

CANADA.

CORRESPONDENCE respecting Deck Loads Act.

*Presented to both Houses of Parliament by
Command of Her Majesty. July 1873.*

LONDON:
PRINTED BY HARRISON AND SONS.

34

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Correspondence respecting the Deck Loads Act.

No. 1.

The Earl of Dufferin to the Earl of Kimberley.—(Received May 2.)

My Lord,

Ottawa, May 15, 1873.

I HAVE the honour to inclose a copy of a Report of Council, submitting, for the consideration of Her Majesty's Government, a Report from the Minister of Marine and Fisheries on a petition from the Board of Trade of St. John, New Brunswick, respecting a Bill relating to shipping now before the Imperial Parliament.

I have, &c.
(Signed) DUFFERIN.

Inclosure 1 in No. 1.

Report of a Committee of the Honourable the Privy Council, approved by his Excellency the Governor-General on the 15th day of May, 1873.

THE Committee have had under consideration the Report dated 14th May, 1873, from the Honourable the Minister of Marine and Fisheries (annexed), on a petition from the Board of Trade of St. John, New Brunswick, in relation to a Bill now under the consideration of the Imperial Parliament, entitled "A Bill to provide for the Survey of certain Shipping, and to prevent Overloading," and they respectfully submit their concurrence in the said Report, and advise that a copy thereof be transmitted by your Excellency for the consideration of Her Majesty's Government.

Certified,
(Signed) W. A. AINSWORTH,
Clerk Privy Council, Canada.

Inclosure 2 in No. 1.

Ottawa, May 14, 1873.

THE Undersigned has had referred to him for report, by the Honourable the Privy Council of Canada, the annexed petition of the St. John, N. B., Board of Trade, in relation to a Bill now under the consideration of the Imperial Parliament, entitled "A Bill to provide for the survey of certain shipping and to prevent overloading;" upon which he begs to make the following Report:

In the said Petition the said St. John Board of Trade allege as follows:—

"1st. Whereas, by the proposed legislation in the British House of Commons by Mr. Plimsoll's Bill, it is feared by this Board that undue discrimination may be made in favour of iron ships and of Lloyds' Registry; therefore resolved that the Dominion Government be asked to use its influence to prevent any discrimination being made to the injury of our shipping interests, as is feared may be done by this Bill or by other measures that may be proposed, with a due regard being had at the same time to the security of life.

"2nd. Whereas Mr. Plimsoll's Bill for the survey of shipping will, if enacted, deprive the Provinces of the benefit hitherto enjoyed from classification in Bureau Veritas, and, if passed, will be most disastrous to the shipping property under that classification; and

“Whereas the said Bill discriminates against wooden ships and in favour of iron.”

The Undersigned has also had referred to him the annexed extract from the minutes of a special meeting of the Halifax, N.S., Chamber of Commerce, with resolution embodied therein upon the same subject.

The Undersigned has carefully examined the Bill referred to, and is convinced that if it passes into law as it is introduced, it will seriously interfere with the shipping of Canada. To illustrate this, he will refer to such portions of the Bill as in his opinion will have that result.

The 4th Section of the said Bill prescribes that every British ship shall be surveyed by an officer of the British Board of Trade, and no ship shall proceed on any voyage from a British port unless the owner or master of such ship has such certificate from the Board of Trade as is by this Act prescribed, and which certificate is in force, and any officer of Customs may detain any British ship until such certificate is produced; and it further declares that “if any British ship proceeds on a voyage without such certificate, the owner and master of such ship shall each incur a penalty not exceeding 50*l.*, and a further penalty not exceeding 10*l.* for every day during which such voyage shall continue.”

The 5th Section provides how the survey shall be made, and declares that “in case any such surveyor is not satisfied with the result of such survey he shall deliver to the owner or master of such ship a requisition in writing containing the particulars of the works or other matters in his judgment necessary to render such ship seaworthy, and such owner or master shall, before he receives a declaration of survey, comply with the terms of such requisition to the satisfaction of such surveyor, unless the Board of Trade shall, after appeal, otherwise order and direct.” The said Section further provides that the certificate of a surveyor or the secretary of the Committee of Management of Lloyds’ Register of British and Foreign shipping, or of the Liverpool Underwriters’ Registry for iron vessels shall be received “in lieu of, and the same shall, for the purposes of obtaining a certificate under this Act, be of the same force and effect as a declaration of survey by one of the surveyors of the Board of Trade.”

The Bill, in Sections 15 to 18 inclusive, deals with the question of deck loads; and, in Section 17, prohibits vessels, under a severe penalty, except as therein stated, from entering a British port with a deck load between the 1st day of January and the 31st day of March, or between the 15th September and the 31st December in any year.

The Bill, in Sections 19 and 20, deals with the question of the “load line” or “free board” of British vessels, and, by the 4th Schedule, defines how this shall be ascertained, and regulates the same, both as applicable to iron and wooden ships.

In remarking, therefore, upon the way in which the Canadian ships will be affected by this Bill it will be perceived that, in the first place, it is only applicable to British and not to foreign ships; and that as Canadian registered vessels are British ships, and are recognized as such by the British Merchant Shipping Act of 1854, Canadian vessels will be subject, when in British ports outside the limits of Canada, to restrictions from which foreign ships, with which they have to compete, are exempted, and Canadian vessels are thereby placed at a disadvantage in British ports as compared with foreign ships.

