mrs. Gowanlock.....	400 00	
Miss Harriet Fraser.....	250 00	
Mr. Roderick Fraser.....	150 00	
Pensions payable on account of Fenian raid.....	3,003 80	
To meet probable amount required for veterans of the war of 1812.....	90 00	
Compensation to pensioners in lieu of land.....	350 28	
Pensions payable to Militiamen on account of the rebellion of 1885.....	23,000 00	
Pensions payable to Mounted Police, Prince Albert Volunteers and Police Scouts on account of the rebellion of 1885.....	2,825 82	
		31,669 90
SUPERANNUATION.		
Extra allowance to Mr. Wallace, ex-postmaster at Victoria, B.C.....		240 00
MILITIA.		
Pay of staff, permanent corps and active militia, including allowances.....	341,450 00	
Salaries and wages of civil employees.....	55,000 00	
Military properties, works and buildings.....	97,000 00	
Warlike and other stores.....	31,000 00	
Clothing and necessaries.....	55,334 00	
Provisions, supplies and remounts.....	117,500 00	
Transport and freight.....	36,000 00	
Grants in aid of artillery and rifle associations and bands and military institutes.....	37,000 00	
Miscellaneous and unforeseen contingencies.....	15,000 00	
Royal Military College of Canada.....	65,000 00	
Dominion cartridge factory, including free ammunition for rifle leagues.....	44,000 00	
Defence of Esquimalt, B.C., 1895-96—		
Dominion contribution towards capital expenditure for works and buildings.....	\$ 77,500 00	
Pay and allowance of a detachment of Royal Marine Artillery or Royal Engineers.....	47,500 00	
	125,000 00	
Drill of city corps and field batteries.....	80,000 00	
		1,099,284 00
Carried forward.....		3,857,838 39

SCHEDULE—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
Brought forward.....		3,857,838 39
RAILWAYS AND CANALS.		
<i>(Chargeable to Capital.)</i>		
RAILWAYS.		
<i>Canadian Pacific Railway.</i>		
Construction.....	\$ 2,000 00	
To pay for work under award.....	84,220 00	
	\$ 86,220 00	
<i>Intercolonial Railway.</i>		
Increased accommodation at Halifax.....	\$125,000 00	
Branch from I. C. Ry. between Windsor Junction and Bedford to Dartmouth.....	100,000 00	
Original construction.....	2,000 00	
Indiantown Branch.....	2,000 00	
Increased accommodation at Moncton.....	1,000 00	
do do Sydney.....	20,000 00	
Rolling stock.....	10,000 00	
	260,000 00	
		346,220 00
CANALS.		
Soulanges, construction.....	\$600,000 00	
Cornwall, enlargement.....	350,000 00	
Rapide Plat, enlargement.....	200,000 00	
Galops.....	140,000 00	
St. Lawrence River and Canals.....	5,000 00	
Murray Canal.....	10,000 00	
Trent Canal.....	400,000 00	
Sault Ste. Marie.....	150,000 00	
Lachine Canal.....	175,000 00	
Lake St. Louis Channel.....	100,000 00	
St. Peter's Canal.....	2,500 00	
Grenville Canal.....	40,000 00	
Welland Canal.....	\$ 5,000 00	
do land damages, Grand River.....	3,700 00	
	8,700 00	
		2,181,200 00
		2,527,420 00
RAILWAYS AND CANALS.		
<i>(Chargeable to Income.)</i>		
CANALS.		
<i>Lachine.</i>		
To enlarge electric light station.....		4,000 00
<i>Chambly.</i>		
To build rubble masonry wall along highway.....	\$ 2,500 00	
To provide for Worthington pump, boiler, rope, pulleys, etc.....	1,000 00	
To provide one spare arc lamp dynamo.....	1,200 00	
		4,700 00
Carried forward.....		8,700 00 6,385,258 39

SCHEDULE—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
Brought forward	8,700 00	6,385,258 39
RAILWAYS AND CANALS—Concluded.		
<i>(Chargeable to Income)—Concluded.</i>		
CANALS—Concluded.		
<i>Trent Valley.</i>		
To dredge channel and build glance pier at Bobcaygeon.....	\$ 800 00	
To dredge at mouth of Emily Creek, Sturgeon Lake.....	500 00	
To construct sluiceway in dam at Hastings.....	2,500 00	
To construct two dump scows.....	2,500 00	
To construct one deck scow.....	800 00	
	7,100 00	
<i>Rideau.</i>		
To pay for land damages.....	\$ 5,000 00	
To deepen canal at Newboro and Merrickville.....	8,000 00	
	13,000 00	
<i>St. Peter's.</i>		
To dredge in canal.....	\$ 660 00	
Further amount required.....	7,000 00	
	7,660 00	
<i>Welland.</i>		
To rebuild superstructure east pier at Dalhousie.....	\$ 14,000 00	
To enlarging back ditches on Welland Canal feeder.....	2,000 00	
To rebuild Marshville "Stromness Road Bridges".....	5,000 00	
	21,000 00	
<i>Miscellaneous.</i>		
Miscellaneous works not provided for.....	\$ 5,000 00	
Arbitrations and awards.....	4,000 00	
Surveys and inspections—Canals.....	3,000 00	
Surveys and inspections—Railways.....	5,000 00	
Railway statistics.....	1,600 00	
To provide for salaries of extra clerks and copyists other than those who have passed the Civil Service examinations, anything in the Civil Service Act to the contrary notwithstanding.....	2,000 00	
To provide for salaries of engineers, draughtsmen and extra clerks. These salaries may be paid notwithstanding anything in the Civil Service Act to the contrary: 1 at \$2,800, 1 at \$2,600, 1 at \$2,400, 1 at \$1,800, 1 at \$1,620, 1 at \$1,600, 1 at \$700, 3 at \$600, 1 at \$500, 2 at \$450 and 4 at \$400....	18,500 00	
Reporting evidence before the Railway Committee of the Privy Council and before the Minister.....	500 00	
To pay annual subscription to International Railway Congress at Brussels.....	97 33	
To authorize payment of costs of litigation in connection with Railways and Canals.....	6,000 00	
	45,697 33	
		108,157 33
PUBLIC WORKS.		
<i>(Chargeable to Capital.)</i>		
HARBOURS AND RIVERS.		
<i>Quebec.</i>		
River St. Lawrence Ship Channel.....	75,000 00	
Carried forward.....	75,000 00	6,488,415 72

SCHEDULE—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
Brought forward	75,000 00	6,488,415 72
PUBLIC WORKS—Concluded.		
<i>(Chargeable to Capital)—Concluded.</i>		
HARBOURS AND RIVERS—Concluded.		
<i>Ontario.</i>		
River Kaministiquia	10,000 00	85,000 00
PUBLIC WORKS.		
<i>(Chargeable to Income.)</i>		
PUBLIC BUILDINGS.		
<i>Nova Scotia.</i>		
Halifax Drill Hall—Including purchase of site .. \$	20,000 00	
Lunenburg Post Office, Custom-house, etc.—To complete	4,600 00	
Pictou Post Office	10,000 00	
	\$ 34,600 00	
<i>New Brunswick.</i>		
Marysville Public Building	\$ 5,000 00	
Tracadie Lazaretto	20,000 00	
	25,000 00	
<i>Maritime Provinces Generally.</i>		
Dominion Public Buildings—Renewals, improvements, repairs, etc.		9,000 00
<i>Quebec.</i>		
Dominion Public Buildings—Renewals, improvements, repairs, etc.	\$ 12,000 00	
Grosse Isle quarantine station	1,000 00	
Montreal Dominion Public Buildings—Improvements, alterations, renewals, repairs, etc.	8,000 00	
Quebec Post Office—New wing, including alterations to old buildings, furniture, etc.	2,500 00	
Quebec immigrant buildings on Queen's wharf, Louise embankment and breakwater.	1,000 00	
Richmond Post Office and Customs and Inland Revenue offices	5,000 00	
Rimouski Post Office, Custom-house, etc.; site to be given free of cost by municipality	5,000 00	
St. Vincent de Paul Penitentiary	5,000 00	
	39,500 00	
<i>Ontario.</i>		
Arnprior Post Office, Custom-house, etc.	\$ 7,500 00	
Dominion Reformatory	20,000 00	
Dominion Public Buildings—Renewals, improvements, repairs, etc.	10,000 00	
Pictou Post Office, Custom-house, &c.	10,000 00	
Rideau Hall—Heating apparatus, electric lighting, new dairy, etc.	1,300 00	
	\$48,800 00	
Carried forward	\$108,100 00	6,573,415 72

SCHEDULE—Continued.

SERVICE.	Amount.		Total.
	\$	cts.	\$ cts.
Brought forward.....	\$48,800 00	\$108,100 00	6,573,415 72
PUBLIC WORKS—Continued.			
<i>(Chargeable to Income)</i> —Continued.			
PUBLIC BUILDINGS—Continued.			
<i>Ontario</i> —Concluded.			
Smith's Falls Post Office, Custom-house, etc...	2,580 00		
Stratford Public Building—To make good damage done by fire, 21st April, 1894.....	5,000 00		
		56,380 00	
<i>Manitoba.</i>			
Brandon Industrial School—To complete....	\$ 3,600 00		
Dominion Public Buildings—Renewals, improvements, repairs, etc.	3,000 00		
Portage la Prairie Post Office, etc.....	10,000 00		
		16,600 00	
<i>North-west Territories.</i>			
Court-house, lock-up and police accommodation.	\$ 2,000 00		
Dominion Public Buildings—Renewals, repairs, etc.	3,000 00		
Moosomin Court-house—Additions, etc.....	1,200 00		
Prince Albert Court-house.....	5,000 00		
		11,200 00	
<i>British Columbia.</i>			
Dominion Public Buildings—Renewals, improvements, repairs, etc.....	\$ 3,000 00		
Victoria Drill Hall and accessory buildings.....	2,500 00		
Victoria new Post Office.....	40,000 00		
New Westminster drill shed.....	5,000 00		
		50,500 00	
<i>Repairs, Furniture, Heating, etc.</i>			
Public Buildings, Ottawa, including ventilation and lighting—Repairs, material, furniture, etc.....	\$ 90,000 00		
Rideau Hall, including Grounds—Renewals, improvements, repairs, furniture and maintenance.....	10,000 00		
Allowance for fuel and light, Rideau Hall.....	8,000 00		
Grounds, Public Buildings, Ottawa.....	6,000 00		
Removal of snow, Public Buildings, Ottawa, including Rideau Hall.....	2,500 00		
Heating Public Buildings, Ottawa, including salaries of engineers, firemen, elevator attendants and caretakers.....	70,000 00		
Gas and electric light, Public Buildings, Ottawa, including roads and bridges.....	25,000 00		
Water, Public Buildings, Ottawa, including Rideau Hall.....	16,500 00		
Telephone Service, Public Buildings, Ottawa....	3,800 00		
Major's Hill Park, Ottawa.....	4,000 00		
Rent—Dominion Public Buildings.....	10,000 00		
Furniture do do.....	5,000 00		
Salaries of engineers, firemen, caretakers, etc., of Dominion Public Buildings.....	71,000 00		
Heating Dominion Public Buildings, fuel, etc....	55,000 00		
Carried forward.....	376,800 00	\$242,780 00	6,573,415 72

SCHEDULE—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
Brought forward.....	\$376,800 00	\$242,780 00
		6,573,415 72
PUBLIC WORKS—Continued.		
<i>(Chargeable to Income)—Continued.</i>		
PUBLIC BUILDINGS—Concluded.		
<i>Repairs, Furniture, Heating, etc.—Concluded.</i>		
Lighting Dominion Public Buildings.....	38,500 00	
Water for do do	15,500 00	
Sundry supplies for caretakers, engineers, firemen, etc., Dominion Buildings	5,000 00	
Dominion Immigration Buildings, repairs, furniture, etc	1,000 00	
	436,800 00	
<i>Experimental Farms.</i>		
New buildings, etc., and improvements, renewals, repairs, etc., in connection with existing buildings, fences, etc....	6,000 00	
		685,580 00
HARBOURS AND RIVERS.		
<i>Nova Scotia.</i>		
Arisaig—Repairs to wharf.....	\$ 1,000 00	
Bayfield—New wharf.....	2,000 00	
do breakwater—Repairs	1,000 00	
Boularderie—Ross Ferry.....	3,200 00	
Cow Bay Breakwater—Urgent works of construction, renewal and repair and dredging	4,000 00	
Digby—Pier	4,000 00	
Georgeville—Extension of wharf	2,000 00	
Grand Etang.....	5,000 00	
Great Village—Repairs to wharf.....	500 00	
Margaree—Beach protection.....	3,200 00	
Parrsborough Wharf—Repairs, etc.....	700 00	
Seaside—Wharf.....	2,000 00	
To cut a channel at Monk's Head from Dunn's Lake to Antigonish Harbour.....	200 00	
	\$ 28,800 00	
<i>Prince Edward Island.</i>		
General repairs to piers and breakwaters.....	\$ 6,000 00	
Kier's Shore—Extension to wharf and repairs....	4,500 00	
North Rustico—Repairs to breakwater, etc.....	5,000 00	
Souris—Reconstruction of breakwater.....	10,000 00	
Wood Islands—Repairs to breakwater, etc.....	3,000 00	
	28,500 00	
<i>New Brunswick.</i>		
Burnt Church—Wharf.....	\$ 2,000 00	
Gardner's Creek—New wharf.....	7,000 00	
Negro Point Breakwater—St. John Harbour....	7,000 00	
River St. John, including tributaries.....	5,000 00	
Shediac Harbour—New breakwater for protection of Intercolonial Railway wharf at Pointe du Chêne	2,500 00	
	23,500 00	
<i>Maritime Provinces Generally.</i>		
General repairs and improvements to harbour and river works.....	7,500 00	
Carried forward.....	\$88,300 00	6,573,415 72

SCHEDULE—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
Brought forward.....	\$88,300 00	685,580 00 6,573,415 72
<i>PUBLIC WORKS—Continued.</i>		
<i>(Chargeable to Income)—Continued.</i>		
<i>HARBOURS AND RIVERS—Continued.</i>		
<i>Quebec.</i>		
Anse à l'Eau—Tadoussac pier.....	\$ 1,500 00	
Baie St. Paul—To complete wharf at Pointe aux Corbeaux.....	5,000 00	
Chicoutimi wharf.....	2,000 00	
Etang du Nord—Repairs.....	1,000 00	
Grande Rivière—To complete harbour of refuge by extending the wharf.....	8,000 00	
General repairs and improvements to harbour, river and bridge works.....	10,000 00	
Laprairie—Works in connection with ice piers..	2,000 00	
Lacolle—Repairs to wharf.....	900 00	
Matane—Repairs to pier.....	600 00	
Phillipsburg pier; the municipality having contributed \$4,000.....	6,500 00	
Pointe aux Esquimaux—Wharf.....	5,000 00	
Rimouski—Formation of tidal basin.....	8,000 00	
Piers—Lake St. John.....	2,000 00	
River Richelieu—Belœil channel guide piers...	5,000 00	
River St. Maurice—Improvement of channel between Grandes Piles and LaTuque and at the mouth of the Mackinac River.....	1,000 00	
St. Irénée—Addition to pier.....	2,000 00	
St. Jean, Ile d'Orléans—Heavy repairs to wharf.	700 00	
	61,200 00	
<i>Ontario.</i>		
Collingwood—Repairs to breakwater.....	\$2,500 00	
General repairs and improvements to harbour, river and bridge works.....	10,000 00	
Kingston Harbour, Lake Ontario.....	4,000 00	
Lakes Simcoe and Couchiching—Regulation of waters of.....	3,000 00	
Nation River, North Branch—For purchase of existing riparian rights and removal of a dam; the parties interested furnishing an equal amount.....	2,500 00	
Owen Sound harbour—Dredging, etc.....	10,000 00	
Port Albert—Extension of piers and dredging...	2,000 00	
Port Dover—Dredging.....	15,000 00	
River Ottawa—Improvement of steamboat channel through Narrows at Petewawa, above Pembroke.....	4,000 00	
Removal of Robertson's rocks in main passage between Clapperton and Croker's Island, Georgian Bay—To continue work.....	2,000 00	
Thessalon—New wharf; the municipality furnishing the site free of cost.....	9,000 00	
Toronto harbour—Works at eastern entrance, etc.; the city of Toronto having contributed \$100,000.....	40,000 00	
Trenton Harbour—Dredging.....	1,350 00	
	105,350 00	
Carried forward.....	\$254,850 00	685,580 00 6,573,415 72

SCHEDULE—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
Brought forward.....	\$254,850 00	685,580 00 6,573,415 72
PUBLIC WORKS—Continued.		
<i>(Chargeable to Income)—Continued.</i>		
HARBOURS AND RIVERS—Concluded.		
<i>Manitoba.</i>		
General repairs and improvements to harbour, river and bridge works.....	\$ 3,000 00	
Wharf on Lake Winnipeg.....	6,500 00	
	9,500 00	
<i>North-west Territories.</i>		
General repairs and improvements to harbour, river and bridge works, including approaches.....	5,000 00	
<i>British Columbia.</i>		
Columbia River—Improvements above Golden...\$	2,500 00	
Victoria Harbour—Dredging in inner harbour..	5,000 00	
Fraser River—Protection works at Garry Bush..	1,000 00	
Fraser River—Improvement of channel.....	10,000 00	
General repairs and improvements to harbour, river and bridge works.....	3,000 00	
Kootenay (East) River—Improvements between Canal Flat and Fort Steele.....	2,000 00	
Skeena River.....	2,000 00	
	25,500 00	
<i>Generally.</i>		
Harbours and rivers generally.....	5,000 00	
	299,850 00	
DREDGING.		
New dredging plant.....	\$ 25,000 00	
Dredge vessels, repairs.....	20,000 00	
Dredging—Nova Scotia.....	30,000 00	
do Prince Edward Island.....	30,000 00	
do New Brunswick.....	8,000 00	
do Quebec and Ontario.....	10,000 00	
do Manitoba.....	5,000 00	
do British Columbia.....	35,000 00	
do General service.....	35,000 00	
Dredge—Maritime Provinces.....	163,000 00	
SLIDES AND BOOMS.		
Slides and booms.....	\$ 5,000 00	
Ottawa District—River Petewawa.....	3,500 00	
	8,500 00	
ROADS AND BRIDGES.		
Bridges—Ottawa City, over the Ottawa River, the Slides, the Rideau Canal and approaches thereto—Ordinary repairs.\$	5,000 00	
Dominion traffic bridges throughout Canada, including ap- proaches.....	2,500 00	
Bridges across the Saskatchewan at Edmonton, N.W.T. ; the municipality furnishing 25 per cent of the cost.....	25,000 00	
Swing bridge over the Burlington channel.....	5,000 00	
Bridge over Pond Creek.....	1,300 00	
	38,800 00	
Carried forward.....	1,195,730 00	6,573,415 72

