

Merchant Shipping (Preliminary).

C A P. CIV.

An Act to amend and consolidate the Acts relating to Merchant Shipping.

[10th August 1854.]

‘ WHEREAS it is expedient to amend and consolidate the Acts relating to Merchant Shipping: Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Preliminary.

Short Title of Act.
Interpretation of certain Terms in this Act:

Preliminary.

1. This Act may be cited for all Purposes as “The Merchant Shipping Act, 1854.”
2. In the Construction and for the Purposes of this Act (if not inconsistent with the Context or Subject Matter) the following Terms shall have the respective Meanings herein-after assigned to them; that is to say,
 - “Her Majesty’s Dominions” shall mean Her Majesty’s Dominions strictly so called, and all Territories under the Government of the *East India* Company, and all other Territories (if any) governed by any Charter or Licence from the Crown or Parliament of the United Kingdom:
 - “The United Kingdom” shall mean *Great Britain and Ireland*:
 - “British Possession” shall mean any Colony, Plantation, Island, Territory, or Settlement within Her Majesty’s Dominions, and not within the “United Kingdom:”
 - “The Treasury” shall mean the Commissioners of Her Majesty’s Treasury:
 - “The Admiralty” shall mean the Lord High Admiral or the Commissioners for executing his Office:
 - “The Board of Trade” shall mean the Lords of the Committee of Privy Council appointed for the Consideration of Matters relating to Trade and Foreign Plantations:
 - “The *Trinity House*” shall mean the Master, Wardens, and Assistants of the Guild, Fraternity, or Brotherhood of the Most Glorious and Undivided *Trinity* and of *St. Clement* in the Parish of *Deptford Strond* in the County of *Kent*, commonly called the Corporation of the *Trinity House of Deptford Strond*:
 - “The Port of *Dublin* Corporation” shall mean the Corporation for preserving and improving the Port of *Dublin*:
 - “Consular Officer” shall include Consul General, Consul, and Vice Consul, and any Person for the Time being discharging the Duties of Consul General, Consul, or Vice Consul:
 - “Receiver” shall mean any Person appointed in pursuance of this Act Receiver of Wreck:
 - “Pilotage Authority” shall include all Bodies and Persons authorized to appoint or license Pilots, or to fix or alter Rates of Pilotage, or to exercise any Jurisdiction in respect of Pilotage:
 - “Pilot” shall mean any Person not belonging to a Ship who has the Conduct thereof:
 - “Qualified Pilot” shall mean any Person duly licensed by any Pilotage Authority to conduct Ships to which he does not belong:
 - “Master” shall include every Person (except a Pilot) having Command or Charge of any Ship:
 - “Seaman” shall include every Person (except Masters, Pilots, and Apprentices duly indentured and registered,) employed or engaged in any Capacity on board any Ship:
 - “Salvor” shall, in the Case of Salvage Services rendered by the Officers or Crew or Part of the Crew of any Ship belonging to Her Majesty, mean the Person in command of such Ship:
 - “Person” shall include Body Corporate:
 - “Ship” shall include every Description of Vessel used in Navigation not propelled by Oars:
 - “Foreign-going Ship” shall include every Ship employed in trading or going between some Place or Places in the United Kingdom, and some Place or Places situate beyond the following Limits; that is to say, the Coasts of the United Kingdom, the Islands of *Guernsey, Jersey, Sark, Alderney, and Man*, and the Continent of *Europe* between the River *Elbe* and *Brest* inclusive:
 - “Home-trade Ship” shall include every Ship employed in trading or going within the following Limits; that is to say, the United Kingdom, the Islands of *Guernsey, Jersey, Sark, Alderney, and Man*, and the Continent of *Europe* between the River *Elbe* and *Brest* inclusive:
 - “Home-trade Passenger Ship” shall mean every Home-trade Ship employed in carrying Passengers:
 - “Lighthouses” shall, in addition to the ordinary Meaning of the Word, include Floating and other Lights exhibited for the Guidance of Ships, and “Buoys and Beacons” shall include all other Marks and Signs of the Sea:
 - “Wreck” shall include Jetsam, Flotsam, Lagan, and Derelict found in or on the Shores of the Sea or any tidal Water.
3. This Act shall come into operation on the First Day of *May* One thousand eight hundred and fifty-five.
4. This Act shall not, except as herein after specially provided, apply to Ships belonging to Her Majesty.
5. This

Commence-
ment of Act.

Exemption of
Her Majesty’s
Ships.

5. This

Merchant Shipping (Part I. Board of Trade).