It may be said that they are, however, placed upon the same footing as British vessels owned in the United Kingdom, but, in effect, this is not the case; for while the 4th section of the Act makes a survey compulsory, and the requirements of the surveyor absolute (subject to the appeal stated) it gives to the certificates of the officers of the two institutions therein named, viz., Lloyds’ Registry and the Liverpool Underwriters’ Registry for iron vessels, the same force and value as is given to the certificates of the officers of the Board of Trade; and as the greater proportion of the shipping registered in the ports of the United Kingdom has been built under the supervision of, and surveyed and classed by, the officers of one or other of these Institutions, these certificates can be given without the necessity, in a large majority of cases, of opening up the ships or incurring much expense. This is, however, not the case with Canadian shipping. It is alleged, and I believe with truth, that a very large proportion of the sea-going tonnage of Canada, and more especially of the Provinces of New Brunswick and Nova Scotia, is built and classed under the supervision of and by the officers of Bureau Veritas, and as it is a rival institution to Lloyd’s, and

has in the past four years largely superseded it in the classification of Canadian ships, it could scarcely be expected that the Committee of Lloyd's, or their officers, would accept the inspection and classification of Bureau Veritas as sufficient, and especially as their rules of construction differ so widely, and it would therefore necessarily follow that in every case of the thousands of sea-going vessels which Canada owns, and which as before stated, are largely classed in Bureau Veritas, the greater portion of them before they could sail out of a British port (other than a Canadian port) would probably have to go into dock, be opened up, and incur the expense and delay of a re-inspection and classification either by the officers of the Board of Trade or Lloyd's surveyors; and this means in each case a large amount of money, while the ships of the United Kingdom, built under Lloyd's, would avoid this difficulty, expense, and delay.

There is, however, another danger which Canadian shipowners have to fear from the state of facts referred to, viz., that inasmuch as Lloyd's and Bureau Veritas vary considerably in respect to scantling, materials, fastenings, outfits, &c., and as by the Bill referred to, it may be reasonably assumed that Lloyd's requirements of construction will be made the standard of efficiency, upon which certificates will be issued by the Board of Trade, a large proportion of our vessels will be in danger of being refused certificates altogether, or at least they will only be obtained after much expense and delay have arisen.

It must, therefore, be apparent that under the Bill as proposed, Canadian ships would be placed at a great disadvantage, as well with foreign ships as with vessels of the United Kingdom.

In relation to the next feature of the Bill, viz., the regulation of deck loads, the Undersigned would observe that the 17th section is objectionable, and will seriously affect not only the shipping, but the lumber trade of Canada, inasmuch as it imposes very severe penalties for entering a British port with a deck load within the limitation of time hereinbefore named. The Parliament of Canada at its present session passed a law regulating the carriage of deck loads (a copy of which is hereto annexed). By this law it will be perceived that vessels are prohibited from carrying deck loads, from the 1st of October to the 16th March, higher than three feet above the deck, and that only of sawn lumber with spare spars for ship's use on voyages from Canada to Europe, but to that extent they are so permitted, and at other periods there is no restriction—and further, that vessels sailing between Canadian ports and the West Indies are restricted, between the 15th November and 16th March, to a maximum height over the main deck of four feet six inches of sawn lumber. This measure received very full consideration before it was adopted by the Parliament of Canada, and though opposed in its various stages by many members of Parliament as being too restrictive, it will be seen by the annexed statement of the evidence and discussion thereon, had before the Parliamentary Committee on Banking and Commerce—which Committee is composed of the leading business and commercial men of the Commons House of Parliament—that the Bill was generally sustained, and was adopted as a fair and just law in regard to the limitation to be placed on deck loads. Should, however, Mr. Plimsoll's Bill become law it will be perceived that a vessel may comply with our law and take three feet in height of deck load, and when she arrives in the United Kingdom will be liable to severe penalties, inasmuch as no vessel is permitted to enter British ports with any deck load between the periods named in said section 17. This would very seriously affect the trade between Canada and the United Kingdom, as appears by the discussions which were elicited before the said Committee of Banking and Commerce.

In regard to the "free board" or "load line," it will be seen by reference to the said annexed Petition of the St. John Board of Trade, and the statements of the Committee of the Halifax Chamber of Commerce, that they claim that the proposed arrangement will work detrimentally to Canadian shipping, and that a preference will be given to iron vessels over the vessels of Canada, which are almost entirely wooden, but which it is claimed are as buoyant and as susceptible of carrying cargoes as iron vessels. On this point the Undersigned can offer no opinion, but if the facts are as the St. John Board of Trade have stated (and he has no reason to doubt it) the matter should be brought under the notice of the Imperial Government, with a view of preventing an unintentional wrong being done to our shipping.

The Undersigned having thus pointed out the injurious manner in which certain of the provisions of the Plimsoll Bill will affect the shipping of Canada would beg to observe that, at the request of the British Board of Trade, the Government of

Canada deferred legislation in matters relating to shipping, even after the Bills were before Parliament, because, as was stated by the British Board of Trade, it was desirable to see what action the Imperial Parliament would take in relation to the Shipping Code, which, for successive sessions for several years past, the Imperial Parliament has had under consideration. Before Canada legislated last year, the Department of the Undersigned received intimation that the code relating to merchant shipping, then under the consideration of the Imperial Parliament, was not likely to be passed, and that it would not be well further to defer Canadian legislation. The Government of Canada has accordingly submitted to the Canadian Parliament several measures relating to and regulating pilotage, merchant shipping, and seamen, several of which have become law, and which are largely assimilated to past Imperial legislation. Amongst these is one, a copy of which is annexed, entitled "An Act relating to Shipping, and for the Registration, Inspection, and Classification thereof," in which provision is made for the inspection and classification of ships within the dominion of Canada. Under this law it is proposed to establish a system of inspection and classification, which it is hoped will take the place, so far as Canadian tonnage is concerned, of both Lloyd's and Bureau Veritas, and it is of the utmost importance to the shipping interests of Canada that the certificates which may be granted under the law referred to, should be recognized by the Board of Trade in the same manner as it is proposed by the fifth section of the Plimsoll Bill, that the certificates of Lloyd's officers or the officers of the Liverpool Underwriters' Registry of iron vessels, should be recognized.