SCHEDULE—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
Brought forward.....	1,195,750 00	6,573,415 72
PUBLIC WORKS—Concluded.		
<i>(Chargeable to Income)—Concluded.</i>		
TELEGRAPHS.		
Land and cable telegraph lines for the sea coasts and the islands of the Lower River and the Gulf of St. Lawrence and the Maritime Provinces:—		
Land line on the north shore of St. Lawrence—To improve roadway, repair line and increase operating facilities between Godbout and Pointe aux Esquimaux. \$	1,500 00	
Telegraph Lines—British Columbia:—		
Telegraphic connection of Lillooet with the Ashcroft-Barkerville line	2,000 00	
Ashcroft-Barkerville Line—Resetting of poles and general repairs	1,000 00	
	4,500 00	
MISCELLANEOUS.		
Surveys and inspections..... \$	12,000 00	
National Art Gallery.....	1,000 00	
To provide for salaries of engineers, draughtsmen and clerks, Chief Engineer's Office.....	51,000 00	
To provide for salaries of architects, draughtsmen and clerks, Chief Architect's Office	26,000 00	
To provide for salary of staff, telegraphic service	3,500 00	
To provide for temporary, clerical and other assistance, inclusive of services of all persons required who were first employed after 1st July, 1882, notwithstanding anything to the contrary in the Civil Service Act.	25,000 00	
	118,500 00	
		1,318,730 00
MAIL SUBSIDIES AND STEAMSHIP SUBVENTIONS.		
For a line of steamers to run between St. John, Halifax, and London	25,000 00	
Steam communication between Halifax and Newfoundland, via Cape Breton ports.....	2,000 00	
Lines of steamers to run between St. John and Halifax, or either, and the West Indies and South America.....	80,000 00	
Steam service between Victoria and San Francisco.....	5,000 00	
Steam communication during the season of 1895, <i>i.e.</i> , from the opening to the closing of navigation, between the mainland and the Magdalen Islands	9,000 00	
Steam communication during the season of 1895, <i>i.e.</i> , from the opening to the closing of navigation, between Prince Edward Island and the mainland	10,000 00	
Steam communication during the year 1895, <i>i.e.</i> , from the opening to the closing of navigation, between Gaspé Basin and Dalhousie.	12,500 00	
Steam communication during the season of 1895, <i>i.e.</i> , from the opening to the closing of navigation, between Pictou and Cheticamp.....	2,000 00	
Steam communication during the season of 1895, <i>i.e.</i> , from the opening to the closing of navigation, between St. John, and ports in Minas Basin	3,000 00	
Steam service during the season of 1895, <i>i.e.</i> , from the opening to the closing of navigation, between Baddeck, Grand Narrows and Iona, daily; between St. Peter's and Port Mulgrave; between Grand Narrows, East Bay and Irish Cove.....	7,000 00	
	155,500 00	
Carried forward.....		7,892,145 72

SCHEDULE—Continued.

SERVICE.	Amount.		Total.	
	\$	cts.	\$	cts.
Brought forward	155,500	00	7,892,145	72
MAIL SUBSIDIES AND STEAMSHIP SUBVENTIONS—Con.				
Steam communication during the season of 1895, <i>i.e.</i> , for not less than 32 full round trips between St. John and Halifax, via Yarmouth and other way ports	7,000	00		
Steam communication from the 1st July, 1895, to the 30th June, 1896, between St. John, Digby and Annapolis	12,500	00		
Steam communication from the 1st July, 1895, to the 30th June, 1896, between Pictou, Murray Harbour, Georgetown and Montague Bridge	1,200	00		
Steam communication from July 1st, 1895, to June 30th, 1896, between Grand Manan and the mainland	4,000	00		
Steam communication from July 1st, 1895, to March 31st, 1896, between Port Mulgrave, Arichat and Canso, and between Port Mulgrave and Guysboro', and from April 1st to November 30th, 1895, between Port Mulgrave and Port Hood	4,000	00		
Amount required to pay for ocean mail service between Great Britain and Canada	126,533	33		
			310,733	33
OCEAN AND RIVER SERVICE.				
Maintenance and repairs to Government steamers	132,400	00		
Examination of masters and mates	5,000	00		
Rewards for saving life, etc.	8,000	00		
Life-boat station, Seal Island	500	00		
Investigation into wrecks	1,000	00		
Canadian registry of shipping	1,500	00		
Tidal service	10,000	00		
Removal of obstructions in navigable rivers	3,000	00		
Winter mail service	5,000	00		
			166,400	00
LIGHTHOUSE AND COAST SERVICE.				
Salaries and allowance, light-keepers	201,600	00		
Agencies, rents and contingencies	15,270	00		
Maintenance and repairs to lights, etc.	230,000	00		
Signal service	6,000	00		
Repairs to wharfs	5,000	00		
			457,870	00
SCIENTIFIC INSTITUTIONS AND HYDROGRAPHIC SURVEYS.				
Observatory, Toronto	5,250	00		
do Kingston	500	00		
do Montreal	500	00		
Meteorological service	62,900	00		
Hydrographic surveys, including survey of Georgian Bay and re-survey of Anticosti	16,000	00		
			85,150	00
MARINE HOSPITALS.				
St. Catharines Hospital	500	00		
Kingston Hospital	500	00		
Marine Hospitals in Provinces	35,000	00		
Shipwrecked and Distressed Seamen	3,000	00		
			39,000	00
STEAMBOAT INSPECTION.				
To provide for expenses of Steamboat Inspection			26,000	00
Carried forward			8,977,299	05

SCHEDULE—Continued.

SERVICE.	Amount.	Total.
	§ cts.	§ cts.
Brought forward		8,977,299 05
FISHERIES.		
Salaries and Disbursements of Fishery Overseers and Fishery Guardians:—		
Ontario	22,000 00	
Quebec	13,000 00	
New Brunswick	20,000 00	
Nova Scotia	20,000 00	
Prince Edward Island	3,500 00	
Manitoba	2,500 00	
North-west Territories	3,500 00	
British Columbia	7,900 00	
Building and maintenance of Fish-breeding Establishments and Lobster Hatcheries	40,000 00	
Fishery Protection Vessels	100,000 00	
Building fishways and clearing rivers	5,000 00	
Legal and incidental expenses	5,000 00	
Canadian Fishery Exhibit	1,000 00	
Distributing Fishing Bounty	5,000 00	
Oyster Culture	7,500 00	
International Fisheries Commission	2,000 00	
		257,900 00
SUPERINTENDENCE OF INSURANCE.		
To meet expenses in connection with this service		8,000 00
GEOLOGICAL SURVEY.		
Exploration and Survey		
Printing and Publication of Reports and Maps		
Wages of Assistant Explorers, Draughtsmen, Clerks, etc		
Purchase of specimens, books, instruments, stationery, mapping materials, maintenance of museum, laboratory apparatus, chemicals, etc., Queen's Printer, express charges, telegrams, etc.		45,000 00
Advance to Explorers		
DEPARTMENT OF INDIAN AFFAIRS.		
ONTARIO, QUEBEC AND THE MARITIME PROVINCES.		
Relief of distress and seed grain, Province of Quebec	§ 3,500 00	
do do medical attendance, Ontario	800 00	
Blankets and clothing for Indians of Ontario and Quebec	400 00	
Schools, Ontario, Quebec and Maritime Provinces	31,390 00	
Salaries of Chiefs at Cape Croker and Gibson Reserves, and Agent at St. Régis	150 00	
Removal of Lake of Two Mountains Indians	300 00	
Payment of Robinson Treaty Indian annuities	16,806 00	
Survey of Indian Reserves	500 00	
To provide for the following overdrawn accounts:—Indian Land Management Fund, Province of Quebec Fund, Indian School Fund	14,000 00	
To provide a grant to assist the Agricultural Society, Munceys of the Thames	90 00	
To pay expenses of prosecution of persons selling liquor to Indians belonging to bands in the older provinces which have no funds of their own	250 00	
To provide an amount for expenditure at Caughnawaga, in repairing roads, bridges, evicting trespassers, for surveys, for buildings and general improvements on the reserve	2,500 00	
	70,686 00	
Carried forward	70,686 00	9,288,199 05

SCHEDULE—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
Brought forward	70,686 00	9,288,199 05
DEPARTMENT OF INDIAN AFFAIRS—Concluded.		
NOVA SCOTIA.		
Salaries	\$ 1,200 00	
Relief and seed grain	2,500 00	
Medical attendance and medicines	2,000 00	
Miscellaneous and unforeseen	100 00	
	5,800 00	
NEW BRUNSWICK.		
Salaries	\$ 1,705 00	
Relief and seed grain	2,300 00	
Medical attendance and medicines	1,295 00	
Miscellaneous	300 00	
	5,600 00	
PRINCE EDWARD ISLAND.		
Salaries and travelling expenses	\$ 300 00	
Relief and seed grain	925 00	
Medical attendance and medicines	350 00	
Office and miscellaneous	75 00	
	1,650 00	
MANITOBA AND THE NORTH-WEST TERRITORIES.		
Annuities and commutations	\$122,405 00	
Implements, tools and harness	3,167 00	
Field and garden seeds	4,375 00	
Live stock	2,330 00	
Supplies for destitute and working Indians	176,093 00	
Triennial clothing	3,728 00	
Day, boarding and industrial schools	226,911 00	
Surveys	3,000 00	
Farm wages	24,693 00	
Supplies for farmers	11,178 00	
Sionx	4,509 00	
Buildings	3,313 00	
General expenses	111,575 00	
Grist and saw mills	3,063 00	
	700,540 00	
BRITISH COLUMBIA.		
Salaries	\$ 18,660 00	
Relief of distress	5,000 00	
Seed grain, implements and tools	1,200 00	
Medical attendance and medicines	12,000 00	
Day schools	6,500 00	
Industrial and boarding schools	47,460 00	
Travelling expenses	3,000 00	
Office and miscellaneous	4,320 00	
Steamer "Vigilant"	2,000 00	
Surveys	1,672 00	
Reserve commission	3,500 00	
	107,312 00	
GENERAL.		
J. A. Macrae, Inspector of Indian Agencies	\$ 1,400 00	
G. L. Chitty, Inspector of Timber	1,000 00	
Travelling expenses of these two officers	600 00	
	3,000 00	
		894,588 00
Carried forward		10,182,787 05

SCHEDULE—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
Brought forward		10,182,787 05
NORTH-WEST MOUNTED POLICE.		
Pay of Force	240,000 00	
Subsistence, forage, fuel and light	128,000 00	
Clothing, repairs and renewals, horses, arms and ammunition, medical stores and stationery	72,000 00	
Scouts, guides, billeting, transport of men, horses and stores and contingencies	45,000 00	
New buildings and repairs	15,000 00	
		500,000 00
GOVERNMENT OF THE NORTH-WEST TERRITORIES.		
Expenditure connected with Lieut.-Governor's Office	9,930 00	
Schools in unorganized districts	5,000 00	
Incidental justice, etc.	6,040 00	
Addition to salary of Clerk of Legislative Assembly	400 00	
Legal adviser	600 00	
Registrars	18,160 00	
Insane Patients, Manitoba	30,000 00	
Schools, clerical assistance, printing, etc.	242,879 00	
		313,009 00
MISCELLANEOUS.		
<i>Canada Gazette</i>	6,000 00	
Miscellaneous printing	25,000 00	
Expenses in connection with distribution of Parliamentary documents	1,000 00	
Unforeseen expenses, expenditure thereof to be under Order in Council, and a detailed statement to be laid before Parliament within the first fifteen days of the next session	20,000 00	
Commutation in lieu of remission of duties on articles imported for the use of the Army and Navy	2,000 00	
For the expenses of the Government in the District of Keewatin	1,500 00	
Maintenance of Keewatin and other lunatics chargeable to Keewatin	3,500 00	
To meet expenditure in connection with "The Canada Temperance Act"	500 00	
To compensate members of the North-west Mounted Police for injuries received in the discharge of duty	2,000 00	
To provide for the payment of Mr. Fabre's salary and contingencies of his office	3,500 00	
To meet costs of litigated matters (Justice)	15,000 00	
To meet costs of litigated matters (Interior)	1,500 00	
To meet payments of extra clerks, for services rendered in preparation of returns ordered by Parliament	5,000 00	
Maintenance, construction of roads, bridges and other necessary works in connection with the Hot Springs reservation, near Banff Station, North-west Territories	6,000 00	
Academy of Arts	2,000 00	
To assist in the publication of the proceedings of the Royal Society	5,000 00	
Further amount required for plant for Printing Bureau	5,000 00	
To meet cost of arbitration respecting the accounts between the Dominion of Canada and the Provinces of Ontario and Quebec. (Payments on account of services rendered may be made to members of the Civil Service, notwithstanding anything in the Civil Service Act)	10,000 00	
To provide for the survey of bed of Straits of Northumberland	6,300 00	
Towards the expense of determining the boundary line between Canada and the United States between the southernmost point of Prince of Wales Island and the 141st meridian of west longitude, and in Passamaquoddy Bay	18,000 00	
Classification of old records of Canada in office of the Privy Council	1,000 00	
To cover expenses of taking evidence concerning the public accounts, and reporting the same to the Auditor General under authority of section 57 of the Consolidated Revenue and Audit Act; and to pay for legal advice to the Auditor General and assistance to him in estimating the value of printing for the returning officers and others	500 00	
Carried forward	140,300 00	10,995,796 05

SCHEDULE—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
Brought forward	140,300 00	10,995,796 05
MISCELLANEOUS—Concluded.		
To provide an amount for the relief of distressed Canadians in foreign countries other than the United States.....	500 00	
For revising and consolidating the correspondence, reports and Orders in Council on the subject of Provincial and Reserved Acts, to be paid irrespective of anything in the Civil Service Act.....	800 00	
		141,600 00
COLLECTION OF REVENUE.		
CUSTOMS.		
Salaries and Contingent Expenses in the several Ports:—		
In the Province of Nova Scotia.....	\$108,250 00	
do New Brunswick	88,035 00	
do Prince Edward Island	16,725 00	
do Quebec.....	201,250 00	
do Ontario	286,475 00	
do Manitoba	32,250 00	
do North-west Territories	3,400 00	
do British Columbia.....	60,200 00	
Generally—To cover unforeseen expenditures.....	5,000 00	
Salary and travelling expenses of inspectors of ports, and travelling expenses of other officers on inspection.....	21,150 00	
Board of Customs and Outside Special Service—To meet expenditure in connection therewith, including \$800 salary of Commissioner of Customs, as chairman of the Board.....	23,000 00	
Customs Laboratory—To meet expenditure in connection with the testing of molasses, etc., including pay of officers appointed or employed for that purpose.....	4,050 00	
Miscellaneous—Day-books, ledgers, book-binding, printing and stationery, subscription to commercial papers, flags, dating stamps, locks, instruments, etc., for various ports of entry, and for legal expenses	15,000 00	
To provide for expenses of maintenance of Government cruiser "Constance" for preventive service on the Lower St. Lawrence.....	9,500 00	
	874,285 00	
EXCISE.		
Salaries of Officers and Inspectors of Excise, and to provide for increase depending upon the result of Excise examinations.....	\$306,853 75	
To provide for extra duty-pay at large distilleries and factories.....	6,000 00	
To provide for duty-pay to officers serving long hours at other than special surveys.....	1,000 00	
Preventive Service	9,000 00	
Travelling expenses, rent, fuel, stationery, etc.....	47,500 00	
Stamps for imported and Canadian tobacco.....	22,000 00	
To pay Collectors of Customs allowance on duty collected by them.....	5,500 00	
Commission to sellers of stamps for Canadian twist tobacco.....	100 00	
Methylated Spirits—To enable the Department to supply methylated spirits to manufactories, the cost of which will be recouped by manufacturers to whom they are supplied; and to pay for rent, light, power, freight, salaries, etc.....	75,000 00	
	472,953 75	
Carried forward.....	1,347,238 75	11,137,396 05

SCHEDULE—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
Brought forward	1,347,238 75	11,137,396 05
COLLECTION OF REVENUE—Continued.		
CULLING TIMBER.		
Salary of Inspector and contingencies of his office.....	\$2,950 00	
Three specification clerks.....	2,250 00	
One book-keeper and messenger.....	700 00	
Five cullers.....	3,500 00	
Contingencies further required.....	1,100 00	
Annuities to superannuated cullers.....	7,200 00	
	17,700 00	
WEIGHTS, MEASURES, GAS AND ELECTRIC LIGHT INSPECTION.		
Salaries of Officers, Inspectors and Assistant Inspectors of Weights and Measures, including extension of the service in North-west or elsewhere.....	\$ 56,700 00	
Salaries of Inspectors of Gas.....	15,150 00	
Rent, fuel, travelling expenses, postage, stationery, etc., for Weights and Measures.....	15,950 00	
Rent, fuel, travelling expenses, postage, stationery, etc., for Gas.....	8,000 00	
To provide for the purchase of standard instruments and salar- ies, etc.....	4,000 00	
	99,800 00	
INSPECTION OF STAPLES.		
For the purchase and distribution of standards of flour, etc., and other expenditure under the Act.....	3,000 00	
ADULTERATION OF FOOD AND FERTILIZERS, AND THE ADMINISTRATION OF THE ACT RESPECTING FRAUDULENT MARKING.		
To meet expenses under these Acts.....	25,000 00	
MINOR REVENUES.		
Minor Revenues.....	\$ 800 00	
Ordinance Lands.....	1,705 00	
	2,505 00	
RAILWAYS AND CANALS.		
<i>Railways.</i>		
Intercolonial Railway.....	\$3,200,000 00	
Prince Edward Island Railway.....	240,000 00	
Windsor Branch.....	30,000 00	
	\$3,470,000 00	
<i>Canals.</i>		
Repairs and working expenses.....	\$533,413 00	
Salaries and contingencies, Canal Offices.....	43,000 00	
Additional pay to persons permanently employed in the Public Service and remuneration to any other persons for services rendered for and in connection with passing vessels through the canals of the Government of Canada, from midnight on Saturdays to mid- night on Sundays, notwithstanding anything in the Civil Service Act to the contrary.....	15,000 00	
	591,413 00	
	4,061,413 00	
Carried forward.....	5,556,656 75	11,137,396 05

SCHEDULE—Continued.