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

- The First Part relating to the Board of Trade : its general Functions :
- The Second Part to British Ships : their Ownership, Measurement, and Registry :
- The Third Part to Masters and Seamen :
- The Fourth Part to Safety and Prevention of Accidents :
- The Fifth Part to Pilotage :
- The Sixth Part to Lighthouses :
- The Seventh Part to the Mercantile Marine Fund :
- The Eighth Part to Wrecks, Casualties, and Salvage :
- The Ninth Part to Liability of Shipowners :
- The Tenth Part to legal Procedure :
- The Eleventh Part to Miscellaneous Matters.

*Preliminary.*Division of
Act.

PART I.

THE BOARD OF TRADE : ITS GENERAL FUNCTIONS.

*Functions of
Board of
Trade.*

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

Board of Trade
to be Department to super-
intend Mer-
chant Shipping
Certificates and
Documents
purporting to
be sealed or
signed in a
given Manner
to be received
in Evidence.

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

Board of Trade
to issue Forms
of Instru-
ments.

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

Certain Forms
and Instru-
ments to be
exempt from
Stamp Duty.

9. All Instruments used in carrying into effect the Second Part of this Act, if not already exempted from Stamp Duty, and all Instruments which by the Third, Fourth, Sixth, or Seventh Parts of this Act are required to be made in Forms sanctioned by the Board of Trade, if made in such Forms, and all Instruments used by or under the Direction of the Board of Trade in carrying such Parts of this Act into effect, shall be exempt from Stamp Duty.

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

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

Application of
Monies and
Fines paid to
Board of
Trade.

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

*Merchant Shipping (Part I. Board of Trade).**Functions of
Board of
Trade.*Returns to
Board of
Trade.Officers of
Board of Trade,
Naval Officers,
Consuls, the
Registrar
General of
Seamen,
Officers of
Customs, and
Shipping
Masters, may
inspect Docu-
ments and
muster Crews.

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

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

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

He may require any such Master to produce a List of all Persons on board his Ship, and take Copies of such Official Log Books, or Documents, or of any Part thereof:

He may muster the Crew of any such Ship:

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

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

Board of Trade
may appoint
Inspectors.

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

(1.) Upon the Nature and Causes of any Accident or Damage which any Ship has sustained or caused, or is alleged to have sustained or caused:

(2.) Whether the Provisions of this Act, or any Regulations made under or by virtue of this Act, have been complied with:

(3.) Whether the Hull and Machinery of any Steam Ship are sufficient and in good Condition.

Powers of
Inspectors.

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

(1.) He may go on board any Ship, and may inspect the same or any Part thereof, or any of the Machinery, Boats, Equipments, or Articles on board thereof to which the Provisions of this Act apply, not unnecessarily detaining or delaying her from proceeding on any Voyage:

(2.) He may enter and inspect any Premises the Entry or Inspection of which appears to him to be requisite for the Purpose of the Report which he is directed to make:

(3.) He may, by Summons under his Hand, require the Attendance of all such Persons as he thinks fit to call before him and examine for such Purpose, and may require Answers or Returns to any Inquiries he thinks fit to make:

(4.) He may require and enforce the Production of all Books, Papers, or Documents which he considers important for such Purpose:

(5.) He may administer Oaths, or may, in lieu of requiring or administering an Oath, require every Person examined by him to make and subscribe a Declaration of the Truth of the Statements made by him in his Examination:

Witnesses to
be allowed
Expenses;

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

Penalty for
refusing to
give Evidence.Penalty for
obstructing
Inspectors in
the Execution
of their Duty.

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

Merchant Shipping (Part II. Registry).

PART II.

BRITISH SHIPS: THEIR OWNERSHIP, MEASUREMENT, AND REGISTRY.

Application.

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

*Description and Ownership of British Ships.**Application.*

Application of Part II. of Act.

Description and Ownership of British Ships.

Description and Ownership of British Ships.

18. No Ship shall be deemed to be a *British Ship* unless she belongs wholly to Owners of the following Description; that is to say,

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

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

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

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

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

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

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

(2.) Ships not exceeding Fifteen Tons Burden employed solely in Navigation on the Rivers or Coasts of the United Kingdom, or on the Rivers or Coasts of some *British Possession* within which the Managing Owners of such Ships are resident:

(3.) Ships not exceeding Thirty Tons Burden, and not having a whole or fixed Deck, and employed solely in fishing or trading coastwise on the Shores of *Newfoundland* or Parts adjacent thereto, or in the Gulf of *St. Lawrence*, or on such Portion of the Coasts of *Canada*, *Nova Scotia*, or *New Brunswick* as lie bordering on such Gulf:

British Ships with certain Exceptions must be registered.