The Undersigned would respectfully observe that the shipping interests of Canada have assumed such vast proportions that her people view with alarm any legislation which may effect detrimentally that great interest.

There is now owned in Canada tonnage amounting to about 850,000 tons, valued at about 25,000,000 dollars, and giving employment to about 25,500 men. The people and Government of Canada are fully alive to the importance of fostering and encouraging such a great source of national and individual wealth; and though the Parliament of Canada, by its legislation, has fostered and promoted the prosperity of our merchant marine, it has never hesitated, when the interests of humanity demanded it, to impose such restriction as was necessary to give additional security to life; but it cannot be denied that the effect of the present measure, if it becomes law, will be to hold out inducements to transfer a large portion of the tonnage of Canada to foreign flags, as by that transfer Canadian shipowners would escape the restriction which would be imposed upon them by the proposed Bill.

The Undersigned would view with great regret the necessity for such a course, yet he feels assured that if the Imperial Parliament should legislate in such a manner as to discriminate, in practice, unfavourably to Canadian ships, such will be the result.

The St. John Board of Trade ask, in order to remedy the classification difficulty that Bureau Veritas should be given the same classification as is given to Lloyd's.

There is no doubt that the feeling largely pervades our shipping communities that the rules of construction of Bureau Veritas are more sensible, and more suited to securing a substantial sea-worthy ship, at a minimum of cost in Canada, than Lloyd's, and the former is represented as practically driving the latter out of most of our building ports, and therefore the recognition of Bureau Veritas, as asked for in the said Petition of the St. John Board of Trade, would give satisfaction to our shipowners. The Undersigned, however, cannot recommend that a foreign association, over which the British Parliament have no control, and which is practically beyond the reach of British influence, should be officially recognized, and he believes, from a national point of view, it would not have in the future a beneficial effect, and he cannot, therefore, recommend such recognition.

The Undersigned would further observe that his attention has been called to the injurious effects the said Plimsoll Bill, if it became law, would have upon Canadian shipping, from several other sources besides those referred to, and on the 10th instant he, by appointment, met the Representatives in Parliament for Nova Scotia and New Brunswick, who urged the necessity of remonstrating with the Imperial Government against permitting the said Bill becoming law so far as to affect Canadian tonnage, and also urging the immediate establishment of a system of Canadian classification and inspection. It will also be remembered that the Government has been questioned in the Canadian Parliament as to whether they have taken steps to obtain the exemption of Canadian tonnage from the operations of said Bill.

The Undersigned would observe that a strong feeling exists in Canada that in questions so vitally affecting our interests as those relating to shipping, and to which our Canadian Parliament give so much attention, and in relation to which our Canadian people are well qualified to judge of what suits their interests, Her Majesty's Government may safely adopt the policy, that wherever the Canadian Parliament have dealt with questions relating to shipping, the Imperial Parliament should exempt Canadian ships from the operation of Imperial Legislation upon that subject.

This principle the Imperial Parliament, to a great extent, have already recognized in the Merchant Shipping Act of 1854, in exempting Colonial ships while within the bounds of a Colony having a Parliament or Legislature which has legislated upon the subject, from the operations of said Act. It is desirable that the principle of exemption, in so far as Canadian shipping is concerned, should be extended to all British ports, and that the Imperial Government should throw the responsibility of the legislation necessary to control and regulate Canadian shipping upon the Canadian Parliament, subject, always, to the control which Her Majesty possesses, in the approval or rejection of such measures as the Canadian Parliament may enact.

This course would give great satisfaction in Canada, and would do much to perpetuate those ties which bind us to the Mother Country.

The Undersigned believes that such a policy is in accordance with the general views entertained by Her Majesty's Government, and the experience of past years shows that the Parliament of the Dominion of Canada have not unworthily exercised the great powers which they possess, and he would, therefore, respectfully submit that Her Majesty's Government should be asked to recognize the principle which he has above stated.

He would, therefore, recommend that, pending the decision upon the above recommendation, and in order to relieve Canadian shipping from the evils anticipated from the Plimsoll Bill—

1st. That the Imperial Government be asked that any legislation that may be had affecting shipping, they should give to the Canadian inspection and classification of vessels hereinbefore referred to, when it may be organized, the same standing and recognition as they may give to Lloyd's Registry or the Liverpool Underwriters' Registry for iron vessels.

2nd. That if the Plimsoll Bill or one of a similar character becomes law, that for the first twelve months thereafter it shall not apply to Canadian vessels, in order to afford to Canadian shipping an opportunity to obtain the necessary inspection and classification under the Canadian system of inspection and classification, as contemplated by the annexed Bill.

3rd. That inasmuch as the Canadian Parliament has legislated upon the Deck Load question, Canadian vessels should be exempted from the operation of Sections 15, 16, and 17 of the Plimsoll Bill.

4th. That Canadian vessels be exempt from the operations of Sections 19 and 20 of the said Bill; or if Her Majesty's Government consider that course objectionable, then that due consideration be given to the representations contained in the annexed petition from the St. John Board of Trade in relation to the Load Line of Canadian ships as compared with iron ships.

Respectfully submitted,
(Signed) P. MITCHELL,
Minister of Marine and Fisheries.

To his Excellency the Governor-General in Council.

The petition of the Undersigned humbly sheweth—

That the St. John Board of Trade, at a meeting held in the City of St. John and Province of New Brunswick, called specially to take into consideration "a Bill to provide for the survey of certain shipping and to prevent overloading," prepared and brought into the British House of Commons by Mr. Plimsoll (a copy of which is hereto annexed), after a lengthy discussion of some of the provisions of the said Bill, unanimously adopted the following resolutions:

1st. Whereas by the proposed legislation in the British House of Commons by Mr. Plimsoll's Bill, it is feared by this Board that undue discrimination may be made in favour of iron ships, and of Lloyd's Registry; therefore resolved, that the Dominion Government be asked to use its influence to prevent any discrimi-

nation being made to the injury of our shipping interests, as is feared may be done by this Bill, or by other measures that may be proposed, with a due regard being had at the same time to the security of life.