SERVICE.	Amount.		Total.	
	§	cts.	§	cts.
Brought forward	5,556,656	75	11,137,396	05
COLLECTION OF REVENUE—Continued.				
PUBLIC WORKS.				
Collection of slide and boom dues	§	4,000	00	
Repairs and working expenses, harbours, docks and slides		99,800	00	
To provide for paying the Upper Ottawa Improvement Co. the authorized allowance for management, etc., in connection with logs to be passed through the Chenaux boom, Ottawa River, during fiscal year 1895-96		1,600	00	
Telegraph lines between Prince Edward Island and the mainland		2,000	00	
Land and cable telegraph lines of the sea coasts and islands of the Lower River and Gulf of St. Lawrence and Maritime Provinces, including cost of working steamer "Newfield" or other vessels when required for cable service		29,500	00	
Renewal of appliances on board steamer "Newfield" for raising and laying cables, etc.		1,500	00	
Telegraph lines, North-west Territories		20,000	00	
Telegraph lines, British Columbia		11,000	00	
Telegraph and signal service generally		2,750	00	
Public Works agency, British Columbia		2,500	00	
			174,650	00
POST OFFICE.				
Mail service	§	2,125,000	00	
Salaries and allowances		1,193,515	00	
Miscellaneous		207,120	00	
			3,525,635	00
DEPARTMENT OF TRADE AND COMMERCE.				
To provide for the administration of the Chinese Immigration Act, including remuneration to Trade and Commerce and Customs officers	§	3,500	00	
To meet Canada's proportion of expenditure in connection with the International Customs Bureau, Brussels		600	00	
Commercial agencies, including expenses in connection with the negotiation of treaties or in extension of commercial relations		15,000	00	
			19,100	00
DOMINION LANDS.				
<i>(Chargeable to Income.)</i>				
Commissioner's salary	§	4,000	00	
Superintendent of Mines' salary		3,000	00	
Inspector of Agencies' salary		2,000	00	
Secretary's salary		1,800	00	
Homestead Inspectors' salaries		8,400	00	
Dominion Land and Crown Timber Agents' salaries		21,845	00	
Salaries of clerks in outside service, forest rangers and intelligence officers		40,845	00	
Travelling expenses of Inspector of Agencies, Homestead Inspectors and Superintendent of Mines, contingencies of Superintendent of Mines, Land Board, Dominion Lands and Crown Timber Agents and at head office, removal expenses, etc., stationery and printing and Half-breed Claims Commission expenses		29,700	00	
Carried forward	§	111,590	00	
			9,276,041	75
			11,137,396	05

SCHEDULE—*Concluded.*

SERVICE.	Amount	Total.
	\$ cts.	\$ cts.
Brought forward.....	\$111,590 00	9,276,041 75
COLLECTION OF REVENUE—<i>Concluded.</i>		
DOMINION LANDS—<i>Concluded.</i>		
<i>(Chargeable to Income)—Concluded.</i>		
To pay members of the Board of Examiners of Dominion Land Surveyors stationery, rent and rooms and contingent expenses of the Board. (The authority required by the Civil Service Act is hereby given for paying out of this vote such sums as may be required to pay for services of members of the Board who are also members of the Civil Service.).....	7 00	
To pay salaries of extra clerks at head office, Ottawa; advertising, copying, etc.....	4,000 00	
To provide for the salary of one carpenter.....	732 00	
	117,022 00	9,393,063 75
DOMINION LANDS.		
<i>(Chargeable to Capital.)</i>		
To provide for the amount required for surveys, examination of survey returns, printing of plans, etc.....		75,000 00
Total		20,605,459 80

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58-59 VICTORIA.

CHAP. 3.

An Act respecting Commercial Treaties affecting Canada.

[Assented to 22nd July, 1895.]

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

1. So soon as *The French Treaty Act, 1894*, chapter two of the Statutes of 1894, is brought into force by proclamation of the Governor General, the advantages granted to France by the treaty with that power mentioned in the said Act, with respect to its commerce with Canada, shall extend to any and every other foreign power which by reason of the operation of such treaty is, under the provisions of a treaty with Great Britain, entitled, in whole or in part, to the same or to the like advantages with respect to its commerce with Canada, to the extent to which in manner aforesaid such other foreign power is entitled thereto ; and such advantages shall continue to so extend to such other foreign power so long as the said Act remains in force, or until the right of such other foreign power to such advantages under its treaty with Great Britain is sooner determined.

Extension to certain foreign powers of advantages granted to France by treaty of 1893.

2. So long as such other foreign power continues to be entitled to such advantages, the operation of all laws inconsistent with its enjoyment of them shall be suspended to the extent to which they are so inconsistent.

Suspension of inconsistent laws.

3. The advantages so granted to France by the said treaty shall extend also to Great Britain and to the several British colonies and possessions with respect to their commerce with Canada, so long as France continues to be entitled to such advantages ; and during the period for which France is so entitled to such advantages, all laws inconsistent with the enjoyment thereof by Great Britain and such British colonies and possessions shall be suspended to the extent to which they are so inconsistent.

Extension of advantages to Great Britain and her colonies.



58-59 VICTORIA.

CHAP. 4.

An Act for the settlement of certain questions between the Governments of Canada and British Columbia relating to lands in the Railway Belt, British Columbia.

[Assented to 22nd July, 1895.]

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

1. The Governor in Council may enter into an agreement with the Government of British Columbia for the purpose of defining and settling the boundaries of what is known as the Railway Belt in that province (that is to say, the lands along the line of the Canadian Pacific Railway granted by the Act of the Legislative Assembly of that province, forty-seventh Victoria, chapter fourteen, to the Government of Canada for the purpose of constructing and to aid in the construction of the said railway) in such manner and upon and subject to such terms, conditions and stipulations as may be agreed upon, between the Governor in Council and the Government of the said province ; and such agreement, when entered into, and every matter and thing therein contained, shall be as binding on the Dominion of Canada, as if the same were specified and set forth in an Act of this Parliament.

Authority to Governor in Council to make agreement for settling boundaries of Railway Belt.

B.C., 47 V., c. 14.

Effect.

2. It shall be a term and stipulation of any such agreement that the Legislature or the Government of the said province shall make provision satisfactory to the Governor in Council for the registration, under the land registry laws of the province, of the title of Her Majesty in the right of Canada to lands in the province and of the titles of purchasers from, and of persons claiming title under, Her Majesty in such right.

Agreement must provide that province shall register titles.

3. Any agreement so entered into may include such provision as may be thought proper for the settlement of controversies and claims arising out of grants made by the Government of the province of lands in the Railway Belt after the line of the said railway had been finally located.

Provision may be made for settlement of certain claims.

Authority to
execute agree-
ment.

4. The Governor in Council is authorized to carry out the provisions of any agreement entered into in pursuance of this Act and to give all necessary directions for that purpose.

Short title.

5. This Act may be cited as *The Railway Belt Lands Act, 1895.*

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58-59 VICTORIA.

CHAP. 5.

An Act respecting the discharge of a mortgage to Her Majesty, known as the Markland Mortgage.

[Assented to 22nd July, 1895.]

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

1. The Minister of Finance and Receiver General is hereby authorized to execute, on behalf of Her Majesty, a release and discharge of a certain mortgage given to Her Majesty in the year one thousand eight hundred and fifty-eight by the Honourable George H. Markland, upon certain properties in the city of Kingston, in the province of Ontario, which were sold in the year one thousand eight hundred and sixty-two under the said mortgage, and to convey the properties so sold, freed and discharged from the said mortgage, and so far as Her Majesty can convey them, to the persons now entitled to the said properties, on payment of such part of the purchase money now remaining unpaid as the Minister of Finance and Receiver General deems expedient in the public interest, and either with or without interest, and on such other terms and conditions as are agreed upon.

Discharge of Markland mortgage authorized.

Conveyance of property on certain conditions.

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58-59 VICTORIA.

CHAP. 6.

An Act respecting the bounty on Beet-root Sugar.

[Assented to 22nd July, 1895.]

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

1. The Governor in Council may authorize the payment out of the Consolidated Revenue Fund of Canada, under such regulations and restrictions as are made by Order in Council, to the producers of any raw beet-root sugar produced in Canada wholly from beets grown therein, between the first day of July, one thousand eight hundred and ninety-five, and the first day of July, one thousand eight hundred and ninety-seven, of a bounty of seventy-five cents per one hundred pounds, and, in addition thereto, one cent per one hundred pounds for each degree or fraction of a degree over seventy degrees shown by the polariscope test,—such bounty in no case, however, to exceed in the aggregate one dollar per one hundred pounds.

Bounty on beet-root sugar produced in Canada.

2. The cost of customs supervision in connection with the carrying out of the provisions of this Act shall be paid by the producers above mentioned.

Cost of customs supervision.

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58-59 VICTORIA.

CHAP. 7.

An Act to encourage Silver-lead Smelting.

[Assented to 22nd July, 1895.]

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

- 1.** To encourage silver-lead smelting and the smelting of other ores of silver and gold in Canada the Governor in Council may, subject to the following provisions, authorize the payment of a bounty not exceeding fifty cents per ton, and not exceeding in all one hundred and fifty thousand dollars, on Canadian silver-lead ore and other ores of silver and gold smelted in Canada between the first day of July, one thousand eight hundred and ninety-five, and the first day of July, one thousand nine hundred.

Bounty on certain ores smelted in Canada.
During what period.
- 2.** The said bounty shall not for any one year exceed the sum of thirty thousand dollars: Provided, that the said sum if unexpended, or any balance thereof unexpended, may be carried forward from year to year and may be paid for any year in addition to the sum of thirty thousand dollars authorized as above for such year.

Amount payable each year.
- 3.** If in any year the quantity of ore smelted is greater than will allow of the payment, out of the sum available for that year, of fifty cents per ton, then the bounty per ton for that year shall be reduced proportionately.

Reduction of rate per ton in certain case.
- 4.** The said bounty shall not be paid on any ores smelted in smelting works which are not established and in operation before the first day of January, one thousand eight hundred and ninety-seven.

Works must be established before January 1, 1897.
- 5.** The payment of the said bounty shall be under the direction of the Minister of Trade and Commerce, subject to such regulations as are made by the Governor in Council.

Administration.

Regulations. **6.** The Governor in Council may make regulations in relation to the said bounty in order to prevent fraud and to ensure the good effect of this Act.

Report to
Parliament. **7.** The said regulations shall be laid before Parliament within the first fifteen days of each session, with a statement of the money expended in payment of the said bounty, and of the persons to whom they were paid, and the places where the ore with respect to which they were paid was smelted, and such other particulars as tend to show the effect of the said bounty.

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most Excellent Majesty.



58-59 VICTORIA.

CHAP. 8.

An Act respecting the Winnipeg Great Northern Railway Company.

[Assented to 22nd July, 1895.]

WHEREAS the Winnipeg Great Northern Railway Company (formerly the Winnipeg and Hudson Bay Railway Company), hereinafter called "the Company," is empowered by chapter eighty-one of the Statutes of 1887, hereinafter called the Special Act, to build a railway from Winnipeg to Hudson's Bay; and whereas, by chapter eighty-one of the Statutes of 1891, hereinafter called the Aid Act, certain aid was granted to the Company; and whereas, in pursuance of the Aid Act, a contract, which bears date the eighteenth day of September, one thousand eight hundred and ninety-one, was entered into between the Governor in Council and the Company; and whereas it is expedient to amend the Aid Act, and to authorize and empower the Governor in Council to alter and amend the said contract, as hereinafter provided: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Preamble.

1887, c. 81;
1891, c. 81.

1. Section one of the Aid Act is repealed, and the following is substituted therefor:

1891, c. 81,
s. 1 repealed.

"**1.** In order to enable the Winnipeg and Hudson Bay Railway Company to construct so much of their railway to Hudson's Bay as reaches from the city of Winnipeg to the Saskatchewan River, the Governor in Council may enter into a contract with the Company for the transport of men, supplies, materials and mails, for a term of twenty years, and may pay to the Company for such services during the said term eight thousand dollars per annum in manner following, that is to say: one-half of the said sum of eighty thousand dollars to be paid annually, commencing from the date of the completion by the Company of one-half of their line to be constructed between Winnipeg and the Saskatchewan River; and the remaining one-half of the said sum of eighty thousand dollars to be paid annually, commencing from the date of the completion of the remaining half of their line to be constructed

Contract for transport may be made with the Company.

How consideration may be paid.

Proviso.

between Winnipeg and the Saskatchewan River: Provided, that such sums shall be paid in semi-annual instalments, and that the Company may sell the same or may assign the same by way of security for any bonds or other securities issued by the Company with respect to the Company's undertaking."

Contract may be altered.

2. The Governor in Council is hereby authorized and empowered to alter and modify the said contract in accordance with the terms of the Aid Act and of this Act.

When contract may be made with another company.

3. In the event of a contract not being entered into with the Company in compliance with the terms of this Act in so far as it relates to the construction of the first half of the Company's railway, the Governor in Council may, subject to the terms of the said Aid Act and of this Act, transfer the amount applicable to such first half of the Company's railway, namely, forty thousand dollars per annum for twenty years, to a company authorized to construct a line of railway from Portage la Prairie or Gladstone to Lake Dauphin or thereabouts.

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58-59 VICTORIA.

CHAP. 9.

An Act further to amend the Act respecting the Senate and House of Commons.

[Assented to 22nd July, 1895.]

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

1. For the present session of Parliament, the deduction of eight dollars per day mentioned in section twenty-six of the *Act respecting the Senate and House of Commons*, being chapter eleven of the Revised Statutes, shall not be made for twelve days in the case of a member who has been absent from a sitting of the House of which he is a member, or of some committee thereof, during such number of days; but this provision shall not operate to extend the maximum amount mentioned in section twenty-five of the said Act, nor in the case of a member elected since the commencement of the present session shall it apply to days prior to his election.

Days of absence during present session.

Proviso.

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58-59 VICTORIA.

CHAP. 10.

An Act further to amend the Act to readjust the Representation in the House of Commons.

[Assented to 22nd July, 1895.]

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

1. The paragraph lettered (e) of subsection three of section two of the *Act to readjust the Representation in the House of Commons*, being chapter eleven of the Statutes of 1892, is hereby repealed and the following substituted therefor :—

“(e.) The electoral district of Berthier shall consist of the town of Berthier, the parishes of Berthier, Lanoraie, St. Barthélemi, St. Cuthbert, St. Damien, St. Gabriel de Brandon, St. Michel des Saints, St. Norbert, and La Visitation de l’Île du Pads, and the township of Prévost.”

Electoral district of Berthier.

2. The said subsection three of section two of the said Act is hereby further amended by adding the following paragraph thereto :—

Section 2 further amended.

“(x.) The township of Courcelles and the north-east part of the township of Joliette are hereby detached from the county of Berthier and annexed to the county of Joliette, for the purposes of representation in the House of Commons.”

Electoral district of Joliette.

3. The last lists of voters revised and certified for the townships of Courcelles and Joliette shall be those which shall be used until other lists for the said townships are revised and certified by the revising officer for the electoral district of Joliette.

Lists for townships of Courcelles and Joliette.

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58-59 VICTORIA.

CHAP. II.

An Act further to amend the North-west Territories' Representation Act.

[Assented to 22nd July, 1895.]

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

1. Subsection one of section four of *The North-west Territories' Representation Act*, chapter seven of the Revised Statutes, as amended by section one of chapter fifteen of the Statutes of 1894, is hereby repealed and the following substituted therefor:—

R.S.C., c. 7,
s. 4 amended

“**4.** Every male person shall be qualified to vote at the election of a member under this Act who, not being an Indian, is a British subject and of the full age of twenty-one years, and has resided in the North-west Territories for at least twelve months, and in the electoral district for at least three months, immediately preceding the issue of the writ of election.”

Qualification
of electors.

2. The second paragraph of the form substituted for form L of the said Act by section thirteen of chapter fifteen of the Statutes of 1894 is hereby repealed and the following substituted therefor:—

Form L
amended.

“If any elector finds that his name is not on the voters' list of the polling division to which he belongs, he may apply to the enumerator, not later than two days before the polling day, to have his name added to the said list.”

2. The words “Here insert oath No. 1. See form P;” which follow the said second paragraph, are hereby struck out.

3. Form P in the schedule to the said Act is hereby repealed, and the following substituted therefor:—

New form P.

“P.

“Oaths to be taken by electors.

“No. 1.

“You do swear that you are of the male sex and a British subject, that you are not an Indian, that you are of the full age
of

of twenty-one years, and that you have resided in the North-west Territories for at least twelve months, and in this electoral district for at least three months, immediately preceding the issue of the writ of election : So help you God.

“ No. 2.

“ You do swear that you have not received any money or other reward, nor have you accepted any promise made to you, directly or indirectly, to induce you to vote at this election, and that you have not before voted at this election in this electoral district, either at this or any other polling station : So help you God.”

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most Excellent Majesty.



58-59 VICTORIA.

CHAP. 12.

An Act respecting the Voters' Lists of 1895.

[Assented to 22nd July, 1895.]

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

1. It shall not be necessary that any revision of the lists of voters prepared in accordance with the provisions of *The Electoral Franchise Act*, shall be proceeded with during the present year, one thousand eight hundred and ninety-five, but the lists of voters in force at the time of the passing of this Act shall continue in force until they are finally revised, in accordance with the provisions of the said Act, in the year one thousand eight hundred and ninety-six.

Lists of voters need not be revised for 1895.

2. The lists of voters prepared, under the said Act and its amendments, for the year one thousand eight hundred and ninety-four, as finally revised and certified, and as amended or corrected on appeal, if there has been any such amendment or correction, shall be valid and shall avail for the purposes of the said Act and its amendments, notwithstanding that a revising officer has not complied with the provisions of section twenty-three of the said Act.

Certain lists declared valid.

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58-59 VICTORIA.

CHAP. 13.

An Act further to amend the Dominion Elections Act.

[Assented to 22nd July, 1895.]

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

1. The section substituted for section four of *The Dominion Elections Act*, chapter eight of the Revised Statutes, by section one of chapter thirteen of the Statutes of 1894, is hereby repealed and the following substituted therefor:—

R.S.C., c. 8
s. 4 repealed.

“**4.** The Governor General shall, except as hereinafter mentioned, fix the day for the nomination of candidates at the election, and shall, at every general election, fix one and the same day for the nomination of candidates in all the electoral districts, except in the electoral districts of Algoma and Nipissing, in the province of Ontario, and of Gaspé and Chicoutimi and Saguenay, in the province of Quebec.”

Day of nomination of candidates.

2. The subsection substituted for subsection three of section fourteen of the said Act by section two of chapter thirteen of the Statutes of 1894, is hereby repealed and the following substituted therefor:—

Section 14
amended.

“**3.** In the electoral districts of Gaspé and Chicoutimi and Saguenay, in the province of Quebec, the returning officer shall fix the day for the nomination of candidates, and also the day and places for holding the polls; the nomination in the said electoral districts shall take place not less than fifteen days nor more than thirty days after the proclamation hereinafter required has been posted up; and the day for holding the polls shall be not less than fifteen days nor more than thirty days after the day on which the nomination is to take place, neither the day of nomination nor the day of posting the proclamation being reckoned.”

Nomination and polling days in Gaspé and Chicoutimi and Saguenay.

3. The section substituted for section sixteen of the said Act by section three of chapter thirteen of the Statutes of 1894, is hereby repealed and the following substituted therefor:—

Section 16
repealed.