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

*Measurement of Tonnage.**Measurement of Tonnage.*

20. Throughout the following Rules the Tonnage Deck shall be taken to be the Upper Deck in Ships which have less than Three Decks, and to be the Second Deck from below in all other Ships; and in carrying such Rules into effect all Measurements shall be taken in Feet and Fractions of Feet, and all Fractions of Feet shall be expressed in Decimals.

Tonnage Deck; Feet; Decimals.

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

RULE I. For Ships to be registered, &c.

(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:

K k 2

Class 2.

Merchant Shipping (Part II. Registry).

Measurement
of Tonnage.

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

Transverse
Areas.

- (2.) Then, the Hold being first sufficiently cleared to admit of the required Depths and Breadths being properly taken, find the Transverse Area of such Ship at each Point of Division of the Length as follows :—Measure the Depth at each Point of Division, from a Point at a Distance of One Third of the Round of the Beam below such Deck, or, in case of a Break, below a Line stretched in continuation thereof, to the upper Side of the Floor Timber at the Inside of the Limber Strake, after deducting the average Thickness of the Ceiling which is between the Bilge Planks and Limber Strake ; then, if the Depth 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.

Computation
from Areas.

- (3.) Having thus ascertained the Transverse Area at each Point of Division of the Length of the Ship as required by the above Table, proceed to ascertain the Register Tonnage of the Ship in the following Manner :—Number the Areas successively 1, 2, 3, &c., No. 1. being at the extreme Limit of the Length at the Bow, and the last No. at the extreme Limit of the Length at the Stern ; then, whether the Length be divided according to the Table into Four or Twelve Parts as in Classes 1 and 5, or any intermediate Number as in Classes 2, 3, and 4, multiply the Second and every even numbered Area by Four, and the Third and every odd numbered Area (except the First and Last) by Two ; add these Products together, and to the Sum add the First and Last if they yield anything ; multiply the Quantity thus obtained by One Third of the common Interval between the Areas, and the Product will be the Cubical Contents of the Space under the Tonnage Deck ; divide this Product by One hundred, and the Quotient being the Tonnage under the Tonnage Deck shall be deemed to be the Register Tonnage of the Ship, subject to the Additions and Deductions herein-after mentioned.

Poop and any
other closed-in
Space.

- (4.) If there be a Break, a Poop, or any other permanent closed-in Space on the Upper Deck, available for Cargo or Stores, or for the Berthing or Accommodation of Passengers or Crew, the Tonnage of such Space shall be ascertained as follows :—Measure the internal mean Length of such Space in Feet, and divide 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 such 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 such Space, and shall be added to the Tonnage under the Tonnage Deck, ascertained as aforesaid, subject to the following Provisoes ; first, that nothing shall be added for a closed-in Space solely appropriated to the berthing of the Crew, unless such Space exceeds One Twentieth of the remaining Tonnage of the Ship, and in case of such Excess the Excess only shall be added ; and, secondly, that nothing shall be added in respect of any Building erected for the Shelter of Deck Passengers, and approved by the Board of Trade.

In case of Two
or more Decks.

- (5.) If the Ship has a Third Deck, commonly called a Spar Deck, the Tonnage of the Space between it and the Tonnage Deck shall be ascertained as follows :—Measure in Feet the inside Length of the Space at the Middle of its Height from the Plank at the Side of the Stem to the Lining on the Timbers at the Stern, and divide the Length into the same Number of equal Parts into which the Length of the Tonnage Deck is divided as above directed ; measure (also at the Middle of its Height) the inside Breadth of the Space at each of the Points of Division, also the Breadth of the

Merchant Shipping (Part II. Registry).

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 such Space ; measure the mean Height of such Space, and multiply by it the mean horizontal Area, and the Product will be the Cubical Contents of the Space ; divide this Product by One hundred, and the Quotient shall be deemed to be the Tonnage of such Space, and shall be added to the other Tonnage of the Ship ascertained as aforesaid ; and if the Ship has more than Three Decks, the Tonnage of each Space between Decks above the Tonnage Deck shall be severally ascertained in manner above described, and shall be added to the Tonnage of the Ship ascertained as aforesaid.

*Measurement
of Tonnage.*

22. Ships which, requiring to be measured for any Purpose other than Registry, have Cargo on board, and Ships which, requiring to be measured for the Purpose of Registry, cannot be measured by the Rule above given, shall be measured by the following Rule, herein-after called Rule II. :

RULE II.