2nd. Whereas Mr. Plimsoll's Bill for the survey of shipping will, if enacted, deprive the Provinces of the benefit hitherto enjoyed from classification in "Bureau Veritas," and if passed, will be most disastrous to the shipping property under that classification; and

Whereas the said Bill discriminates against wooden ships, and in favour of iron:

Therefore resolved that our Representatives at Ottawa be requested to take such action in the matter as will afford owners of vessels classed in Bureau Veritas sufficient protection against such unfair discrimination.

This Board is of opinion that some of the clauses of Mr. Plimsoll's Bill are prejudicial to ship owners in the Dominion of Canada, and in support of that opinion would beg respectfully to submit the following facts:—

The tonnage registered in the Province of New Brunswick comprises 1,209 vessels, measuring upwards of 278,000 tons—a considerable proportion of this tonnage is composed of vessels of a large class, employed in long voyages.

The tonnage of the Province of Nova Scotia, consists of about 4,000 vessels, measuring upwards of 450,000 tons. The combined tonnage of these two Provinces sums up 728,000 tons which, on the basis of 30 dollars per ton, represents a value of nearly 22,000,000 of dollars.

This amount of tonnage is rapidly increasing every year. The vessels now in course of construction, and to be built in New Brunswick this present year, will reach 40,000 tons, and in Nova Scotia 60,000 tons, placing the mercantile marine of the Dominion of Canada the third in extent in the world.

This Board would further submit that, for some years past, the largest proportion of vessels built in New Brunswick and Nova Scotia, have been constructed under the inspection of the surveyors of the Society of Bureau Veritas, and that not less than four-fifths of the vessels classed in the two Provinces named are in the books of that society, and it is the opinion of this Board, that a vessel built in accordance with the Rules of the Society of "Bureau Veritas" is not inferior to a vessel built in accordance with the Rules of "Lloyd's Register of British and Foreign Shipping;" and if necessary to substantiate this opinion, this Board can produce satisfactory evidence of the work performed by vessels classed in "Bureau Veritas" as compared with that of vessels classed in "Lloyd's Register," if afforded an opportunity of doing so. In proof of this assertion, this Board would refer to the well-known fact, that vessels classed in "Bureau Veritas" are accepted by Underwriters on as favourable terms as if the same were classed in "Lloyd's Register."

In view of all these facts, this Board was much surprised to learn that by the 5th section of Mr. Plimsoll's Bill, vessels classed in "Bureau Veritas" will not be recognized by the Board of Trade of Great Britain, and if not classed in "Lloyd's Register of British and Foreign Shipping," they will require to be subject to survey before the certificate can be obtained from the Board of Trade.

As such a restriction is so manifestly unjust, making such an undue discrimination in favour of vessels classed in "Lloyd's Register," this Board are unwilling to believe that the promoters of this Bill would seek to injure so unnecessarily the ship-owning interest of this Dominion, as well as curtail its extension, when the facts are clearly laid before them.

This Board would further submit that the discrimination in the "load line," in favour of iron ships, as against first-class wooden vessels, is not warranted or justified by the experience of the work performed by wooden ships compared with iron on the same voyages, and if such restriction in the load line in this Bill is not withdrawn, it is calculated to effect, in a very marked degree, the extension of the Mercantile Marine of the Dominion of Canada—in fact, this effect is already experienced, as from recent advices received from Great Britain, this Board is informed that one result of the proposed legislation has been to lessen the demand for our wooden vessels, and has placed iron ships in a more favourable position than they have lately obtained.

It will not be disputed that our wooden ships, with the same free-board, are as buoyant as iron vessels, and while the evils, which Mr. Plimsoll's Bill was originally intended to cure, existed chiefly in iron vessels, yet by the 19th Section, and fourth Schedule of his Bill, a discrimination on the free-board is made in favour of iron

ships, when it is a well established fact, that our first-class wooden ships have competed successfully with first-class iron ships in every part of the globe.

This Board, therefore, is of opinion that first-class wooden vessels, classed in "Bureau Veritas," or in "Lloyd's Registry," should not be required by the fourth schedule in Mr. Plimsoll's Bill, to have any greater free-board than iron vessels.

And, lastly, this Board would submit that, as it appears from the statements herein, the greater portion of the tonnage of the Dominion of Canada is classed in the society known as "Bureau Veritas," it follows that the exclusion of vessels so classed from being recognized by the 5th section of Mr. Plimsoll's Bill will be an act so very unfair and wholly unjustifiable that our dominion shipowners will either have to submit to the arbitrary terms of the Act, or be forced to put their vessels under a foreign flag, in order that they may, in common with foreign vessels, be exempt from the provisions of this Bill.

This Board, therefore, would humbly pray that your Excellency and Honourable Privy Council will take such measures as will prevent any hasty legislation in the British Parliament on a question of such serious importance to the largest interest in the Dominion of Canada, and secure such alterations in Mr. Plimsoll's Bill, as will place vessels classed in "Bureau Veritas" in as favourable position as those classed in "Lloyd's Register of British and Foreign Shipping," as well as remove any restrictions in the load line against first-class wooden vessels, as named in the 4th schedule of this Act.

And your Petitioners, as in duty bound, will ever pray.

(Signed) C. H. FAIRWEATHER, *President,*
St. John Board of Trade.
 A. C. FAIRWEATHER, *Secretary.*

Extract from the Minutes of a Special Meeting of the Chamber of Commerce, Halifax, Nova Scotia, held 7th May, 1873.