Proclamation
by returning
officer.

“16. Within ten days after the reception of the writ in the electoral districts of Algoma and Nipissing, in the province of Ontario, within twenty days after such reception in the electoral districts of Gaspé and Chicoutimi and Saguenay, in the province of Quebec, and within eight days after such reception in the other electoral districts of Canada, the returning officer shall, by proclamation under his hand, issued in the English and French languages in every electoral district in the province of Quebec and in the province of Manitoba, and in the English language only in the other electoral districts, indicate—

“(a.) The place and time fixed for the nomination of candidates;

“(b.) The day on which the poll for taking the votes of the electors is to be held, in case a poll is demanded;

“(c.) The several polling stations fixed by him, and the territorial limits to which they respectively apply;

“(d.) The time when and the place where the returning officer will sum up the number of votes given to the several candidates;

Form.

“Such proclamation shall be in the form E in the first schedule to this Act.”

Section 46
repealed.

4. The section substituted by section four of chapter thirteen of the Statutes of 1894 for section forty-six of *The Dominion Elections Act*, is hereby repealed and the following substituted therefor:—

Mode of vot-
ing and mark-
ing ballots, &c.

“46. The elector, on receiving the ballot paper, shall forthwith proceed into one of the compartments of the polling station and there mark his ballot paper, making a cross or crosses with a pencil on the white circular space or spaces opposite to the name or names of the candidate or candidates for whom he intends to vote, and shall then fold up such ballot paper so that the initials on the back can be seen without opening it, and hand it to the deputy returning officer, who shall, without unfolding it, ascertain by examining his initials and the number upon the counterfoil that it is the same which he furnished to the elector, and shall first detach and destroy the counterfoil, and shall then immediately, and in the presence of the elector, place the ballot paper in the ballot box.”

Commence-
ment of Act.

5. This Act shall take effect only upon the dissolution of the present Parliament.

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58-59 VICTORIA.

CHAP. 14.

An Act to amend the Civil Service Act.

[Assented to 22nd July, 1895.]

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

1. Subsection two of section nine of *The Civil Service Act*, as the said subsection is enacted by chapter twelve of the Statutes of 1888, section two, is hereby repealed, and the following is substituted therefor :—

R.S.C., c. 17 s. 9, sub-s. 2, and 1888, c. 12, s. 2, amended.

2. Whenever the board are satisfied that any irregularity or fraudulent practice has obtained at any examination held by them or by any person deputed by them to hold the same, they may summon before them by an instrument signed by the chairman or acting chairman of the board, and may examine under oath or affirmation, any person who, in their opinion, is in a position to give evidence in relation to any such irregularity or fraudulent practice.

Inquiry as to irregularities at examinations.

Summoning and examining of witnesses.

“(a.) If the person so summoned does not appear at the time and place appointed by such instrument, the chairman or acting chairman of the board shall be vested with all the powers conferred upon a justice of the peace by section five hundred and eighty-two of *The Criminal Code*, 1892, in case a person to whom a summons has been directed does not appear in obedience thereto.

Powers to compel appearance.

“(b.) Whenever any person appearing in obedience to any such instrument, or by virtue of a warrant issued under paragraph (a) of this section, refuses to be sworn, or having been sworn refuses to answer such questions as are put to him, or refuses or neglects to produce any documents which he is required to produce, without in any such case offering any just excuse for such refusal or neglect, the chairman or acting chairman of the board shall be vested with all the powers conferred in like cases upon a justice of the peace by section five hundred and eighty-five of *The Criminal Code*, 1892; and, if upon being brought up upon an adjourned hearing such person

Powers to compel giving of sworn testimony, and production of documents.

again refuses to do what is required of him, the chairman or acting chairman shall have the same powers as a justice of the peace has under said section five hundred and eighty-five in the like case, and so again from time to time until such person consents to do what is required of him.”

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58-59 VICTORIA.

CHAP. 15.

An Act further to amend the Civil Service Act.

[Assented to 22nd July, 1895.]

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

1. Paragraph (b) of section ten of *The Civil Service Act*, R.S.C., c. 17, chapter seventeen of the Revised Statutes, is hereby repealed s. 10 amended. and the following substituted therefor:—

“(b) No person shall be appointed to any place in the first or inside departmental division of the Civil Service other than that of a deputy head, on probation or otherwise, whose age exceeds thirty-five years, or who has not attained the full age of fifteen years, in the case of a porter, messenger, or sorter, or the full age of eighteen years, in other cases.” Limits as to age.

2. Sections twenty-one, twenty-two and twenty-three of the said Act are hereby repealed: Provided, however, that such repeal shall not in any way affect any person who is now a third-class clerk, or a permanent messenger, packer or sorter. Sections 21, 22 and 23 repealed as to future appointees.

3. The section substituted for section twenty-four of the said Act by section four of chapter twelve of the Statutes of 1888 is hereby repealed and the following substituted therefor: Section 24 repealed.

“**24.** The salary of a clerk on appointment or promotion to any class shall begin at the minimum of such class.” Initial salary.

4. Section twenty-nine of the said Act is hereby amended as follows:— Section 29 amended.

(a.) By striking out the words “in either division” in the seventh line thereof;

(b.) By striking out the words “temporary copyists” in the sixteenth line thereof; and

(c.) By striking out the words “Third-class clerkships in the first division” in the twenty-first line thereof, and substituting therefor the words “Second-class clerkships in the first division.”

Section 30
amended.

5. Section thirty of the said Act is hereby amended by striking out the words "for a place below that of a third-class clerk" in the fourth and fifth lines thereof, and substituting therefor the words "for an appointment which the passing of the preliminary examination is sufficient to qualify for."

Section 37
amended.

6. Subsection three of section thirty-seven of the said Act is hereby repealed.

Section 47
repealed.

7. Section forty-seven of the said Act is hereby repealed and the following substituted therefor:—

Employment
of assistance
in cases of
temporary
pressure.

"**47.** When from a temporary pressure of work or from any other cause extra assistance is required in any branch of either the first or second division, the Governor in Council may, on the report of the deputy head of the department, concurred in by the head of the department, that such extra assistance is required, authorize the employment of such number of temporary clerks, writers, messengers, porters, packers, or sorters, as are required to carry on the work of the department."

Examination
required for
temporary em-
ployees here-
after appoint-
ed.

8. Temporary clerks now employed may be continued in such temporary employment, notwithstanding their not having passed any examination, at such rate of pay, not exceeding their present rate of pay, as is fixed by the Governor in Council; but, except as aforesaid, no person shall be eligible to be employed as a temporary clerk or writer unless he has passed the qualifying examination required by *The Civil Service Act*, and no person shall be eligible to be employed as a temporary messenger, porter, packer or sorter, unless he has passed the preliminary examination required by the said Act.

Temporary
employment,
how continu-
ed.

9. Any person so employed may be continued in such employment by Order in Council passed on the report of the deputy head, concurred in by the head of the department, that his continued employment is necessary, but no temporary employment shall give to any person so employed any claim to permanent appointment or to continued or further temporary employment.

Remunera-
tion.

10. The remuneration for temporary assistance shall be as follows:—

Of temporary
clerk or
writer;

(a.) In the case of a temporary clerk or writer, at the rate, to begin with, of not more than four hundred dollars a year, and, in addition thereto, at the rate of twenty-five dollars a year for each optional subject, not exceeding two, in which he passed prior to such employment,—the optional subjects, for the purposes of this section, being book-keeping, shorthand and type-writing; and

Of temporary
messenger,
&c.

(b.) In the case of a temporary messenger, porter, packer or sorter, at the rate, to begin with, of not more than three hundred dollars a year:

Provided always, that where the employment is continuous the rate of remuneration may be increased from time to time, by amounts not exceeding thirty dollars in any one year, to a maximum of six hundred dollars in the case of a temporary clerk or writer, and to a maximum of five hundred dollars in the case of a messenger, porter, packer or sorter,—such increase to be granted only upon an Order in Council passed on the report of the deputy head of the department, concurred in by the head of the department, that the person recommended therefor is eligible for such increase and is deserving thereof.

Proviso, as to increases where employment is continuous.

11. The persons employed under the four next preceding sections shall be paid only out of moneys specially voted by Parliament for the purpose.

Moneys to be specially voted.

12. Schedule A to *The Civil Service Act* is hereby amended by striking out the following words, in the seventh and eighth lines:—

Schedule A amended.

“(f.) Third-class clerks ;

“(g.) Messengers, packers and sorters.”

13. Any person who, on the first day of July, one thousand eight hundred and eighty-two, was in the service or employment of the Government of Canada, or of any department thereof, and who has since been continuously engaged therein, may, notwithstanding anything in *The Civil Service Act*, be appointed to any position in the public service, without regard to age and without being required to pass the preliminary or qualifying examination provided for by the said Act, subject however to such regulations as are made by the Governor in Council, or by the head of a department, prescribing examinations for appointment or promotion in the Civil Service ; and any such person may also, notwithstanding anything in the said Act, be temporarily continued in the public service.

Who may be appointed without examination.

R.S.C., c. 17

2. All appointments of such persons, and all payments of salaries to them, heretofore made, are hereby legalized and confirmed.

Retraction.

3. No appointment or promotion shall be made under the provisions of this section after the first day of July, one thousand eight hundred and ninety-six.

Time limited

14. This Act shall not come into force until the first day of January, one thousand eight hundred and ninety-six.

Commencement of Act.



58-59 VICTORIA.

CHAP. 16.

An Act further to amend the Act respecting Dominion Notes.

[Assented to 28th June, 1895.]

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

1. Chapter twenty-one of the Statutes of 1894 is hereby repealed, and section three of chapter thirty-one of the Revised Statutes is hereby revived as it existed previous to the passing of the Act hereby repealed. 1894, c. 21 repealed; R.S.C., c. 31, s. 3 revived.

2. Notwithstanding anything to the contrary contained in the said chapter thirty-one of the Revised Statutes, Dominion notes may be issued to any amount in excess of the sum of twenty million dollars authorized by section three of the said chapter, provided the Minister of Finance and Receiver General, in addition to any amount required to be held by him in gold under the provisions of the said section three, holds an amount in gold equal to the amount of Dominion notes issued and outstanding in excess of the said sum of twenty million dollars. Issue of Dominion notes may exceed \$20,000,000, provided equal amount in gold is held.

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58-59 VICTORIA.

CHAP. 17.

An Act further to amend the Act respecting the incorporation of Boards of Trade.

[Assented to 22nd July, 1895.]

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

1. Paragraph (a.) of section one of chapter one hundred and thirty of the Revised Statutes, as amended by section one of chapter twenty-three of the Statutes of 1894, is hereby repealed and the following substituted therefor:—

R.S.C., c. 130, s. 1 (a) and 1894, c. 23, s. 1 amended.

“(a.) The expression ‘district’ means the judicial district, city, county, town or village (to any of which may be added one or more townships selected for that purpose) within and for which a board of trade is established under this Act; and with regard to the North-west Territories, means and includes also any electoral district, as constituted for elections to the Legislative Assembly for the North-west Territories, within and for which a board of trade is established.”

Definition of “district.”

In the N. W. T.

2. Section one of chapter one hundred and thirty of the Revised Statutes is hereby amended by adding thereto the following, as paragraph (c.):—

R.S.C., c. 130 s. 1 further amended.

“(c.) The expression ‘judicial district’ as used in paragraph (a.) of this section means and includes any judicial district or temporary judicial district which is now or which may hereafter be set apart or constituted as such by any Act of the Parliament of Canada, or by any Act of the Legislature of any province of Canada, or by any proclamation issued under or by virtue of the provisions of any such Act.”

Definition of “judicial district.”

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58-59 VICTORIA.

CHAP. 18.

An Act further to amend the Winding-up Act.

[Assented to 22nd July, 1895.]

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

1. Section seventy-eight of *The Winding-up Act*, being chapter one hundred and twenty-nine of the Revised Statutes, is hereby repealed and the following substituted therefor :—

“78. Every order of the court or judge for the payment of money or costs, charges or expenses made under this Act shall be deemed a judgment of the court, and may be enforced against the person or goods and chattels, lands and tenements of the person ordered to pay, in the manner in which judgments or decrees of any superior court obtained in any suit may bind lands or be enforced in the province where the court making the same is situate. Orders of court to be deemed judgments. How to be executed.

“2. The practice from time to time in force in the superior courts or in any superior court in the province where any such order is made, with respect to the discovery of assets of judgment debtors, shall be applicable to and may be availed of in like manner for the discovery of the assets of any person who by such order is ordered to pay any money or costs, charges or expenses.” Procedure.

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58-59 VICTORIA.

CHAP. 19.

An Act to authorize the Treasury Board to exempt certain societies from the operation of the Insurance Act.

[Assented to 22nd July, 1895.]

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

1. In any case to which section forty-three of *The Insurance Act* does not apply, the Treasury Board may exempt from the provisions of the said Act any society or organization of persons for fraternal, benevolent, industrial or religious purposes, among which purposes is the granting of life, accident, sickness or disability insurance to the members thereof exclusively,—or any association for the purpose of life, accident, sickness or disability insurance, or any one or more of such kinds of insurance, formed in connection with such society or organization and exclusively from its members, and which insures such members exclusively,—upon its being established to the satisfaction of the Treasury Board that the occupation of the members of such society or association is of such a hazardous nature that they are either wholly unable to obtain insurance in the licensed insurance companies or are able to obtain it only to a limited extent and upon the payment of very high premiums.

Treasury Board may exempt certain societies from operation of R.S.C., c. 124.

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58-59 VICTORIA.

CHAP. 20.

An Act further to amend the Insurance Act.

[Assented to 22nd July, 1895.]

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

1. Subsections one and seven of the section substituted by section eight of chapter twenty of the Statutes of 1894, for section twenty of *The Insurance Act*, chapter one hundred and twenty-four of the Revised Statutes, are hereby repealed and the following substituted therefor:—

“20. Every company incorporated or legally formed elsewhere than in Canada, and at present licensed or hereafter licensed under this Act, and every company which is subject to the provisions of this Act, shall make annual statements of its condition and affairs, at the balancing day of the company in each year, and the form and manner of making such statements shall, as to the Canada business of such company, be the same, so far as applicable, as is required of Canadian companies, and as to its general business, shall be in such form as such company is required by law to furnish to the government of the country in which its head office is situate; and where such company is not required by law to furnish a statement to the government of the country in which its head office is situate, then such statement, as to its general business, shall be in such form as the company usually submits to its members or shareholders, and, in the event of no such statement being submitted to such members or shareholders, shall show in concise form the assets and liabilities of the company at such balancing day and the income and expenditure of the company for the year ending on such balancing day. The blank forms of the statements of the Canada business shall be supplied by the superintendent.”

“7. The statements mentioned in the next preceding section and the statements of Canada business provided for in the first subsection of this section shall be deposited in the office of the superintendent on the first day of January next following

R.S.C., c. 124,
s. 20 amended.

Annual statement by companies incorporated elsewhere than in Canada.

Forms for Canada business.

Date for deposit of statement.

ing the date thereof, or within two months thereafter; and every statement of general business provided for in the said first subsection of this section shall be deposited in the office of the superintendent within fifteen days after it is required by law to be made to the government of the country in which the head office of the company whose statement it is, is situate, or within fifteen days after the submission of the same at the annual meeting of the shareholders or members of the company, whichever date first occurs: Provided however, that no such statement of general business need be so deposited earlier than the first day of May, nor shall it be so deposited later than the thirtieth day of June next following the date thereof. The date of a statement in this subsection referred to is the date at which the condition and affairs of the company are shown."

Proviso.

Date of statement.

Interpretation: "annual statement."

2. The words "annual statement" in the section substituted by section eight of chapter twenty of the Statutes of 1894 for section twenty-one of *The Insurance Act* shall, in the case of companies incorporated or legally formed elsewhere than in Canada, be deemed to include both the statement of the Canada business and the statement of the general business provided for in the subsection hereby substituted for subsection one of section twenty of *The Insurance Act*, as amended by chapter twenty of the Statutes of 1894.

Renewals of licenses for 1895 confirmed.

Penalties remitted.

3. The renewals of licenses under *The Insurance Act* for the year now current are hereby confirmed, and any penalties incurred with respect to the statements of general business required to be filed in pursuance of the said Act are hereby remitted.

Section 39, ss. 2, to apply to assessment companies.

Proviso.

4. Notwithstanding anything in *The Insurance Act* contained, subsection two of section thirty-nine thereof shall apply to companies incorporated or legally formed in Canada for the purpose of carrying on the business of life insurance on the assessment plan: Provided, that this section shall not interfere with the renewal of certificates of registration heretofore granted.

R.S.C., c. 124, s. 4 amended.

Name of company to be approved by Minister.

5. Section four of *The Insurance Act* is hereby amended by adding the following subsection thereto:—

"2. Before issuing a license to a company legally formed elsewhere than in Canada, the minister must be satisfied that the corporate name of the Company is not that of any other known company incorporated or unincorporated, or any name liable to be confounded therewith or otherwise on public grounds objectionable."



58-59 VICTORIA.

CHAP. 21.

An Act to amend the Companies Act.

[Assented to 22nd July, 1895.]

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

1. Section ninety-four of *The Companies Act*, chapter one hundred and nineteen of the Revised Statutes, is hereby repealed and the following substituted therefor:—

“94. The company may hold such real estate as is necessary for the transaction of its business, not exceeding in yearly value the sum of ten thousand dollars, or such real estate as, being mortgaged or hypothecated to it, is acquired by it for the protection of its investments,—and may, from time to time, sell, mortgage, lease or otherwise dispose of the same;”

R.S.C., c. 119,
s. 94 amended.

Power to hold
real estate
necessary for
business.

“2. The company shall sell any real estate acquired in satisfaction of any debt within seven years after it has been so acquired, unless there is in force in the province or territory in which such real estate is situate an Act of such province or territory respecting the sale or disposition of lands so acquired and the provisions of such Act are inconsistent with those of this subsection, in which case the provisions of such Act shall apply;”

Limitation as
to holding
other real
estate.

“3. If real estate to which subsection two of this section applies is not sold within the time therein limited, it shall revert to the previous owner or to his heirs or assigns.”

Reversion
thereof.

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58-59 VICTORIA.

CHAP. 22.

An Act further to amend the Customs Act.

[Assented to 22nd July, 1895.]

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

1. This Act may be cited as *The Customs Amendment Act*, Short title. 1895.

2. The subsection added to section four of *The Customs Act*, chapter thirty-two of the Revised Statutes, by section three of chapter fourteen of the Statutes of 1888, is hereby repealed and the following substituted therefor:—

“ 2. There shall be a Board of Customs, which shall consist of the Commissioner of Customs, or any officer for the time being acting as such, the Dominion Customs Appraisers and Assistant Dominion Customs Appraisers referred to in any Act respecting the Customs, and such other duly qualified officer or officers of Customs as the Governor in Council from time to time appoints, and the said board shall have such powers and perform such duties as are assigned to it by any Act of the Parliament of Canada or by the Governor in Council; and three members of such board shall form a quorum and be competent to transact the business of the board at any meeting thereof, whether regular, upon fixed days or dates, or special, called by the chairman,—of which quorum one member shall be either the Commissioner of Customs, or the officer for the time being acting as Commissioner of Customs.”