For Ships not
requiring Re-
gistry, &c.

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

Length.

Breadth.

Girting of the
Ship.

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

Poop and other
closed-in
Spaces on
Upper Deck.

RULE III.

23. In every Ship propelled by Steam or other Power requiring Engine Room, an Allowance shall be made for the Space occupied by the propelling Power, and the Amount so allowed shall be deducted from the gross Tonnage of the Ship ascertained as aforesaid, and the Remainder shall be deemed to be the Register Tonnage of such Ship ; and such Deduction shall be estimated as follows ; (that is to say.)

Allowance for
Engine Room
in Steamers.

- (a.) As regards Ships propelled by Paddle Wheels in which the Tonnage of the Space solely occupied by and necessary for the proper working of the Boilers and Machinery is above Twenty *per Cent.* and under Thirty *per Cent.* of the gross Tonnage of the Ship, such Deduction shall be Thirty-seven One-hundredths of such gross Tonnage ; and in Ships propelled by Screws in which the Tonnage of such Space is above Thirteen *per Cent.* and under Twenty *per Cent.* of such gross Tonnage, such Deduction shall be Thirty-two One-hundredths of such gross Tonnage :

To be rateable
in ordinary
Steamers.

- (b.) As regards all other Ships, the Deduction shall, if the Commissioners of Customs and the Owner both agree thereto, be estimated in the same Manner ; but either they or he may in their or his Discretion require the Space to be measured and the Deduction estimated accordingly ; and whenever such Measurement is so required the Deduction shall consist of the Tonnage of the Space actually occupied by or required to be inclosed for the proper working of the Boilers and Machinery, with the Addition in the Case of Ships propelled by Paddle Wheels of One Half, and in the Case of Ships propelled by Screws of Three Fourths of the Tonnage of such Space ; and the Measurement and Use of such Space shall be governed by the following Rules ; (that is to say.)

May be mea-
sured where
the Space is
unusually
large or small.

- (1.) Measure the mean Depth of the Space from its Crown to the Ceiling at the Limber Strake, measure also Three, or, if necessary, more than Three Breadths of the Space at the Middle of its Depth, taking One of such Measurements at each End, and another at the Middle of the Length ; take the Mean of such Breadths ; measure also the mean Length of the Space between the foremost and aftermost Bulkheads or Limits of its Length, excluding such Parts, if any, as are not actually occupied by or required for the proper working of the Machinery ; multiply together these Three Dimensions of Length, Breadth, and Depth, and the Product will be the Cubical Contents of the Space below the Crown ; then find the Cubical Contents of the Space or Spaces, if any, above the Crown aforesaid, which are framed in for the Machinery or for the Admission of Light and Air, by multiplying together the Length, Depth, and Breadth thereof ; add such Contents to the Cubical Contents of the Space below the Crown ; divide the Sum by 100 ; and the Result shall be deemed to be the Tonnage of the said Space :

Mode of Mea-
surement.

(2.) If

*Merchant Shipping (Part II. Registry).**Measurement of Tonnage.*

In case of separate Compartments. Shaft Trunk of Screw Steamer.

Alteration of Engine Room.

Penalty for carrying Goods in such Space.

RULE IV.

Open Ships how measured.

Tonnage and Number of Certificate to be carved on Main Beam. Tonnage when once ascertained to be ever after deemed the Tonnage.

Remeasurement of Ships already registered may be made, but not to be compulsory.

Power to remeasure Engine Rooms improperly extended.

Officers may be appointed and Regulations made for Measurement of Ships.

Registry of British Ships.

Registrars of British Ships.

- (2.) If in any Ship in which the Space aforesaid is to be measured the Engines and Boilers are fitted in separate Compartments, the Contents of each shall be measured severally in like Manner, according to the above Rules, and the Sum of their several Results shall be deemed to be the Tonnage of the said Space :
- (3.) In the Case of Screw Steamers in which the Space aforesaid is to be measured, the Contents of the Shaft Trunk shall be added to and deemed to form Part of such Space, and shall be ascertained by multiplying together the mean Length, Breadth, and Depth of the Trunk, and dividing the Product by 100 :
- (4.) If in any Ship in which the Space aforesaid is to be measured any Alteration be made in the Length or Capacity of such Space, or if any Cabins be fitted in such Space, such Ship shall be deemed to be a Ship not registered until Remeasurement :
- (5.) If in any Ship in which the Space aforesaid is to be measured any Goods or Stores are stowed or carried in such Space, the Master and Owner shall each be liable to a Penalty not exceeding One hundred Pounds.