The Committee appointed by the Chamber to consider and report on Mr. Plimsoll's Bill, respecting the survey of shipping, now before the British Parliament, to which attention had been directed by a telegram from the St. John, New Brunswick, Board of Trade, having fully discussed the matter, report as follows:—

In view of the great alarm created by the proposed change in the classification of vessels, as contemplated in the Bill recently presented to the British Parliament by Mr. Plimsoll, which requires that vessels classed in Bureau Veritas will have to undergo a survey before a certificate will be granted from the Board of Trade of Great Britain, your Committee report that, owing to the general satisfaction the classification of Bureau Veritas has given, it being so stringent and thorough in every particular, and having been so generally adopted by our shipowners, and accepted by under-writers on as favourable terms as those classed in Lloyd's—if such a Bill is passed the result will be very disastrous to the owners of ships and shipping property in general.

It is also intended by Mr. Plimsoll's Bill to favour, under a proposed Schedule, iron ships, by allowing them a lesser free-board, when loaded, than wooden ships.

The Committee are of opinion that, so far as their experience goes, such a regulation might act unfairly against Colonial shipping, as many wooden ships are calculated to load quite as much cargo, in proportion to tonnage, as iron ships.

Your Committee would therefore recommend that the Chamber impress on our representatives at Ottawa the necessity of co-operating with representatives from the city of St. John, New Brunswick, and to urge upon the Dominion Government the great necessity for immediate attention to this matter, that they may obtain from the British Government such a modification of the measures contemplated in the Bill as may best subserve the interests of so important and growing a business as the shipping of this Dominion.

(Signed)

W. J. STAIRS.
 J. T. WYLDE.
 CHAS. H. M. BLACK.
 W. J. LEWIS.
 JOHN PUGH.
 CHAS. M. CREED, *Secretary.*

The adoption of the Report was moved by John M. Watson, Esq., seconded by J. S. Belcher, Esq., and passed unanimously.

It was resolved that a copy of the Report be transmitted to the representatives of Halifax at Ottawa, and that the Chamber would also earnestly request that in event of Mr. Plimsoll's Bill passing, due protection should be afforded to ships now sailing under the classification of "Bureau Veritas" that ship-owners may have the benefit of the same until expiration of classification, without being compelled to re-survey in English Lloyd's.

Inclosure 3 in No. 1.

An Act relating to Shipping, and for the Registration, Inspection, and Classification thereof.

WHEREAS the rule of measurement of ships contained in the "Act respecting the registration of inland vessels," forming chapter forty-one of the Consolidated Statutes of the late Province of Canada, being the same as that contained in the Acts of the Imperial Parliament in force on the seventeenth day of March, one thousand eight hundred and forty-five, differs from that contained in the Act of the Imperial Parliament known as "The Merchant Shipping Act, 1854," and Acts amending the same; and whereas it is desirable that but one rule of measurement of ships should prevail in Canada, and that ships navigating the inland waters of Canada should not be subject to provisions of law in some other respects different from those to which other ships in Canada are subject; and whereas it is desirable to make better provision for giving security to persons advancing money on ships in course of construction, and to provide for the inspection and classification of ships built or registered in Canada; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Preliminary.

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

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

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

4. In this Act,—

The term "the Minister" means the Minister of Marine and Fisheries.

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

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

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

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

6. This Act is divided into four parts:

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

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

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

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

PART I.—Measurement and Registration of Ships.

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

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

(2.) Ships not propelled wholly or in part by steam, and not having a whole or fixed deck, whatever their burthen.

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

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

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

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

12. Such surveyor shall be entitled to such fees for the measurement of ships about to be registered for the first time under this Act, or requiring measurement for the purposes of registry, and to such travelling expenses, when required to travel for the purpose of making any such measurement, as the Governor in Council, may from time to time by Order in Council, see fit to establish; and such fees, and travelling expenses (if any) shall be paid to such surveyor by the persons requiring his services; and any surveyor may, in any case, withhold his certificate of measurement, or any other document that may be required of him, until his fees and travelling expenses (if any) be paid, and such fees shall be in lieu of all salary and other remuneration whatever for such services, but no fees shall be charged in Canada for registering vessels or recording transactions relating to the registry of vessels under this Act or under "The Merchant Shipping Act, 1854," or its amendments.

13. In any case where two or more persons claim to be builders or owners of any ship, or present the builder's certificate to the Registrar of Shipping at any port in Canada for the purpose of obtaining registry for such ship under the provisions of section 40 of "The Merchant Shipping Act, 1854," and are not agreed as to who is the builder or owner of the same, such Registrar may refuse to grant registry for such ship, and is hereby empowered to summon witnesses, administer oaths, demand any books or papers, and receive any evidence relating to such ship; and a copy of such evidence taken, and a report thereon, shall be submitted by him to the Governor in Council, who shall issue such directions in the case as to the giving of security to the other claimant or claimants, or any other matter or thing, as he may deem necessary; and registry shall be granted in pursuance of such directions and not otherwise.

14. No ship duly registered under the provisions of the said "Act respecting

the registration of inland vessels," forming chapter 41 of the Consolidated Statutes of the late Province of Canada, before the day on which this Act takes effect, need be registered after that day in pursuance of the provisions of this Act, except for the purpose of enabling her to proceed to sea as a British ship.

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

15. No new certificate of registry of a ship registered in Canada shall be granted in Canada, under section 48 of "The Merchant Shipping Act, 1854," without proof on oath of the certificate of registry of such ship having been lost, mislaid, or destroyed.

16. If any British or foreign registered ship is either actually or constructively wrecked and the register thereof is closed, and the certificate of registry is delivered up to the proper officer and cancelled; or, if any ship, sailing under a pass from the Governor, or under a pass from a Lieutenant-Governor under the ninth section of this Act, is either actually or constructively wrecked on the voyage, and during the time and within the limits mentioned in such pass, the Governor in Council may direct that such ship may be registered as a British ship in any port in Canada at and for which there is a Registrar of Shipping, on proof being adduced, to the satisfaction of the Governor in Council, that such ship has been thoroughly repaired and made seaworthy, and also that all the transactions connected with the wreck, condemnation, and sale of such ship, were in good faith, and that all the requirements of the law have been complied with; but no Registrar of Shipping shall register any such ship without the authority of the Governor in Council.