Board of Customs.

3. The office of Assistant Commissioner of Customs is hereby abolished.

Office of Assistant Commissioner abolished.

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58-59 VICTORIA.

CHAP. 23.

An Act to amend the Customs Tariff, 1894.

[Assented to 22nd July, 1895.]

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

1. Items 7, 31, 32, 55, 79, 80, 82, 152, 392, 393, 394, 396 and 397, in schedule A to *The Customs Tariff, 1894*, chapter thirty-three of the Statutes of 1894, are hereby repealed and the following substituted therefor:—

“ 7. Spirituous or alcoholic liquors, distilled from any material, or containing or compounded from or with distilled spirits of any kind, and any mixture thereof with water, for every gallon thereof of the strength of proof, and when of a greater strength than that of proof, at the same rate on the increased quantity that there would be if the liquors were reduced to the strength of proof. When the liquors are of a less strength than that of proof, the duty shall be at a rate herein provided, but computed on a reduced quantity of the liquors in proportion to the lesser degree of strength; provided, however, that no reduction in quantity shall be computed or made on any liquors below the strength of fifteen per cent under proof, but all such liquors shall be computed as of the strength of fifteen per cent under proof, as follows:—

“(a.) Ethyl alcohol, or the substance commonly known as alcohol, hydrated oxide of ethyl or spirits of wine; gin of all kinds, n.e.s.; rum, whiskey and all spirituous or alcoholic liquors, n.o.p.; amyl alcohol

- or fusel-oil, or any substance known as potato spirit or potato oil; methyl alcohol, wood alcohol, wood naphtha, pyroxylic spirit or any substance known as wood spirit or methylated spirits, absinthe, arrack or palm spirit, brandy, including artificial brandy and imitations of brandy; cordials and liqueurs of all kinds. n.e.s.; mescal, pulque, rum shrub, schiedam and other schnapps; tafia, angostura and similar alcoholic bitters or beverages, two dollars and twenty-five cents per gallon..... \$2.25 p. gall.
- “(b.) Spirits and strong waters of any kind, mixed with any ingredient or ingredients as being or known or designated as anodynes, elixirs, essences, extracts, lotions, tinctures or medicines, n.e.s., two dollars and twenty-five cents per gallon and thirty per cent ad valorem..... \$2.25 p. gall. & 30 p.c.
- “(c.) Alcoholic perfumes and perfumed spirits, bay rum, cologne and lavender waters, hair, tooth and skin washes, and other toilet preparations containing spirits of any kind, when in bottles or flasks containing not more than four ounces each, fifty per cent ad valorem; when in bottles, flasks, or other packages, containing more than four ounces each, two dollars and twenty-five cents per gallon and forty per cent ad valorem..... \$2.25 p. gall. & 40 p.c.
- “(d.) Nitrous ether, sweet spirits of nitre and aromatic spirits of ammonia, two dollars and twenty-five cents per gallon and thirty per cent ad valorem..... \$2.25 p. gall. & 30 p.c.
- “(e.) Vermouth containing not more than thirty per cent, and ginger wine containing not more than twenty-six per cent of proof spirits, eighty cents per gallon; if containing more than these percentages, respectively, of proof spirits, two dollars and twenty-five cents per gallon 80c. p. gall.
- “31. Condensed milk, three and one-quarter cents per pound..... \$2.25 p. gall. 3¼c. per lb.

- “32. Condensed coffee, condensed coffee with milk, milk foods and all similar preparations, thirty per cent ad valorem..... 30 p.c.
- “55. Biscuits of all kinds not sweetened, twenty-five per cent ad valorem; biscuits of all kinds sweetened, twenty-seven and one-half per cent ad valorem..... 25 p.c.
27½ p.c.
- “79. Fruits in air tight cans or other packages, two and one-quarter cents per pound, the weight on which duty shall be payable to include the weight of the cans or other packages 2¼c. per lb.
- “80. Fruits preserved in brandy, or preserved in other spirits, two dollars per gallon..... \$2 p. gall.
- “82. Jellies, jams and preserves, n.e.s., three and one-quarter cents per pound..... 3¼c. p. lb.
- “152. Paints and colours, ground in spirits, and all spirit varnishes and lacquers, one dollar and twelve and a half cents per gallon \$1.12½c. p. g.
- “392. All sugar above number sixteen Dutch standard in colour, and all refined sugars of whatever kinds, grades or standards, one cent and fourteen-hundredths of one cent per pound; sugar, n.e.s., not above number sixteen Dutch standard in colour, sugar drainings, or pumpings drained in transit, melado or concentrated melado, tank bottoms and sugar concrete, one-half cent per pound; the usual packages in which imported to be free..... 1⅒c. p. lb.
- “393. Glucose or grape sugar, glucose syrup and corn syrup, or any syrups containing any admixture thereof, one and one-quarter cent per pound..... ½c. per lb.
- “394. Sugar candy, brown or white, and confectionery, including sweetened gums, candied peel, and pop-corn, one-half cent per pound and thirty-five per cent ad valorem 1¼c. per lb.
& 35 p.c.
- “396. Syrups and molasses of all kinds, n.o.p., the product of the sugar cane or beet-root, n.e.s., and all imitations thereof or substitutes therefor, three-quarters of a cent per pound..... ¾c. p. lb.
- “397. Molasses produced in the process of the manufacture of cane sugar from the juice of the cane, when imported in the original packages from the district where produced in the country where the cane was grown, and which has not been subjected to any process of treating or mixture after leaving the country from

which originally shipped, the packages in which imported, when of wood, to be free—

- “(a.) Testing by polariscope, forty degrees or over, one and three-quarter cent per gallon... .. 1½c. p. gal.
 “(b.) When testing by polariscope less than forty degrees and not less than thirty-five degrees, one and three-quarter cent per gallon, and in addition thereto, one cent per gallon for each degree or fraction of a degree less than forty degrees. 1½c. p. gal. and 1c. additional p. degree.”

Schedule A further amended.

2. Schedule A to *The Customs Tariff*, 1894, is hereby further amended by inserting the following items therein :—

- “199a. Salmon, fresh, n.e.s., one-half cent per pound, provided that such salmon may be imported free of duty upon proclamation of the Governor in Council, which may be issued whenever it appears to his satisfaction that fresh salmon may be imported into the United States from Canada free of duty..... ½ c. per lb.
 “362a. Sawed boards, planks and deals planed or dressed on one or both sides, when the edges thereof are jointed or tongued and grooved, twenty-five per cent ad valorem, provided that such lumber may be imported free of duty upon proclamation of the Governor in Council, which may be issued whenever it appears to his satisfaction that similar lumber from Canada may be imported into the United States free of duty..... 25 per cent.”

Schedule B amended.

3. Item 708 in schedule B to *The Customs Tariff*, 1894, is hereby repealed.

Commencement of Act.

4. This Act shall be held to have come into force on the third day of May, in the present year one thousand eight hundred and ninety-five.

OTTAWA : Printed by SAMUEL EDWARD DAWSON, Law Printer to the Queen's most Excellent Majesty.



58-59 VICTORIA.

CHAP. 24.

An Act further to amend the General Inspection Act.

[Assented to 22nd July, 1895.]

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

1. Subsection three of section nineteen of *The General Inspection Act*, chapter ninety-nine of the Revised Statutes, is hereby repealed and the following substituted therefor:—

R.S.C., c. 99,
s. 19 amended.

“3. The Governor in Council may make regulations, whenever he deems it necessary to do so, for—

Governor in Council may make regulations as to fees.

“(a.) Reducing and amending the tariff of fees to be paid with respect to any articles or class of articles subject to inspection under this Act, and providing for the disposal of the said fees;

“(b.) The apportionment of fees, paid under this Act, between the inspectors and deputy inspectors and the Consolidated Revenue Fund; and—

“(c.) Providing for the payment of fees to examiners appointed under this Act, by persons who present themselves for examination, or for any other business the said examiners are called upon to perform under this Act.”

2. The said Act is hereby further amended by adding the following section thereto immediately after section forty-seven:—

Section added.

“47A. For the purpose of verifying the statement made by any grain inspector of the quantity of grain inspected by him at any elevator, the books kept in connection with such elevator shall at all times be open to inspection by any duly authorized officer of the Department of Inland Revenue.”

Elevator books may be examined by Department.

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58-59 VICTORIA.

CHAP. 25.

An Act further to amend the Inland Revenue Act.

[Assented to 22nd July, 1895.]

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

1. The section substituted for section one hundred and thirty of *The Inland Revenue Act*, chapter thirty-four of the Revised Statutes, by section four of chapter forty-six of the Statutes of 1891, is hereby repealed and the following substituted therefor :—

R.S.C., c. 34,
s. 130 repealed.

“**130.** There shall be imposed, levied and collected on all spirits distilled, the following duties of excise, which shall be paid to the collector of Inland Revenue, as herein provided, that is to say :—

Excise duties
on spirits.

“(a.) When the material used in the manufacture thereof consists of not less than ninety per cent, by weight, of raw or unmalted grain—on every gallon of the strength of proof by Sykes’s hydrometer, and so in proportion for any greater or less strength than the strength of proof, and for any less quantity than a gallon, one dollar and seventy cents ;

Made from
raw grain.

“(b.) When manufactured exclusively from malted barley, taken to the distillery in bond and on which no duty of customs or excise has been paid, or when manufactured from raw or unmalted grain, used in combination, in such proportions as the Department of Inland Revenue prescribes, with malted barley taken to the distillery in bond and on which no duty of customs or of excise has been paid—on every gallon of the strength of proof by Sykes’s hydrometer, and so in proportion for any greater or less strength, and for any less quantity than a gallon, one dollar and seventy-two cents ;

Made from
malted barley.

“(c.) When manufactured exclusively from molasses, syrup, sugar, or other saccharine matter, taken to the distillery in bond and on which no duty of customs has been paid—on every gallon of the strength of proof by Sykes’s hydrometer, and so in proportion for any greater or less strength, and for any less quantity than a gallon, one dollar and seventy-three cents.”

Made from
molasses, &c.

Commence-
ment of Act.

2. This Act shall be held to have come into force on the third day of May, in the present year one thousand eight hundred and ninety-five.

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58-59 VICTORIA.

CHAP. 26.

An Act to amend chapter 10 of the Statutes of 1892, respecting the Harbour Commissioners of Three Rivers.

[Assented to 22nd July, 1895.]

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

1. Section six of chapter ten of the Statutes of 1892, intitled *An Act respecting the Harbour Commissioners of Three Rivers*, is hereby repealed and the following substituted therefor:—

1892, c. 10, s. 6
repealed.

“6. No loan shall be effected, and no debentures shall create any lien or charge on the said harbour, until the said commissioners have paid to the Government of Canada the sum of fifteen thousand dollars.”

Payment to be
made to Gov-
ernment.

OTTAWA : Printed by SAMUEL EDWARD DAWSON, Law Printer to the Queen's most Excellent Majesty.



58-59 VICTORIA.

CHAP. 27.

An Act further to amend the Fisheries Act.

[Assented to 22nd July, 1895.]

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

1. The subsection substituted by section six of chapter fifty-one of the Statutes of 1894 for subsection two of section fifteen of *The Fisheries Act*, chapter ninety-five of the Revised Statutes, is hereby repealed and the following substituted therefor :—

R.S.C. c. 95,
s. 15 amended.

“ 2. Every person who causes or knowingly permits to pass into, or puts or knowingly permits to be put, lime, chemical substances or drugs, poisonous matter, dead or decaying fish, or remnants thereof, mill rubbish or sawdust or any other deleterious substance, in any water frequented by any of the kinds of fish mentioned in this Act, shall be liable, for a first offence, to a penalty of twenty dollars and costs,—for the second offence, to a penalty not exceeding forty dollars and costs, and also in addition thereto a further penalty not exceeding ten dollars for every day during which such offence is continued,—and for the third or any subsequent offence, to a penalty not exceeding one hundred dollars and costs, and also in addition thereto a further penalty not exceeding twenty dollars for every day during which such offence is continued : Provided always, that the Governor in Council may except from the operation of this subsection, wholly or partially, any stream or streams with respect to which he considers that its enforcement is not requisite in the public interest ; but no such exemption shall be granted or shall have any force or effect after the thirtieth day of June, one thousand eight hundred and ninety-seven.”

Pollution of
waters pro-
hibited.

Proviso :
exemption of
certain waters

2. Any exemptions granted by the Minister of Marine and Fisheries under subsection two of section fifteen of *The Fisheries Act* and in force on the thirtieth day of April, one thousand eight hundred and ninety-five, shall remain in force until the said thirtieth day of June, one thousand eight hundred

Exemptions in
force on April
30, 1895, con-
tinued in
force.

dred and ninety-seven, unless sooner revoked by the Governor in Council ; and all penalties incurred or to which any person has become liable, under the section substituted by the said section six of chapter fifty-one of the Statutes of 1894, with respect to any stream or streams which were exempt from the operation of subsection two of section fifteen of *The Fisheries Act* upon the thirtieth day of April, one thousand eight hundred and ninety-five, are hereby remitted.

OTTAWA : Printed by SAMUEL EDWARD DAWSON, Law Printer to the Queen's most Excellent Majesty.



58-59 VICTORIA.

CHAP. 28.

An Act to amend the law respecting the Lobster Fishery.

[Assented to 22nd July, 1895.]

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

1. Section three of chapter fifty-one of the Statutes of 1894 is hereby repealed, and the following substituted therefor :— 1894, c. 51, s. 3 repealed.

“3. *The Fisheries Act* is hereby further amended by adding the following section thereto immediately after section ten :— R.S.C., c. 95 amended.

“10A. No one shall, at any time, can or cure lobsters, except under license from the Minister of Marine and Fisheries. License to can or cure lobsters. Fee.

“2. A fee of ten dollars shall be paid for each such license; but on and after the first day of January, one thousand eight hundred and ninety-six, the fee shall be at the rate of two dollars per one hundred cases or packages or fraction of one hundred cases or packages, containing lobsters canned or cured under such license,—each case or package to contain forty-eight one-pound cans or ninety-six one-half-pound cans.

“3. Every case or package containing lobsters canned or cured in Canada before being removed from the factory or canning establishment, where such lobsters have been canned or cured, or if not removed on or before the day upon which the close season commences, then within seven days after the commencement of the close season, shall be labelled or stamped with such label or stamp as is prescribed by the Minister of Marine and Fisheries; and all unused labels or stamps shall immediately thereafter be returned to the Minister of Marine and Fisheries: Cases to be labelled or stamped.

Provided, however, that the Minister of Marine and Fisheries may grant a permit for the removal of legally packed cases from any factory to any store or building before being labelled or stamped for final shipment. Proviso.

“(a.) Every case or package not so labelled or stamped, or which, being unlabelled or unstamped, is removed without a permit from the Minister of Marine and Fisheries, shall be liable to seizure, and upon seizure shall thereby be confiscated Penalty.

to Her Majesty ; and the owner, packer or exporter of any such case or package shall be liable to a penalty not exceeding twenty dollars and costs.

Imported cases.

“ 4. Every case imported into Canada shall immediately upon being imported be labelled or stamped with such label or stamp as is prescribed by the Minister of Marine and Fisheries.

Penalty.

“(a.) Every case or package not so labelled or stamped shall be liable to seizure, and upon seizure shall thereby be confiscated to Her Majesty ; and the person or persons owning or possessing any such case or package shall be liable to a penalty not exceeding forty dollars and costs.

Annual return from each lobster factory.

“ 5. The owner or manager of every lobster factory or canning establishment in Canada shall, under a penalty not exceeding four hundred dollars and costs, send to the Minister of Marine and Fisheries, not later than the first day of September in every year, a true return of the number of fishermen employed and of the lobster traps used in connection with his factory or canning establishment, of the number of persons employed in such factory or canning establishment, distinguishing the sexes, and of the number of cases of lobsters packed during the season, together with such other details and particulars as are from time to time required by the Minister of Marine and Fisheries.

Obliteration of labels, &c., on empty cases.

“ 6. Any label or stamp prescribed by the Minister of Marine and Fisheries, upon any empty case or package, shall be entirely obliterated and destroyed within seven days after the commencement of the close season. Whenever any labelled or stamped case or package, containing canned or cured lobsters, is opened or emptied, the label or stamp thereon shall be entirely obliterated and destroyed by the person in whose hands the same is, unless such case or package is opened or emptied for the purpose of testing or repacking the canned or cured lobsters contained therein, the burden of proof of which shall be on the owner or packer of such package or case.

Penalty for obstructing fishery officer.

“ 7. The manager or proprietor of every lobster factory or canning establishment shall, on demand, produce his license to any fishery officer ; and upon refusing to do so, or otherwise obstructing any such officer in the discharge of his duty, he shall be subject to a penalty not exceeding one hundred dollars and costs.

Preservation of eggs.

“ 8. On the request of any person authorized or employed by the Minister of Marine and Fisheries to hatch lobsters, and under a penalty not exceeding five dollars and costs for each refusal, the manager or owner of every lobster factory or canning establishment shall, as far as possible and with due care, take from and keep, in such manner as is from time to time prescribed by the Minister of Marine and Fisheries, all eggs attached to lobsters brought to such factory or canning establishment and deliver such eggs to a person authorized by the Minister of Marine and Fisheries to receive them.

“9. Every person who counterfeits or alters any label or stamp, duly authorized under subsection three, or, with fraudulent intent, labels or stamps any case or package with any label or stamp purporting to be the label or stamp authorized under subsection three, shall incur a penalty of forty dollars and costs.”

Penalty for counterfeiting labels, &c.

2. Section eleven of the said chapter fifty-one of the Statutes of 1894 is hereby repealed.

1894, c. 51, s. 11 repealed.

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58-59 VICTORIA.

CHAP. 29.

An Act further to amend the Act to encourage the development of the Sea Fisheries and the building of Fishing Vessels.

[Assented to 22nd July, 1895.]

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

1. Section five of the *Act to encourage the development of the Sea Fisheries and the building of Fishing Vessels*, chapter ninety-six of the Revised Statutes, as amended by chapter forty-two of the Statutes of 1891, and by chapter eighteen of the Statutes of 1892, is hereby amended by adding the following subsection thereto :—

“ 2. The Minister of Marine and Fisheries, whenever he deems it expedient to cause inquiry to be made into and concerning any matter connected with the said grant or the payment thereof, may direct any fishery officer to inquire into and concerning such matter; and such fishery officer shall have all the powers and authority of a commissioner appointed under the provisions of the *Act respecting the making of certain investigations under Oath*, chapter one hundred and fifteen of the Revised Statutes, and the provisions of the said last mentioned Act, in so far as they are applicable, shall apply to the inquiry held by such fishery officer.”

R.S.C., c. 96,
s. 5 amended.

Fishery officer
may be ap-
pointed to
hold inquiry.

His powers.

R.S.C., c. 115.

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58-59 VICTORIA.

CHAP. 30.

An Act to amend the Act respecting Roads and Road Allowances in the Province of Manitoba.

[Assented to 22nd July, 1895.]

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

1. Section one of chapter forty-nine of the Revised Statutes, *intituled An Act respecting Roads and Road Allowances in the province of Manitoba*, is hereby repealed and the following substituted therefor :—

R.S.C., c. 49,
s. 1 repealed.

“**1.** All road allowances in townships surveyed and subdivided, and all road allowances set out on block lines surveyed, in the province of Manitoba, shall be vested in the Crown in the right of the said province; and it is hereby declared that all road allowances in townships heretofore surveyed and subdivided, and all road allowances set out on block lines heretofore surveyed in the said province, were the property of the Crown in the right of the said province upon the confirmation of the survey.”

Certain road allowances, the property of the province.

2. Section five of the said Act is hereby repealed and the following substituted therefor :—

Section 5
repealed.

“**5.** The Governor in Council may, on the report of the Minister of the Interior, transfer to the Crown in the right of the province of Manitoba—

Transfer of certain lands to the province.

(a.) The several roads provided for by the next preceding section;

(b.) All road allowances around, adjoining, or leading to park lots or portions of sections within the outer two miles of any parish in the said province, as such road allowances are shown on the plan of the Dominion Government survey of such outer two miles;

(c.) All road allowances between lots in the inner two miles of any parish in the said province, as such road allowances are shown on the plan of the Dominion Government survey of such inner two miles.”

Section 6 repealed.

Land, how vested, and on what conditions.

Proviso.

Certain lands in Winnipeg transferred to the province.

Declaratory as to boundaries of such lands.

Certain lands in Winnipeg may be transferred to the province.

Declaratory as to boundaries.

Closing of roads on lands transferred.

3. Section six of the said Act is hereby repealed and the following substituted therefor:—

“**6.** The unpatented land forming part of any road transferred to the Crown in the right of the province by or under this Act or declared by this Act to be the property of the Crown in the right of the province shall be vested in the Crown as aforesaid; but no such road shall be closed up or its direction varied, or any part of the land occupied by it sold or otherwise alienated, without the consent of the Governor in Council: Provided always, that in the case of any such road situate within the limits of an organized municipality within the province the consent of the Lieutenant Governor in Council shall alone be necessary.”

4. All roads, trails, road allowances, highways, or great highways of any of the classes referred to in the said Act, as hereby amended, which are shown on any sectional plan of the city of Winnipeg which has been prepared and confirmed by the Lieutenant-Governor of Manitoba in Council under chapter one hundred and forty-two of the Revised Statutes of Manitoba, are hereby transferred to and vested in the Crown in the right of the province of Manitoba; and the boundaries and lines of all such roads, trails, road allowances, highways and great highways, as such boundaries and lines are shown on any such sectional plan, are hereby declared to be the true boundaries thereof, whether or not they are the true boundaries and lines according to any Dominion Government survey thereof.

5. The Governor in Council may, on the report of the Minister of the Interior, transfer to the Crown in the right of the province of Manitoba all such roads, trails, road allowances, highways and great highways as are referred to in the next preceding section, and which are shown on any sectional plan of the city of Winnipeg hereafter prepared and confirmed by the Lieutenant-Governor of Manitoba in Council under chapter one hundred and forty-two of the Revised Statutes of Manitoba; and the Governor in Council may declare the boundaries and lines of any such roads, trails, road allowances, highways and great highways, as such boundaries and lines are shown on any such sectional plan, to be the true boundaries and lines, whether or not they are the true boundaries and lines according to any Dominion Government survey thereof.

6. Upon the transfer to the Crown in the right of the province of Manitoba taking place under either of the last two preceding sections, all roads, trails, road allowances, highways and great highways provided for by the said Act, as hereby amended, within the limits covered by any such sectional plan, except such roads, trails, road allowances, highways and great highways as are shown on such sectional plans, shall be and remain closed.

7. The Lieutenant-Governor of Manitoba in Council may at any time, with the consent of the Governor in Council, where it is deemed advisable to do so for the purposes of settlement and colonization, direct roads to be opened through any unpatented lands, whether occupied or not, and whether such lands have been homesteaded, pre-empted, set apart or reserved for the benefit or use of any person; and such roads may thereafter be transferred to the Crown in the right of the province of Manitoba in the same manner as other roads are transferred under section five of the said Act, as hereby amended.

Opening of
colonization
roads.

Such roads
may be trans-
ferred to pro-
vince.

8. Until the survey and transfer to the Crown in the right of the province of Manitoba of any road, road allowance, trail, highway or great highway, the Attorney General of Manitoba may take such proceedings as are necessary to keep open any road, trail, road allowance, highway or great highway heretofore used or opened.

Maintenance
of roads here-
tofore opened.

9. Upon the transfer to the Crown in the right of the province of any road, trail, road allowance, highway or great highway, under the said Act, as hereby amended, the boundaries and lines thereof as shown on the plan of the Dominion Government survey thereof shall thereafter be the true boundaries and lines until varied under the provisions of the said Act: Provided, this section shall not apply to any of the several classes of roads or highways referred to in sections four or five of this Act.

Boundaries of
roads trans-
ferred.

Proviso.

10. Nothing in this Act shall affect any right claimed or set up in any action or proceeding now pending in a court of competent jurisdiction, or any right heretofore adjudicated upon in an action or proceeding in any such court, or shall affect sectional plan number seven of the city of Winnipeg, or any road, trail, road allowance, highway or great highway shown on that plan, or any original road, trail, road allowance, highway or great highway within the area shown thereon.

Saving.

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58-59 VICTORIA.

CHAP. 31.

An Act further to amend the Acts respecting the North-west Territories.

[Assented to 22nd July, 1895.]

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

1. Paragraph (5) of subsection one of the section substituted for section thirteen of *The North-west Territories Act*, chapter fifty of the Revised Statutes, by section six of chapter twenty-two of the Statutes of 1891, is hereby repealed and the following substituted therefor :—

R.S.C., c. 50,
s. 13 amended.

“(5.) Municipal institutions in the Territories, including the incorporation and powers, not inconsistent with any Act of Parliament, of irrigation districts, that is to say, associations of the land owners, and persons interested in the lands, in any district or tract of land for the purpose of constructing and operating irrigation works for the benefit of such lands.”

Powers of
Legislature.

2. Sub-paragraph (b) of paragraph (7) of subsection one of section thirteen of the said Act, as the said sub-paragraph is enacted by section one of chapter seventeen of the Statutes of 1894, is hereby repealed and the following substituted therefor :—

Section 13 further
amended.

“(b.) Railway companies (not including tramway and street railway companies) and steamboat, canal, telegraph and irrigation companies.”

Powers of
Legislature.

3. The Ordinance of the Legislative Assembly of the North-west Territories, No. 6 of the Ordinances of 1894, is hereby ratified and confirmed, and this ratification and confirmation shall have effect as from the date of the passing of the said Ordinance, namely, the seventh day of September, one thousand eight hundred and ninety-four.

Ordinance
No. 6, 1894,
ratified.

4. Until the Legislative Assembly otherwise provides, which it may do, an elected member may resign his seat in the Assembly—

Resignation
of member of
Legislature.

(a.) By giving, in his place in the Legislative Assembly, notice of his intention so to do ; or

(b.) By addressing and causing to be delivered to the Speaker a declaration of his intention so to do, made in writing under his hand and seal before two witnesses,—which declaration may be so made and delivered either during a session of the Legislative Assembly or in the interval between two sessions ; or

(c.) Before the Legislative Assembly of which he has been elected a member has met for the first time, or in case of a vacancy in the office of Speaker, or of the absence from the Territories of the Speaker after the first meeting of the Legislature, by addressing and delivering to the Lieutenant-Governor a declaration, made and witnessed as aforesaid, of his intention to resign his seat : Provided, that a member shall not resign while his election is lawfully contested, or until after the expiration of the time during which it may by law be contested on other grounds than corruption or bribery.

Resignation
vacates seat.

2. The member so tendering his resignation shall be held to have vacated his seat, and shall cease to be a member of the Legislative Assembly.

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58-59 VICTORIA.

CHAP. 32.

An Act to legalize payments heretofore made to the general revenue fund of the North-west Territories of certain fines, penalties and forfeitures.

[Assented to 22nd July, 1895.]

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

1. Any payment heretofore made to the general revenue fund of the North-west Territories of any fine, penalty or forfeiture which belonged to Her Majesty for the public uses of Canada, or of any portion of any such fine, penalty or forfeiture, is hereby legalized; and it is hereby declared and enacted that the fines, penalties and forfeitures so paid to the general revenue fund of the North-west Territories shall not be paid over to Her Majesty to be applied to public uses, but may be, and might have been in every case of such payment, expended for the purposes of such fund.

Payment of certain fines to N.-W. T. Gen. Rev. Fund legalized.

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58 - 59 VICTORIA.

CHAP. 33.

An Act to amend the North-west Irrigation Act.

[Assented to 22nd July, 1895.]

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

1. Subsections (b) and (d) of section two of *The North-west Irrigation Act*, chapter thirty of the Statutes of 1894, are hereby repealed and the following substituted therefor:—

“(b.) The expression ‘agent’ means the agent of Dominion lands for the district in which the land or water is situated.”

“(d.) The expression ‘company’ means any incorporated company, the objects and powers of which extend to or include the construction or operation of irrigation or other works under this Act, or the carrying on thereunder of the business of the supply or the sale of water for irrigation or other purposes, and includes any person who has been authorized or has applied for authority to construct and operate such works or carry on such business, or who has obtained a license under section eleven of this Act, and also includes any irrigation district incorporated under an Ordinance of the North-west Territories.”

2. Section four of the said Act is hereby repealed and the following substituted therefor:—

“4. The property in and the right to the use of all the water at any time in any river, stream, watercourse, lake, creek, ravine, canon, lagoon, swamp, marsh or other body of water shall, for the purposes of this Act, be deemed to be vested in the Crown unless and until and except only so far as some right therein, or to the use thereof, inconsistent with the right of the Crown and which is not a public right or a right common to the public, is established; and, save in the exercise of any legal right existing at the time of such diversion or use, no person shall divert or use any water from any river, stream, watercourse, lake, creek, ravine, cañon, lagoon, swamp, marsh or other body of water, otherwise than under the provisions of this Act.”

Retroaction.

2. The said Act shall be read and construed as if the section hereby substituted had originally formed part thereof instead of the section hereby repealed.

Section 7 amended.

3. Subsection one of section seven of the said Act is hereby repealed and the following substituted therefor :—

Persons already holding right must obtain license.

“7. Except for domestic purposes, as hereinafter described, every person who holds water rights of a class similar to those which may be acquired under this Act, or who, with or without authority, has constructed or is operating works for the utilization of water, shall obtain a license or authorization under this Act before the first day of July, one thousand eight hundred and ninety-six.”

Section 12 amended.

4. Subsection one of section twelve of the said Act is hereby repealed and the following substituted therefor :—

Memorial, &c. to be filed by applicant for license.

“12. Except as hereinafter provided, any company applying for a license or authorization under this Act shall file with the minister and the agent a memorial setting forth the names of its shareholders and their places of residence, the date and manner of its incorporation, the names of its directors and officers and their places of residence, the amount of the company's subscribed capital and the amount of its paid-up capital, the proposed method of raising further funds, if needed, and the purposes for which the company is incorporated.”

Section 13 repealed.

5. Section thirteen of the said Act is hereby repealed and the following sections are substituted therefor :—

Filing of memorial and plans with minister and with agent.

“13. The memorial and maps or plans shall be made in duplicate and signed by the applicant, or, if the applicant is a company, by the executive officers thereof, and shall be filed, after having been first submitted for correction and approval to some duly qualified officer of the Department of the Interior to be named by the minister, one copy with the minister and the other copy with the agent, and the same or a true copy thereof shall be open for examination by the public at all times in the Department of the Interior at Ottawa, and at the office of the agent.

Filing elsewhere.

“2. In any case where he thinks proper, the minister may direct that a copy be also filed in such other place or with such other official or person as he names for that purpose, and such copy also shall be open to public inspection.

Notice of filing.

“3. The applicant shall forthwith give public notice of such filing ; such notice shall contain a statement of the nature of the rights applied for and the general location and character of the proposed works, and shall be published once in the *Canada Gazette*, and not less than once a week for a period of not less than thirty days nor more than ninety days, as the minister determines, in some newspaper published in the neighbourhood of the proposed works and to be named by the agent, and all objections to the proposed works shall be forwarded to the minister within such period.

"4. The ministers shall consider all objections filed and report thereon to the Governor in Council, who may thereupon by Order in Council authorize the construction of the said works with such changes or variations as are deemed necessary. Proceedings thereupon.

"13A. The applicant for a license for a ditch of less capacity than ten cubic feet of water per second shall not be required to provide the memorial and maps and plans called for by section twelve of this Act, or to give the notice in the *Canada Gazette* required by section thirteen of this Act, but shall file with the minister and the agent a written statement setting forth his name and residence, the source from which water is to be diverted, the point of diversion, the probable quantity of water to be used, the size and slope of the ditch, the works proposed to be constructed for the purposes of the undertaking, a description of the land upon which the water is to be used, and such other and fuller particulars as may be needful to a full understanding of the scheme. If ditch is of small capacity, statement only need be filed.

"2. Attached to the statement shall be a general plan on a scale of not less than one inch to a half mile, showing the source of supply, the position of proposed headworks, the location of the ditch, the tract of land to be irrigated through the proposed scheme, and the position and area of any and all ponds, reservoirs and basins intended to be constructed for the storage of water. Plan to be attached.

"3. There shall also be filed with the statement, plans in detail of bridges or culverts necessary for road or farm crossings over or under the proposed works; also plans in detail of flumes, headworks, dams, or other structures to be erected in connection with the proposed works,—such plans to be on a scale of not less than one inch to four feet. Other plans.

"4. Public notice of such filing shall forthwith be given by the applicant, in some newspaper published in the neighbourhood to be named by the agent, not less than once a week for a period not exceeding thirty days, within which time all protests against granting the rights applied for shall be forwarded to the minister. Notice of filing.

"5. The minister, after considering all objections filed, may authorize the construction of said works with such changes or variations as are deemed necessary." Proceedings thereupon.

6. Subsection one of section fifteen of the said Act is hereby repealed and the following substituted therefor:— Section 15 amended.

"15. No work, unless it comes within the class provided for by section 13A of this Act shall be commenced until the approval of the Governor in Council has been signified by public notice in the *Canada Gazette* and some newspaper published in the neighbourhood of the proposed works and named by the minister, which notice shall set forth the particulars mentioned in the memorial, with such changes or variations as the Governor in Council sees fit to order, and shall specify a time within which such works shall be completed. Such notice shall

shall be published in not less than two successive issues of such newspaper, and shall be the authority for proceeding with the work. A copy of the notice shall also be recorded in a book specially kept for that purpose by the agent in the office for his district, and this record shall remain open for public inspection. If either the lands on which the water is to be applied or the waters to be used therefor are not confined to the territory assigned to any one agent, a record must be filed with each agent in whose territory any part thereof is situate."

Section 22
repealed.

Maps, &c., to
be certified
and filed.

7. Section twenty-two of the said Act is hereby repealed and the following substituted therefor:—

"22. All maps, plans and books of reference showing any lands necessary to be acquired under the provisions of this Act by any person or company for right of way or for any purpose in connection with the construction and maintenance of their works must be signed and certified correct by a duly qualified Dominion land surveyor. Such maps, plans and books of reference shall be forwarded in duplicate to the Department of the Interior, and after examination and approval by the proper officer, one copy shall be filed in the Department of the Interior and the other registered by the applicant in the registry office for the land titles district within which the lands affected by such surveys are situated."

Exemption.

8. The provisions of sections thirty-five, forty-two and forty-three of the said Act shall not apply to any irrigation district incorporated under an Ordinance of the North-west Territories.

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58-59 VICTORIA.

CHAP. 34.

An Act further to amend the Dominion Lands Act.

[Assented to 22nd July, 1895.]

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

1. Notwithstanding that the lands hereinafter in this section mentioned are school lands within the meaning of *The Dominion Lands Act*, the Minister of the Interior, under the direction of the Governor in Council, may grant to the several persons hereinafter named homestead entry for the parcels of such lands set opposite their respective names upon proof to his satisfaction that the said persons respectively were in *bonâ fide* occupation of such parcels prior to the first day of January, one thousand eight hundred and eighty, and that they continued to occupy and cultivate the same in accordance with the requirements of the provisions of the said Act relating to homesteads:—

W. J. Martin, for the N. E. $\frac{1}{4}$ of section 29, township 15, range 2, east of the 1st principal meridian;

Samuel Parsons, for the N. E. $\frac{1}{4}$ of section 11, township 11, range 4, east of the 1st principal meridian;

W. H. Coverdale, for the S. E. $\frac{1}{4}$ of section 11, township 15, range 1, east of the 1st principal meridian;

William Holmes, for the S. E. $\frac{1}{4}$ of section 29, township 10, range 6, east of the 1st principal meridian;

Jackson Holmes, for the N. E. $\frac{1}{4}$ of section 29, township 10, range 6, east of the 1st principal meridian;

William Guthrie, for the S. E. $\frac{1}{4}$ of section 11, township 14, range 1, west of the 1st principal meridian;

P. Martens, for the N. E. $\frac{1}{4}$ of section 11, township 3, range 5, west of the 1st principal meridian;

Henry Sutherland, for the S. W. $\frac{1}{4}$ of section 11, township 13, range 5, east of the 1st principal meridian.

2. It having been established that John Cathcart, mentioned in section one of chapter eighteen of the Statutes of 1893, is dead, and that the parcel for which the said John Cathcart claimed

Grant of lands authorized.

Case of John Cathcart.

claimed homestead entry was not the N. W. $\frac{1}{4}$ but the S. W. $\frac{1}{4}$ of section 11, township 13, range 1, east of the first principal meridian, the Minister of the Interior is hereby authorized, under the direction of the Governor in Council, to grant homestead entry to Isabella Cathcart, widow and administratrix of the said John Cathcart, for the said S. W. $\frac{1}{4}$ of said section 11, upon proof to the satisfaction of the said minister that the said John Cathcart was in *bonâ fide* occupation of the said last mentioned quarter-section prior to the first day of January, one thousand eight hundred and eighty, and that he or his representatives continued to occupy and cultivate it in accordance with the requirements of the said homestead provisions of *The Dominion Lands Act*.