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

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

19. For and notwithstanding anything to the contrary contained in the forty-sixth section of "The Merchant Shipping Act, 1854," in case any Registrar of Shipping, or collector or other principal officer of the Customs at any port or place in Canada, receives conflicting directions from owners of any ship registered in Canada as to a change of the master of such ship, such Registrar, or collector or other principal officer, may refuse to endorse a memorandum of the change of master on the certificate of registry of such ship, unless or until he receives a declaration, according to the form in the first schedule to this Act, or as near thereto as circumstances permit, from the registered owners representing a majority of shares in such ship, or from their duly appointed agent or agents, setting forth the name of the person appointed in lieu of the former master, who shall be named in such declaration; the said declaration shall be made and subscribed in the presence of the Registrar or collector of Customs if the declarant or declarants reside within five miles of the Custom-house of the port of registry, but if beyond that distance, in the presence of any Registrar or collector of Customs in Her Majesty's dominions, or of any Justice of the Peace; and in addition to such declaration, the Registrar of Shipping or collector of Customs at the port where the change is requested to be endorsed, may require to be produced a certified copy of the register, or such other evidence as he may deem necessary, as

proof of the ownership of the ship; and in case the ship is at or near such port, he shall, on the demand of a majority of the owners thereof, require the master, or any other person in the possession of the certificate of registry to produce and deliver the same to him; and in default of the same being forthwith produced and delivered up to him he may detain the ship, and not allow her to proceed to sea until the same has been produced and delivered up to him; and every person having possession of the certificate of registry of a ship registered in Canada, and refusing or neglecting to produce and deliver up the same to any registrar of shipping or collector of Customs requiring the same to be produced and delivered up to him under the provisions of this section, shall incur a penalty of five hundred dollars.

20. Every Registrar of Shipping and every collector of Customs shall keep a record of every endorsement of a change of master made by him on the certificate of registry of a ship, and shall specify in such record the date of such endorsement, the name of the ship, the official number of the ship, the port of registry of the ship, the name of the old master, the name of the new master, and whether or not he has a certificate of competency or a certificate of service, and, if he has either of such certificates, the number thereof; and every such record shall be kept in the office of the Registrar of Shipping or collector of Customs making the same, or his successor as such, and shall at all times during the usual office hours be open to all persons for inspection, without fee or reward.

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

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

1. A ship shall not be described by any name other than that by which she is for the time being registered;
2. No change shall be made in the name of a ship without the previous permission of the Governor in Council. Upon such permission being granted, the ship's name shall forthwith be altered in the register book, in the ship's certificate of registry, and on her bows and stern.
3. If in any case it is shown to the satisfaction of the Governor in Council that the name of any ship has been changed without his previous permission, he may direct that her name be altered into that which she bore before such change, and the name shall be altered in the register book, in the ship's certificate of registry, and on her bows and stern accordingly;
4. Where a ship having once being registered has ceased to be so registered, no person, unless ignorant of such previous registry (proof of which shall lie on him), shall apply to register, and no registrar shall knowingly register such ship, except by the name by which she was previously registered, unless with the permission of the Governor in Council.

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

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

23. Whenever a shipping casualty happens anywhere in the case of a ship registered in Canada, or within the limits of Canada in the case of any other British ship, the master, or if the master is dead the chief surviving officer, and also every such other person belonging to the ship as the Minister may from time to time direct, shall, within twenty-four hours of his first landing in Canada after the happening of such casualty, attend and submit himself for examination at the office of the principal officer of Customs residing at or near the place where such casualty

occurred, if the same occurred on or near the coasts of Canada, or any island or place adjacent thereto, but if the casualty occurred elsewhere, at or near the place of such landing, unless he has been previously examined or excused from attending for examination by any other principal officer of Customs residing at or near either of such places or by any receiver of wreck in the United Kingdom; and if any master, officer, or other person makes default in obeying the provisions of this section he shall incur a penalty not exceeding 200 dollars.

24. Whenever the managing owner of any ship registered in Canada has information that such ship is lost, or in consequence of her non-arrival or otherwise, has reason to apprehend that she is lost, he shall forthwith send notice of such loss or apprehended loss to the Minister, and shall, upon requisition by the Minister, furnish to him such information as he may be required and able to furnish respecting such ship and the loss thereof, and the property and persons on board, and if he makes default in obeying the provisions of this section, he shall incur a penalty of not exceeding 200 dollars.

25. Every Registrar of Shipping shall, on or before the 20th day of January in each year, make and forward to the Minister a return, in such form and containing such particulars as the Minister may from time to time direct, of all existing ships of which the registry remained in his registry-books on the 31st day of December then last.

Unseaworthy Ships.

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

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

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

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

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

28. Any person appointed either by the Minister or by any Court of Vice-Admiralty to survey a ship under the provisions of the next preceding sections of this Act, may in the execution of his duty go on board such ship at all reasonable times and inspect the same or any part thereof, or any of the equipments, cargo, or articles on board thereof, or the certificate of registry thereof, not unnecessarily detaining or delaying the ship in proceeding on her voyage; and if such person considers it necessary to do so, he may require the ship to be so dealt with as that he may be able to inspect every part of the hull thereof; and whosoever hinders any person so appointed from going on board any ship or otherwise impedes him in

the execution of his duty, under this Act, shall, for every such offence incur a penalty not exceeding twenty dollars.