Case of George M. Aikman.

3. Notwithstanding that the lands in this section mentioned are school lands, the said minister, under the direction of the Governor in Council, may also, upon proof to his satisfaction that George M. Aikman was in *bonâ fide* occupation of the N. W. $\frac{1}{4}$ of section 29, township 11, range 6, east of the first principal meridian, prior to the first day of January, one thousand eight hundred and eighty, and occupied and cultivated the said quarter-section in accordance with the requirements of the provisions of *The Dominion Lands Act* relating to homestead entry, grant to the said George M. Aikman a homestead entry for the N. E. $\frac{1}{4}$ of the said section 29 instead of for the said N. W. $\frac{1}{4}$, the latter quarter-section having been otherwise disposed of and not being available for homestead entry.

Other lands may be set apart instead of those granted.

2. The said minister may cause to be selected in lieu of the school lands described in the next preceding section, for which homestead entries are to be granted, an equal area of vacant and unreserved Dominion lands within the province of Manitoba, for the purposes of school endowment, and withdraw them from the operation of the clauses of *The Dominion Lands Act* relating to sale and homestead entry, and set them apart as school lands by a notice to that effect in the *Canada Gazette*.

Sale of lands to Cochrane Ranch Co. authorized.

3. Notwithstanding anything in *The Dominion Lands Act*, the Governor in Council may, on such conditions as he deems proper, sell to the Cochrane Ranch Company the following school lands, namely:—Section 11 in township 3, range 28, west of the fourth principal meridian, and so much of section 29 in township 3, range 27, west of the fourth principal meridian, as lies north of the Belly River: Provided, that such sale shall not take place until the Minister of the Interior has, by notice in the *Canada Gazette*, set apart as school lands, in lieu thereof, other public lands of equal extent and value as nearly as may be.

1889, c. 27, s. 3 repealed.

4. Section three of chapter twenty-seven of the Statutes of 1889 is hereby repealed.

5. As respects every assignment or transfer of a homestead or a pre-emption right held or acquired under any Act relating to Dominion lands, in whole or in part, and every agreement to make any such assignment or transfer, made or entered into before the issue of patent and previous to the date of the passing of this Act, no such assignment or transfer or agreement shall be *ipso facto* null and void, nor shall any forfeiture accrue in respect thereof; but the Minister of the Interior may declare any such assignment or transfer or agreement to be null and void, and such forfeiture to have accrued, or either; and such a declaration shall have force and effect as if herein enacted: Provided, that no such declaration shall have force or effect in any case in which a patent for any homestead or pre-emption land has issued previous to the date of such declaration, unless the patent has issued through fraud, error or improvidence.

Transfers heretofore made before issue of patent may be declared void.

2. Nothing in the next preceding sub-clause contained shall in any manner have force or effect as respects any lands in relation to which the subject-matter of the said sub-clause has already been adjudicated upon, or is in question in any court of competent jurisdiction.

Pending or settled cases not affected.

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58-59 VICTORIA.

CHAP. 35.

An Act further to amend the Indian Act.

[Assented to 22nd July, 1895.]

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

1. The section substituted for section thirty-eight of *The Indian Act*, chapter forty-three of the Revised Statutes, by section three of chapter thirty-two of the Statutes of 1894 is hereby repealed and the following substituted therefor:—

R.S.C., c. 43,
s. 38 and 1894
c. 32, s. 3
amended.

“**38.** No reserve or portion of a reserve shall be sold, alienated or leased until the same has been released or surrendered to the Crown for the purposes of this Act; provided that the superintendent general may lease, for the benefit of any Indian, upon his application for that purpose, the land to which he is entitled without the same being released or surrendered.”

Provisions respecting sale or lease of reserves.

2. Section seventy of *The Indian Act* is hereby repealed and the following substituted therefor:—

R.S.C., c. 43
s. 70 amended.

“**70.** The Governor in Council may, subject to the provisions of this Act, direct how, and in what manner, and by whom, the moneys arising from the disposal of Indian lands, or of property held or to be held in trust for Indians, or timber on Indian lands or reserves, or from any other source for the benefit of Indians, (with the exception of such sum not exceeding ten per cent of the proceeds of any lands, timber or property, as is agreed at the time of the surrender to be paid to the members of the band interested therein,) shall be invested, from time to time, and how the payments or assistance to which the Indians are entitled shall be made or given; and may provide for the general management of such moneys, and direct what percentage or proportion thereof shall be set apart, from time to time, to cover the cost of and incidental to the management of reserves, lands, property and moneys under the provisions of this Act, and may authorize and direct the expenditure of such moneys for the construction or repair of

Governor in Council may direct investment and management of Indian funds and payments made therefrom.

roads, bridges, ditches and watercourses on such reserves or lands, for the construction of school buildings, and by way of contribution to schools attended by such Indians."

Section 75 amended.

3. Section seventy-five of *The Indian Act* is hereby repealed and the following substituted therefor:—

Governor in Council may provide for election of chiefs.

"**75.** Whenever the Governor in Council deems it advisable, for the good government of a band, to introduce the system of election of chiefs or headmen, he may provide that the chiefs or headmen of any band of Indians shall be elected, as hereinafter provided, at such time and place as the superintendent general directs; and they shall, in such case, be elected for a term of three years:

Term of chieftainship.

Provisions as to number of chiefs.

"2. Bands containing thirty or more Indians shall be entitled to elect chiefs or headmen in the proportion of one for each thirty members; but no band shall have more than fifteen chiefs or headmen: Provided that life chiefs, now living, shall continue to hold the rank of chief until death or resignation, or until their removal, by the Governor in Council, for dishonesty, intemperance, immorality or incompetency; but in the event of the Governor in Council providing that the chiefs or headmen of a band shall be elected, the life chiefs or headmen shall not exercise the powers of chiefs or headmen, unless elected, under the provision aforesaid, to the exercise of such powers:

As at present life chiefs.

Reasons for which election may be set aside.

"3. An election may be set aside by the Governor in Council on the report of the superintendent general, if it is proved by two witnesses before the Indian agent for the locality or such other person as is deputed by the superintendent general to take evidence in the matter, that fraud or gross irregularity was practised at the said election; and every Indian who is proved guilty of such fraud or irregularity, or connivance thereat, may be declared ineligible for re-election for six years, if the Governor in Council, on the report of the superintendent general, so directs:

Punishment of fraud, etc., at elections.

Grounds on which chiefs may be deposed.

"4. Any elected or life chief or headman, or any chief or headman chosen according to the custom of any band, may, on the ground of dishonesty, intemperance, immorality or incompetency, be deposed by the Governor in Council and declared ineligible to hold the office of chief or headman for three years."

New section 88a added.

4. *The Indian Act* is hereby amended by adding the following section thereto, immediately after section eighty-eight:—

Payment to individual Indians of share of moneys of band.

"**88A.** Whenever any member of a band, for three years immediately succeeding the date on which he was granted letters patent, or for any longer period that the superintendent general deems necessary, by his exemplary good conduct and management of property proves that he is qualified to receive his share of the moneys of such band, the Governor in Council may, on the report of the superintendent general to that effect, order that the said Indian be paid his

share of the capital funds at the credit of the band, or his share of the principal of the annuities of the band, estimated as yielding five per cent, out of such moneys as are provided for the purpose by Parliament :

“2. If such Indian is a married man he shall also be paid his wife’s and minor unmarried children’s shares of such funds and principal moneys, and if such Indian is a widow, she shall also be paid her minor unmarried children’s shares :

Married men’s and widows’ shares.

“3. The unmarried children of such married Indians who become of age during the probationary period, for payment of such moneys, if qualified by the character for integrity, morality and sobriety which they bear, shall receive their own share of such moneys, when their parents are paid ; and if not so qualified, before they receive payment of such moneys they must themselves pass through the probationary period :

Shares of unmarried children of full age.

“4. All such Indians, and their unmarried minor children, who are paid their shares of the principal moneys of their band, as aforesaid, shall thenceforward cease, in every respect, to be Indians of any class within the meaning of this Act, or Indians within the meaning of any other Act or law.”

Enfranchisement of individual Indians so receiving shares.

5. Section ninety-three of *The Indian Act* is hereby repealed and the following substituted therefor :—

Section 93 amended.

“93. If any band, at a council summoned for the purpose according to their rules, and held in the presence of the superintendent general, or an agent duly authorized by him to attend such council, decides to allow every member of the band who chooses, and who is found qualified, to become enfranchised, and to receive his or her share of the principal moneys of the band, and sets apart for such member a suitable allotment of land for the purpose, any applicant belonging to such band, or the wife and children of any such applicant, may, after such decision, be dealt with as provided in the foregoing provisions respecting enfranchisement and the payment to enfranchised Indians of their shares of the capital funds at the credit of the band or of the estimated principal of the annuities of the band to which they are entitled.”

Provision when band decides that all its members may become enfranchised.

6. Section one hundred and fourteen of *The Indian Act* is hereby repealed and the following substituted therefor :—

Section 114 amended.

“114. Every Indian or other person who engages in, or assists in celebrating or encourages either directly or indirectly another to celebrate, any Indian festival, dance or other ceremony of which the giving away or paying or giving back of money, goods or articles of any sort forms a part, or is a feature, whether such gift of money, goods or articles takes place before, at, or after the celebration of the same, and every Indian or other person who engages or assists in any celebration or dance of which the wounding or mutilation of the dead or living body of any human being or animal forms a part or is a feature, is guilty of an indictable offence and is liable to imprisonment

Celebrating certain festivals, dances or ceremonies whereat presents are made or human or animal bodies are mutilated.

Indictable offence.

Proviso.

sonment for a term not exceeding six months and not less than two months; but nothing in this section shall be construed to prevent the holding of any agricultural show or exhibition or the giving of prizes for exhibits thereat."

Section 117 further amended.

7. Section one hundred and seventeen of *The Indian Act* as enacted by section eight of chapter thirty-two of the Statutes of 1894, is hereby repealed, and in lieu thereof it is hereby enacted that every Indian agent shall, for all the purposes of *The Indian Act* or of any other Act respecting Indians, and with respect to any offence against the provisions thereof or against the provisions of section ninety-eight or section one hundred and ninety of *The Criminal Code*, 1892, and with respect to any offence by an Indian or non-treaty Indian against any of the provisions of parts XIII. and XV. of the said Code, be *ex officio* a justice of the peace, and have the power and authority of two justices of the peace, anywhere within the territorial limits of his jurisdiction as a justice, as defined in his appointment or otherwise defined by the Governor in Council, whether the Indian or non-treaty Indian charged with or in any way concerned in or affected by the offence, matter or thing to be tried, investigated or dealt with, is or is not within his ordinary jurisdiction, charge or supervision as an Indian agent.

Indian agents to be *ex officio* justices of the peace.

Jurisdiction.

Special jurisdiction of Indian agents in the N.-W. Territories, Manitoba and British Columbia.

"2. In the North-west Territories and the provinces of Manitoba and British Columbia every Indian agent shall for all such purposes and with respect to any such offence be *ex officio* a justice of the peace and have the power and authority of two justices of the peace anywhere in the said territories or provinces, whether or not the territorial limits of his jurisdiction as a justice, as defined in his appointment or otherwise defined as aforesaid, extend to the place where he may have occasion to act as such justice or to exercise such power or authority, and whether the Indians charged with or in any way concerned in or affected by the offence, matter or thing to be tried, investigated or otherwise dealt with, are or are not within his ordinary jurisdiction, charge or supervision as Indian agent."

New sections 140 and 141 added.

Transfer of Indian from one band to another, and provision as to capital moneys in such case.

8. *The Indian Act* is hereby amended by adding the following sections thereto:—

"140. When by a majority vote of a band, or the council of a band, an Indian of one band is admitted into membership in another band, and his admission thereto is assented to by the superintendent general, such Indian shall cease to have any interest in the lands or moneys of the band of which he was formerly a member, and shall be entitled to share in the lands and moneys of the band to which he is so admitted; but the superintendent general may cause to be deducted from the capital of the band of which such Indian was formerly a member his *per capita* share of such capital and place the same to the credit of the capital of the band into membership in which he had been admitted in the manner aforesaid.

“141. The Governor in Council may reduce the purchase money due or to become due on sales of Indian lands, or reduce or remit the interest on such purchase money, or reduce the rent at which Indian lands have been leased, when he considers the same to be excessive; and all such reductions heretofore made are hereby confirmed. Reduction of purchase money or interest due on sales of Indian lands.

“2. A return setting forth all the reductions and remissions made under this section during the preceding fiscal year shall be submitted to both Houses of Parliament on or before the twentieth day of July in each year, if Parliament be then sitting, and otherwise within twenty days after the opening of the then ensuing session of Parliament.” Returns to Parliament.

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58-59 VICTORIA.

CHAP. 36.

An Act further to amend the Public Works Act.

[Assented to 22nd July, 1895.]

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

1. Notwithstanding anything in *The Public Works Act*, chapter thirty-six of the Revised Statutes, or in any other Act contained, any public work not required for public purposes may be sold or leased, under the authority of the Governor in Council; and the proceeds of such sale or lease shall be accounted for as public moneys: Provided always, that such public work shall be so sold or leased by tender or at auction after public advertisement, unless it is otherwise authorized by the Governor in Council.

Public works not required for public purposes may be sold or leased.

Proviso.

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58-59 VICTORIA.

CHAP. 37.

An Act to amend the Copyright Act.

[Assented to 22nd July, 1895.]

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

1. Section nine of *The Copyright Act*, chapter sixty-two of the Revised Statutes of Canada, is hereby amended, by substituting the word "three" for the word "two" in the second line thereof. R.S.C., c. 62, s. 9 amended. Deposit of copies of books, etc., in Department of Agriculture.

2. Section ten of the said Act is hereby amended by substituting the word "three" for the word "two" in the first line thereof, and by adding the words "and one in the British Museum" after the word "Canada" in the last line thereof. Section 10 amended. One copy to be sent to British Museum.

3. Subsection one of section three of chapter twenty-nine of the Statutes of 1889, amending *The Copyright Act*, is hereby repealed and the following substituted therefor:—

"3. If any person entitled to copyright under the said Act as hereby amended, neglects or fails to take advantage of its provisions, or, having obtained copyright thereunder, at any time after the first publication in Canada of the work for which copyright has been so obtained, fails to print and publish in Canada the work for which copyright might have been or has been so obtained as aforesaid in sufficient numbers and in such manner as to meet the demand in Canada for such work, any person or persons domiciled in Canada may obtain from the Minister of Agriculture a license or licenses to print and publish or to reproduce such work in Canada, but no such license shall convey exclusive right to print and publish or produce any work." 1889, c. 29, s. 3 amended. License, if no copyright is taken out.

4. Section five of the said Act is hereby amended by adding after the word "force" in the ninth line thereof, the words, "or would have been in force had copyright for the work been obtained in Canada under the provisions of sections four and five of the Act as hereby amended." Section 5 amended.

Section 5 fur-
ther amended.

5. The said section five is hereby further amended by adding the following words thereto:—"Provided, however, that as to any work for which copyright has been obtained in Canada, the Governor in Council may, upon its being established to his satisfaction that the holder of such copyright is prepared and *bona fide* intends during the remaining period of his term of copyright to print and publish such work in Canada in sufficient numbers and in such manner as to supply the demand for such work in Canada, revoke all licenses for the printing and publication of such work then in force; but such revocation shall not render unlawful the subsequent sale and disposal in Canada of all or any of the copies of such work then printed under the authority of the license so revoked."

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most Excellent Majesty.



58-59 VICTORIA.

CHAP. 38.

An Act further to amend the Act respecting the Judges of Provincial Courts.

[Assented to 22nd July, 1895.]

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

1. Chapter one hundred and thirty-eight of the Revised Statutes, intituled *An Act respecting the Judges of Provincial Courts*, is hereby amended by inserting the following section immediately after section ten thereof:—

R.S.C., c. 188 amended.

“**10A.** The salaries of the judges of the Circuit Court of the district of Montreal shall be as follows:—

Salaries of judges of Montreal Circuit Court.

“Two judges of the said court, each \$3,000 per annum.”

2. The paragraph respecting Manitoba of section eleven of the said Act is hereby repealed and the following substituted therefor:—

Section 11 amended.

“Five County Court judges, each \$2,000 per annum, during the first three years of service, and after three years of service, each \$2,400 per annum.”

Salaries of County Court judges, Manitoba.

3. The section substituted for section twelve of the said Act by chapter twenty-seven of the Statutes of 1891, is hereby amended by striking out, in lines eleven and twelve, the words “the local judge of the district of British Columbia, \$600 per annum,” and substituting therefor, “the local judge of the district of British Columbia, \$1,000 per annum.”

Section 12 amended.

Salary of Local Judge, district of British Columbia

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58-59 VICTORIA.

CHAP. 39.

An Act to amend the law respecting the Superannuation of Judges of Provincial Courts.

[Assented to 22nd July, 1895.]

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

1. Section fourteen of chapter one hundred and thirty-eight of the Revised Statutes, respecting the Judges of Provincial Courts, is hereby repealed and the following substituted therefor:—

R.S.C., c. 138,
s. 14 repealed.

“14. If any judge of a superior court, who has continued in the office of judge of a superior court in Canada, or in any of the provinces, for fifteen years or upwards, or who becomes afflicted with some permanent infirmity, disabling him from the due execution of his office, resigns his office, Her Majesty may, by letters patent, under the great seal of Canada, reciting such period of office or such permanent infirmity, grant unto such judge an annuity equal to two-thirds of the salary annexed to the office he held at the time of his resignation, to commence immediately after his resignation and to continue thenceforth during his natural life.

Superannua-
tion allowance
to judges of
superior
courts.

“2. Courts of Vice-Admiralty and the Maritime Court of Ontario shall be deemed to have been superior courts, local judges in Admiralty of the Exchequer Court to be judges of a superior court, and stipendiary magistrates within the North-west Territories to have been judges of a superior court, within the meaning of this section.”

What shall be
deemed super-
ior courts.

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58-59 VICTORIA.

CHAP. 40.

An Act further to amend the Criminal Code, 1892.

[Assented to 22nd July, 1895.]

HER Majesty, by and with the advice and consent of the 1892, c. 29 Senate and House of Commons of Canada, enacts as amended. follows :—

1. *The Criminal Code, 1892*, is hereby amended in the manner set forth in the following schedule :—

SCHEDULE.

Section 3.—By repealing sub-paragraph (i.) of paragraph (e.) and substituting the following therefor :—

“(i.) In the province of Ontario, any Divisional Court of the High Court of Justice.”

And by repealing the whole section in the French version, and re-enacting it so that the paragraphs will correspond, as to their order and their lettering, with the English version.

Section 196.—By adding after the word “chance” in the third line of paragraph (a.) thereof the following words :—“or at any mixed game of chance and skill ;”

And by adding thereto the following subsection :—

“2. Any such house, room or place shall be a common gaming-house although part only of such game is played there and any other part thereof is played at some other place, either in Canada or elsewhere, and although the stake played for, or any money, valuables, or property depending on such game, is in some other place, either in Canada or elsewhere.”

Section 197.—By adding at the end thereof the following paragraphs :—

“Or (c.) opened, or kept for the purpose of recording or registering bets upon any contingency or event, horse race or other race, fight, game or sport, or for the purpose of receiving money or other things of value to be transmitted for the purpose of being wagered upon any such contingency or event, horse race, or other race, fight, sport or game, whether any such bet is recorded or registered there, or any money or other thing of value is there received to be so transmitted or not ;

“ Or (*d.*) opened, kept or used for the purpose of facilitating, or encouraging or assisting in, the making of bets upon any contingency or event, horse race or other race, fight, game or sport, by announcing the betting upon, or announcing or displaying the results of, horse races or other races, fights, games or sports, or in any other manner, whether such contingency or event, horse race or other race, fight, game or sport, occurs or takes place in Canada or elsewhere.”

Section **205**.—By adding at the end of subsection one thereof the following paragraph :—

“ Or (*c.*) conducts or manages any scheme, contrivance or operation of any kind for the purpose of determining who, or the holders of what lots, tickets, numbers, or chances, are the winners of any property so proposed to be advanced, loaned, given, sold, or disposed of.”

And by adding the following words at the end of subsection five thereof :—

“ and the conducting or managing of any such scheme, contrivance or operation for determining the winners in any such lottery.”

Section **512**.—By repealing paragraph (*a.*) thereof and substituting the following therefor :—

“ (*a.*) wantonly, cruelly or unnecessarily beats, binds, ill-treats, abuses, overdrives or tortures any cattle, poultry, dog, domestic animal or bird, or any wild animal or bird in captivity ; or ”

Section **552**.—By striking out the paragraph beginning with the forty-eighth and ending with the fiftieth line and substituting the following therefor :—

“ Part XXVI.—Sections three hundred and nineteen, theft by clerks and servants, &c. ; three hundred and twenty, theft by agents, &c. ; three hundred and twenty-one, public servant refusing to deliver up chattels, &c. ; three hundred and twenty-two, theft by tenants and lodgers ; three hundred and twenty-three, theft of testamentary instruments ; three hundred and twenty-four, theft of documents of title ; three hundred and twenty-five, theft of judicial or official documents ; three hundred and twenty-six, theft of postal matter ; three hundred and twenty-seven, theft of postal matter ; three hundred and twenty-eight, theft of postal matter ; three hundred and twenty-nine, theft of election documents ; three hundred and thirty, theft of railway tickets ; three hundred and thirty-one, theft of cattle ; three hundred and thirty-four, theft of oysters ; three hundred and thirty-five, theft of things fixed to buildings or land ; three hundred and forty-four, stealing from the person ; three hundred and forty-five, stealing in dwelling houses ; three hundred and forty-six, stealing by picklocks, &c. ; three hundred and forty-seven, stealing in manufactories ; three hundred and forty-nine, stealing from ships, &c. ; three hundred and fifty, stealing from wreck ; three hundred and

fifty-one, stealing on railways; three hundred and fifty-five, bringing stolen property into Canada.”

And by striking out the first three lines of subsection two thereof and substituting the following therefor:—

“2. A peace officer may arrest, without warrant, any one who has committed or is found committing any of the offences mentioned in the said sections or in the following sections, that is to say:”

And by repealing subsection three thereof and substituting the following therefor:—

“3. A peace officer may arrest, without warrant, any one whom he finds committing any criminal offence, and any person may arrest, without warrant, any one whom he finds committing any criminal offence by night.”

And by repealing subsection five thereof and substituting the following therefor:—

“5. The owner of any property on or with respect to which any person is found committing any offence, or any person authorized by such owner, may arrest, without warrant, the person so found, who shall forthwith be taken before a justice of the peace to be dealt with according to law.”

Section **557A**.—By inserting immediately after section 557 the following section:—

“557A. In the district of Montreal the clerk of the peace or deputy clerk of the peace shall have all the powers of a justice of the peace under parts XLIV. and XLV.”

Section **575**.—By repealing it, as it is amended by chapter fifty-seven of the Statutes of 1894, and substituting the following therefor:—

“575. If the chief constable or deputy chief constable of any city, town, incorporated village or other municipality or district, organized or unorganized, or place, or other officer authorized to act in his absence, reports in writing to any of the commissioners of police or to the mayor or chief magistrate or to the police magistrate of such city, town, incorporated village or other municipality, district or place, or to any police magistrate having jurisdiction there, or if there be no such mayor, or chief magistrate, or police magistrate, to any justice of the peace having such jurisdiction, that there are good grounds for believing, and that he does believe that any house, room or place within the said city or town, incorporated village or other municipality, district or place is kept or used as a common gaming or betting house as defined in part XIV., sections one hundred and ninety-six and one hundred and ninety-seven, or is used for the purpose of carrying on a lottery, or for the sale of lottery tickets, or for the purpose of conducting or carrying on any scheme, contrivance or operation for the purpose of determining the winners in any lottery contrary to the provisions of part XIV., section two hundred and five, whether admission thereto is limited to those possessed of entrance keys or otherwise, the said commissioners or commissioner,

missioner, mayor, chief magistrate, police magistrate or justice of the peace, may, by order in writing, authorize the chief constable, deputy chief constable, or other officer as aforesaid, to enter any such house, room or place, with such constables as are deemed requisite by him, and if necessary to use force for the purpose of effecting such entry, whether by breaking open doors or otherwise, and to take into custody all persons who are found therein, and to seize, as the case may be (1) all tables and instruments of gaming or betting, and all moneys and securities for money, and (2) all instruments or devices for the carrying on of such lottery, or of such scheme, contrivance or operation, and all lottery tickets, found in such house or premises, and to bring the same before the person issuing such order or some other justice, to be by him dealt with according to law.

“ 2. The chief constable, deputy chief constable or other officer making such entry, in obedience to any such order, may, with the assistance of one or more constables, search all parts of the house, room or place which he has so entered, where he suspects that tables or instruments of gaming or betting, or any instruments or devices for the carrying on of such lottery or of such scheme, contrivance or operation, or any lottery tickets, are concealed, and all persons whom he finds in such house or premises, and seize all tables and instruments of gaming or betting, or any such instruments or devices or lottery tickets as aforesaid, which he so finds.

“ 3. The justice before whom any person is taken by virtue of an order or warrant under this section, may direct any cards, dice, balls, counters, tables or other instruments of gaming, or used in playing any game, or of betting, or any such instruments or devices for the carrying on of a lottery, or for the conducting or carrying on of any such scheme, contrivance or operation, or any such lottery tickets, so seized as aforesaid, to be forthwith destroyed, and any money or securities so seized shall be forfeited to the Crown for the public uses of Canada.

“ 4. The expression ‘ chief constable ’ includes the chief of police, city marshal or other head of the police force of any such city, town, incorporated village or other municipality, district or place, and in the province of Quebec, the high constable of the district, and means any constable of a municipality, district or place which has no chief constable or deputy chief constable.

“ 5. The expression ‘ deputy chief constable ’ includes deputy chief of police, deputy or assistant marshal or other deputy head of the police force of any such city, town, incorporated village, or other municipality, district or place, and in the province of Quebec the deputy high constable of the district ; and the expression ‘ police magistrate ’ includes stipendiary and district magistrates.”

Section **673**.—By repealing it and substituting the following therefor :—

“**673.** The trial shall proceed continuously subject to the power of the court to adjourn it.

“2. The court may adjourn the trial from day to day, and if in its opinion the ends of justice so require, to any other day in the same sittings.

“3. Upon every adjournment of a trial under this section, or under any other section of this Act, the court may, if it thinks fit, direct that during the adjournment the jury shall be kept together, and proper provision made for preventing the jury from holding communication with any one on the subject of the trial. Such direction shall be given in all cases in which the accused may upon conviction be sentenced to death. In other cases, if no such direction is given, the jury shall be permitted to separate.

“4. No formal adjournment of the court shall hereafter be required, and no entry thereof in the Crown book shall be necessary.”

Section **683.**—By repealing subsection two thereof and substituting the following therefor:—

“2. Until otherwise provided by rules of court, the practice and procedure in connection with the appointment of commissioners under this section, the taking of depositions by such commissioners, and the certifying and return thereof, and the use of such depositions as evidence, shall be as nearly as practicable the same as those which prevail in the respective courts in connection with like matters in civil causes.”

And by adding thereto the following subsection:—

“3. The depositions taken by such commissioners may be used as evidence as well before the grand jury as at the trial.”

Section **763.**—By repealing sub-paragraph (i.) of paragraph (a.) thereof and substituting the following therefor:—

“(i.) In the province of Ontario any judge of a county or district court, junior judge or deputy judge authorized to act as chairman of the general sessions of the peace.”

Section **782.**—By adding the following sub-paragraph after sub-paragraph (iv.) of paragraph (a.):

“(v.) In all the provinces, where the defendant is charged with any of the offences mentioned in paragraphs (a.) and (f.) of section 783, any two justices of the peace sitting together; provided that when any offence is tried by virtue of this sub-paragraph an appeal shall lie from a conviction in the same manner as from summary convictions under part LVIII., and that section 879 and the following sections relating to appeals from such summary convictions shall apply to such appeal.”

Section **784.**—By repealing subsection three thereof and substituting the following therefor:—

“3. The jurisdiction of the magistrate in the provinces of Prince Edward Island and British Columbia, and in the district of Keewatin, under this part, is absolute, without the consent of the person charged.”

Section 878.—By repealing subsection two thereof and substituting the following subsections therefor :—

“2. Such certificate shall be in the form MMM in schedule one to this Act.

“3. The proper officer to whom the recognizance and certificate of default are to be transmitted in the province of Ontario, shall be the clerk of the peace of the county for which such justice is acting; and the Court of General Sessions of the Peace for such county shall, at its then next sitting, order all such recognizances to be forfeited and estreated, and the same shall be enforced and collected in the same manner and subject to the same conditions as any fines, forfeitures or amercements imposed by or forfeited before such court. In the province of British Columbia, such proper officer shall be the clerk of the County Court having jurisdiction at the place where such recognizance is taken, and such recognizance shall be enforced and collected in the same manner and subject to the same conditions as any fines, forfeitures or amercements imposed by or forfeited before such County Court: and in the other provinces of Canada such proper officer shall be the officer to whom like recognizances have been heretofore accustomed to be transmitted under the law in force before the passing of this Act; and such recognizances shall be enforced and collected in the same manner as like recognizances have heretofore been enforced and collected.”

Form K in Schedule One.—By striking out the words “upon (oath)” in the ninth line; and by inserting after the word “prosecution” in the tenth line, the words “or for the accused.”

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58-59 VICTORIA.

CHAP. 41.

An Act further to amend the Penitentiary Act.

[Assented to 28th June, 1895.]

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

1. The Governor in Council may abolish the office of accountant of penitentiaries; and upon such abolition, the duties and powers thereunto appertaining shall devolve upon and be performed and be exercisable by the inspector of penitentiaries or by such other officer as is appointed from time to time by the Governor in Council.

Abolition of office of accountant of penitentiaries.

2. Section seventy of *The Penitentiary Act*, chapter one hundred and eighty-two of the Revised Statutes, is hereby repealed and the following substituted therefor:—

R.S.C., c. 182, s. 70 repealed.

“70. If the term of imprisonment of any convict expires, or is determined by remission of sentence or otherwise, while such convict is detained as insane in the ward for the insane, he may continue to be detained therein pending the proceedings authorized by this Act; and in such case the surgeon shall forthwith certify to the warden whether the person is sane or insane.”

If convict is insane at expiration of sentence.

3. When the surgeon of a penitentiary reports in writing to the warden that any convict confined in such penitentiary is insane, and ought to be removed to an asylum for the insane, the warden shall report the facts to the inspector.

Insane convict.

2. The Governor General may thereupon, if an arrangement exists with the Lieutenant-Governor of any province for the maintenance of such convict in an asylum for the insane of the province, by warrant signed by the Secretary of State or by such other officer as is from time to time authorized by the Governor in Council in that behalf, direct the removal of such insane convict to the custody of the keeper or person in charge of such asylum, for the unexpired portion of his sentence; and the warden of the penitentiary, when required so to do, shall

His removal to asylum, if arrangement exists with province.

shall deliver up to the constable or other officer or person who produces such warrant, the insane convict, together with a copy, attested by the warden, of the sentence and date of his conviction, as given to the warden on reception of the convict into his custody ; and the constable or other officer or person shall give a receipt therefor, and shall thereupon, with all convenient despatch, convey and deliver up such convict, with such attested copy, into the custody of the keeper or person in charge of such asylum, who shall give a receipt therefor ; and the convict shall be kept in custody in such asylum under his sentence, until the expiration or sooner determination thereof, or until his removal elsewhere under the provisions of this Act, or his discharge by law.

His return to the penitentiary, if he becomes sane.

3. If, before the expiration of his sentence, any convict so detained in an asylum recovers his reason, and such recovery is certified to by the surgeon or medical officer in charge of such asylum, the Governor General may in like manner direct the removal of such convict from such asylum to the penitentiary from which he came, or to some other penitentiary ; and thereupon such convict may in like manner be removed and delivered again to the warden of such penitentiary, where he shall be kept in custody under his sentence.

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58-59 VICTORIA.

CHAP. 42.

An Act to amend the Acts respecting Penitentiaries.

[Assented to 22nd July, 1895.]

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

1. Section eight of chapter fifty-two of the Statutes of 1887, 1887, c. 52, intituled *An Act to amend the Penitentiary Act*, is hereby repealed and the following substituted therefor:—

“8. No officer shall be allowed any perquisite except as follows:—

“(a.) Any officer may, during the will of the Minister of Justice, occupy free of rent any house or quarters, with any grounds attached, which forms part of the penitentiary property; House and grounds.

“(b.) Wardens and deputy wardens shall be entitled to free residence or quarters, and to such allowance of fuel and light as the Governor in Council deems necessary therefor; Residence and allowances of warden and deputy.

“(c.) The grounds or gardens attached to the residence or quarters of a warden or deputy warden may be kept in order and cultivated by convict labour, but otherwise no convict labour shall be employed in keeping in order or cultivating any grounds occupied by an officer; Convict labour on their grounds.

“(d.) Any officer who wears uniform may be allowed such uniform as the Governor in Council prescribes.” Uniform.

2. Section ten of *The Penitentiary Act*, chapter one hundred and eighty-two of the Revised Statutes, is hereby repealed and the following substituted therefor:—

“10. The construction and repairs of buildings and other works in the penitentiaries shall be under the control of the Minister of Public Works, except in cases where, in the opinion of the Minister of Justice, such works can be performed by convict labour.” Construction and repair of buildings.

3. Section thirty-two of *The Penitentiary Act* is hereby amended by striking out the words “except the surgeon and chaplain” in the first and second lines thereof. Section 32 amended.

Section 33
amended.

4. Subsection four of the section substituted for section thirty-three of the said Act by section three of chapter fifty-two of the Statutes of 1887, is hereby repealed and the following substituted therefor:—

When in-
crease of
salary shall
take effect.

“4. Such yearly increase shall be payable from the first day of the official quarter next succeeding the date on which, from his length of service, any officer for whom such increase is recommended is eligible therefor.”

Church
holidays.

5. Paragraph (a.) of subsection one of section fifty-two of *The Penitentiary Act* is hereby amended by striking out all the words after “convict” in the ninth line, and substituting the following words therefor:—“shall be compelled to labour on any of the obligatory holidays of the religious denomination to which he adheres.”

New schedule
of salaries.

6. The schedule substituted for the schedule to the said Act by section ten of chapter fifty-two of the Statutes of 1887, is hereby repealed and the following schedule substituted therefor:—

“SCHEDULE OF SALARIES.

GENERAL.

Warden (with free quarters, heated and lighted).....	\$2,000
Accountant (to act as warden's clerk in any prison having under 300 inmates).....	1,200
Surgeon.....	1,500
Chaplain.....	800
Schoolmaster and hospital overseer.....	800
Storekeeper (to act as custodian in any prison having under 300 inmates).....	700
Steward.....	700
Matron (to act as sewing instructor).....	500
Assistant matron (to act as sewing instructor).....	400
Engineer and machinist.....	1,000
Fireman.....	500
Messenger.....	500

POLICE.

Deputy warden (with free quarters, heated and lighted ; and to act as chief keeper in any prison having under 300 inmates).....	1,500
Chief keeper.....	800
Keeper.....	600
Guard.....	500
Temporary police.....	400

INDUSTRIAL.

Chief trade instructor and custodian.....	1,000
Trade instructor.....	700
Teamster.....	500”

7. Sections one, three and six of this Act shall apply only to persons hereafter appointed or promoted to any office or employment in the penitentiary service. Application.

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58-59 VICTORIA.

CHAP. 43.

An Act to amend the Act respecting certain Female Offenders in the Province of Nova Scotia.

[Assented to 22nd July, 1895.]

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

1. The following subsection is added to the first section of chapter fifty-five of the Statutes of 1891, intituled *An Act respecting certain Female Offenders in the Province of Nova Scotia* :—

1891, c. 55, s. 1 amended.

“ 2. The judge, stipendiary magistrate or magistrate before whom such female person is convicted may, in his discretion, instead of sentencing her as in this section before provided, sentence her to an extended or substituted imprisonment in the said reformatory, subject to the following conditions :—

Further imprisonment.

“ (a.) If such female person is under the age of twenty-one years, such extended imprisonment may be until she attains the age of twenty-one years or for any shorter or longer term not less than two nor more in the whole than four years.

“ (b.) If such female person is of the age of twenty-one years or upwards, such extended imprisonment may be for any term not less than one year nor more than two years.”

2. The provisions of section twelve of the Act hereby amended shall, *mutatis mutandis*, apply to such extended imprisonment of such female person.

S. 12 to apply as to tickets of leave.

3. So much of the Act hereby amended or of any other Act as is inconsistent with this Act is repealed.

Repeal.

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58-59 VICTORIA.

CHAP. 44.

An Act further to amend the tenth chapter of the Consolidated Statutes for Lower Canada, respecting Seditious and Unlawful Associations and Oaths.

[Assented to 28th June, 1895.]

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

1. The words “or Grand Master or Grand Lodge of Canada,” added by chapter forty-six of the Statutes of 1865 of the late province of Canada to section nine of chapter ten of the Consolidated Statutes for Lower Canada, intituled *An Act respecting Seditious and Unlawful Associations and Oaths*, are hereby amended by substituting the word “in” for the word “of,” so that the said words shall read “or Grand Master or Grand Lodge in Canada.”

Con. Stats. of
L. C., c. 10,
s. 9 amended.

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