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

PART II.—*Licensing of Small Ships and other Vessels.*

30. The master or owner, or managing owner, or one of the managing owners, if there be more than one, of every ship exempted by section 7 of this Act from the provisions of the first part of this Act, and of every vessel not being a ship within the meaning of this Act, employed in or owned for the purpose of fishing or trading or carrying loads of any kind in any of the waters of Canada at the commencement of this Act, shall within three months from and after that date, and the master or owner of every such ship or vessel so employed or owned for such purpose, shall, within one month from the date of her being so employed by him, or of her being built or acquired for the purpose of so employing her, take from the Collector or other principal officer of the Customs at some port or place in Canada, a license, which it shall be the duty of the Collector or other principal officer of the Customs at every port or place in Canada to furnish, without fee or reward, to every person applying for the same at his Custom-house or office, in office hours, and complying with the provisions of this section in respect of such application; and such license shall be in the form of and shall contain the particulars provided for in Form B in the second Schedule to this Act.

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

(a.) The Collector or principal officer of Customs shall furnish the applicant, gratis, with a printed blank for a declaration in the form of Form A in the second Schedule to this Act;

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

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

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

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

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

34. Every master or owner or managing owner of any ship or vessel required to be licensed under the provisions of this part of this Act who neglects, without reasonable cause (the proof which shall lie upon him) to apply for and take out a license for such ship or vessel within any delay allowed by this Act for that purpose;

or who neglects to keep the name of her last port of license, and the number of her last license painted on her bow or stern as aforesaid, shall incur a penalty of 20 dollars.

35. Every officer of Customs authorized by this part of this Act to license ships and vessels shall on or before the twentieth of January in each year, make and forward to the Minister a return, in such form and containing such particulars as the Minister may from time to time direct, of all ships and vessels licensed by him during the year ending on the thirty-first day of December then last.

PART III.—*Security for Advances on Ships in course of Construction.*

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

37. A ship about to be built, or being built, and so recorded as aforesaid, may be made security for a loan or other valuable consideration; and the instrument creating such security, hereinafter termed a "mortgage," shall be in the form marked (B) in the third Schedule hereto, or as near thereto as circumstances permit; and on the production of such instrument the Registrar of Shipping at the port at which the ship is recorded shall enter the same in a record book, to be kept by him for that purpose.

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

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

40. If there is more than one mortgage recorded of the same ship, the mortgagees shall, notwithstanding any express, implied, or constructive notice, be entitled in priority one over the other according to the date at which each instrument is recorded in the record book, and not according to the date of each instrument itself.

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

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

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

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

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

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

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

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

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

hereby required to endorse one of such statements, according to the facts of each case, on every certificate of measurement presented to him for that purpose by any Surveyor of Shipping.

50. In case the Registrar of Shipping at any port at which any ship is recorded under this Act is also Surveyor of Shipping at or for such port, he is hereby required to endorse on every certificate of survey of any ship which he has surveyed for measurement, before he delivers the same to any person, either a statement to the effect that there is no undischarged mortgage on such ship recorded in his office under this Act, or a statement of the amount and other particulars, and, if more than one, the number of the undischarged mortgage or mortgages, if any, on such ship, recorded in his office under this Act.

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

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

PART IV.—*Inspection and Classification of Ships.*

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

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

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

FIRST SCHEDULE.

FORM OF DECLARATION OF OWNER OR OWNERS FOR CHANGE OF MASTERS.

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

SECOND SCHEDULE.

Form A.

DECLARATION.

I, the undersigned, A. B., of _____ in _____ declare as follows:—

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

ESTIMATED MEASUREMENT.

			Feet.	Tenths.				Tons.
Length		Under deck ..	..	..	..
Breadth		Closed in ..	..	..	..
Depth		Space between deck	..	..	..
					Poop ..	..	..	..
					Round House..	..	..	..

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

(Signed)
 Dated at _____ the _____ day of _____
 187 , in the presence of _____

Form B—(See Section 37).

MORTGAGE (TO SECURE ACCOUNT CURRENT, ETC.)

For _____ Port of _____
 * (Steamer or sailing).

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

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

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

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

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

In witness whereof (*I or we*) have hereto subscribed (*my or our*) name _____, and affixed (*my or our*) seal, at this _____ day of _____ 18 _____ in the presence of _____ Executed by the above named _____ in the presence of _____

Form C—(See Section 44).

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

TRANSFER OF MORTGAGE

(a) "I" or (a) the within mentioned _____ in consideration of
 "We" this day paid to (b) by _____
 (b) "M," or hereby transfer to (c) _____ of the within-written
 "Ua" the benefit
 (c) "Him" or security.
 "Them" In witness whereof (d) have hereunto subscribed (e) name, and affixed (e) seal, this
 (d) "I" or day of _____ 18 _____
 "We" Executed by the above-named _____ in the
 (e) "My" or presence of _____

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

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

Form D—(See Section 45).

Declaration by representative of _____ taking by Transmission;
 For _____ †

* (Or decease, or marriage, or bankruptcy).

† (Steamer or for sailing).

Record No.	Date of Record
	187

Temporary name of ship

Where building

Proposed measurement, *length* _____ *ft., breadth* _____ *ft., depth* _____ *ft.*

Proposed tonnage, _____ *tons.*

I (or we), the undersigned (*declarant's name, description and place of birth*), declare as follows,
 I am (or we are)

I (or we) declare that the person appearing by the record book to be the (*owner or mortgagee*) of
 the ship above described (*cause of transmission*) in the county of (*county*) on the _____ day of
 _____ (*nature of cause of transmission*).

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

No. 2.

The Earl of Dufferin to the Earl of Kimberley.—(Received June 18.)

My Lord,

Government House, Ottawa, June 5, 1873.

REFERRING to my despatch of May 15th, and to previous correspondence on the same subject, I have the honour to transmit herewith a certified copy of an Act of the Dominion Legislature, entitled "An Act respecting Deck Loads."

I have, &c.
 (Signed) DUFFERIN.

Inclosure in No. 2.

An Act respecting Deck Loads.

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

1. In this Act the word "ship" includes every description of vessel used in navigation not propelled by oars; and the word "master" includes any person having command or charge of a ship.

2. Every ship shall be subject to the provisions of this Act,—

(1.) When sailing after the first day of October or before the sixteenth day of March in any year, on a voyage from any port in Canada to any port in Europe, and during the voyage while within Canadian jurisdiction; and

(2.) No master of any such ship shall place, or cause or permit to be placed or remain, upon or above any part of the upper deck of such ship, not included within the limits of any break or poop, or any other permanently closed-in space thereon and available for cargo, the tonnage of which forms part of the register tonnage of such ship,—

(a.) Any square, round, waney or other timber :

(b.) Any more than five spare spars, or store spars made, dressed and finally prepared for use, or not so dressed and prepared.

(c.) Any cargo of any description, to any height exceeding three feet above the deck:

3. Every ship shall be subject to the provisions of this Act,—

(1.) When sailing after the fifteenth day of November, or before the sixteenth day of March in any year, on a voyage from any port in Canada, to any port in the West Indies, and during the voyage while within Canadian jurisdiction; and

(2.) No master of any such ship, if she be a single decked vessel, shall place or cause or permit any cargo whatever to be placed or remain upon or above the deck to a height exceeding by more than six inches that of the main rail, nor in any case greater than four feet six inches above the deck,—nor if she has a spar deck shall he place or cause or permit to be placed or remain, any cargo on or above any part of such spar deck; except that this provision shall not be understood to prevent such master from carrying two spare spars or store spars, made, dressed and finally prepared for use, on the deck or on the spar deck of such vessel.

4. Provided always, that if the master of any ship subject to the provisions of this Act, under the second section thereof, considers that it is necessary, in consequence of the springing of a leak, or of other damage received or apprehended during the voyage, to remove any portion of the cargo thereof, and to place upon any part of the upper deck thereof, not included as mentioned in the said second section, any other or greater portion of such cargo than is by the said second section permitted to be placed upon such part of the upper deck of such ship,—or if the master of any ship subject to the provisions of this Act, under the third section thereof, considers that it is necessary from any such cause as aforesaid, to remove any part of the cargo, and to place it on the deck or on the spar deck of such vessel (as the case may be) he may remove or cause to be removed to, and placed upon such part of the upper deck or on the deck or spar deck of such ship, so much of the cargo thereof, and may permit the same to remain there for such time as he considers expedient.

5. Before any officer of the Customs permits any ship, subject to the provisions of the second section of this Act, to clear out from any port in Canada, he shall ascertain that no square, round, waney or other timber, nor more than five spare spars, or store spars, nor any cargo of any description, to any height exceeding three feet above the deck, is, or are piled, or stored, or placed upon any part of the upper deck of such ship, not included within the limits of any break or poop, or any other permanently closed-in space thereon, available for cargo and the tonnage of which forms part of the register tonnage of such ship, and shall give the master of such ship a certificate to that effect.

6. Before any officer of the Customs permits any ship subject to the provisions of this Act, under the third section thereof, to clear out from any port in Canada, he shall ascertain that no provision of the said third section is contravened in respect of such ship and the cargo thereof, and shall give the master of such ship a certificate to that effect.

7. No master of any ship shall sail in such ship, when subject to the provisions of this Act, from any port in Canada, until he has obtained the certificate required in the case of such ships from the proper officer of the Customs.

8. Every master of a ship subject to the provisions of this Act, who contravenes any provision of this Act, shall for each such contravention incur a penalty not exceeding, except as hereinafter provided, eight hundred dollars.

9. Every master of a ship, subject to the provisions of this Act, who after having complied with the provisions of this Act, requiring him to obtain a certificate as aforesaid from the proper officer of the Customs, contravenes any other provision of this Act, shall incur a penalty not exceeding 800 dollars.

10. Whosoever, being the master of any ship, with intent to evade any provision of this Act, sails in such ship after the 1st day of October, or before the 16th day of March in any year from any port in Canada to any port in Europe without such certificate as last aforesaid, and with any cargo on any part of the upper deck of such ship, not included within the limits of any break or poop, or any other closed-in space thereon available for cargo, and the tonnage of which forms part of the register tonnage of such ship, or sails in such ship after the 15th day of November, or before the 16th day of March in any year, from any port in Canada to any port

in the West Indies, with any cargo upon the deck, or on the spar deck of such ship (as the case may be) which would prevent his rightfully obtaining such certificate, is guilty of a misdemeanor, and shall be liable to be punished by imprisonment for any term not exceeding two years and not less than three months, or by fine not exceeding 800 dollars, or by both fine and imprisonment in the discretion of the Court before which he is convicted.

11. Any ship in respect of which any penalty is incurred under, this Act, may be seized and detained by order of the Court by or before which such penalty is imposed or recovered until such penalty be paid, or security given for the payment thereof, and unless payment be made or satisfactory security be given within thirty days, such ship may, at the expiration thereof, be sold by order of the Court, and the said penalty and all the costs paid out of the proceeds, the surplus (if any) being paid over to the owner of the ship.

12. The whole of every pecuniary penalty recovered under this Act shall belong to Her Majesty, and shall be paid over to the Receiver-General by the officer or person receiving the same, and shall be thereafter appropriated in such manner as the Governor in Council may direct in each case.

13. This Act shall not apply to any vessel sailing from British Columbia.

No. 3.

The Earl of Kimberley to the Earl of Dufferin.

My Lord,

Downing Street, July 7, 1873.

I HAVE the honour to inform you that Her Majesty will not be advised to exercise her power of disallowance with respect to the Act of the Legislature of Canada, entitled "An Act respecting Deck Loads," a transcript of which accompanied your despatch No. 141 of the 5th of June last.

I have, &c.
(Signed) KIMBERLEY.