24. 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.

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

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

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

28. If it appears to the Commissioners of Customs that in any Steam Ship measured before this Act comes into operation Store Rooms or Coal Bunkers have been introduced into or thrown across the Engine Room, so that the Deduction from the Tonnage on account of the Engine Room is larger than it ought to be, the said Commissioners may, if they think fit, direct such Engine Room to be remeasured according to the Rules in force before this Act comes into operation, excluding the Space occupied by such Store Rooms or Coal Bunkers, or may, if the Owners so desire, cause the Ship to be remeasured according to the Rules herein-before contained, and subject to the Conditions contained in the last preceding Section; and after Remeasurement the said Commissioners shall cause the Ship to be registered anew, or the Registry thereof to be altered, as the Case may require.

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

Registry of British Ships.

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

- (1.) At any Port or other Place in the United Kingdom or *Isle of Man* approved by the Commissioners of Customs for the Registry of Ships, the Collector, Comptroller, or other principal Officer of Customs for the Time being :
- (2.) In the Islands of *Guernsey* and *Jersey*, the principal Officers of Her Majesty's Customs, together with the Governor, Lieutenant Governor, or other Person administering the Government of such Islands respectively :
- (3.) In *Malta*, *Gibraltar*, and *Heligoland*, the Governor, Lieutenant Governor, or other Person administering the Government of such Places respectively :

(4.) At

Merchant Shipping (Part II. Registry).

(4.) At any Port or Place so approved as aforesaid within the Limits of the Charter but not under the Government of the *East India* Company, and at which no Custom House is established, the Collector of Duties, together with the Governor, Lieutenant Governor, or other Person administering the Government :

*Registry of
British Ships.*

(5.) At the Ports of *Calcutta*, *Madras*, and *Bombay*, the Master Attendants, and at any other Port or Place so approved as aforesaid within the Limits of the Charter and under the Government of the *East India* Company, the Collector of Duties, or any other Person of Six Years standing in the Civil Service of the said Company who is appointed by any of the Governments of the said Company to act for this Purpose :

(6.) At every other Port or Place so approved as aforesaid within Her Majesty's Dominions abroad, the Collector, Comptroller, or other principal Officer of Customs or of Navigation Laws, or if there is no such Officer resident at such Port or Place, the Governor, Lieutenant Governor, or other Person administering the Government of the Possession in which such Port or Place is situate.

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

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

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

Register Book.

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

Port of Re-
gistry of *British*
Ship.

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

Name of Ship.

(1.) Before Registry the Name of each Ship and of the Port to which she belongs shall be painted on a conspicuous Part of her Stern on a dark Ground in White or Yellow Letters of a Length not less than Four Inches :

(2.) No Change shall be made in the Name of any registered Ship :

(3.) No Concealment, Absence, or avoidable Obliteration of the above Names shall be permitted, except for the Purpose of escaping Capture by an Enemy :

(4.) The Ship shall not be described by or with the Knowledge of the Owner or Master by any Name other than the One by which she is registered :

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

35. Every Application for the Registry of a Ship shall in the Case of Individuals be made by the Person requiring to be registered as Owner, or by some One or more of such Persons if more than One, or by his or their duly authorized Agent, and in the Case of Bodies Corporate by their duly authorized Agent ; the Authority of such Agent, if appointed by Individuals, to be testified by some Writing under the Hands of the Appointors, and if appointed by a Body Corporate, by some Instrument under the Common Seal of such Body Corporate.

Application for
Registry by
whom to be
made.

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

Survey of
Ship.

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

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

(2.) Subject to the Provisions with respect to joint Owners or Owners by Transmission herein-after contained, not more than Thirty-two Individuals shall be entitled to be registered at the same Time as Owners of any One Ship ; but this Rule shall not affect the beneficial Title of any Number of Persons or of any Company represented by or claiming under or through any registered Owner or joint Owner :

Rules as to
Entries in
Register
Book.

(3.) No Person shall be entitled to be registered as Owner of any fractional Part of a Share in a Ship ; but any Number of Persons, not exceeding Five, may be registered as joint Owners of a Ship or of a Share or Shares therein :

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

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

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

Declaration of
Ownership by
individual
Owner.

(1.) A

*Merchant Shipping (Part II. Registry).**Registry of
British Ships.*

- (1.) A Statement of his Qualification to be an Owner of a Share in a *British Ship* :
- (2.) A Statement of the Time when and the Place where such Ship was built, or (if the Ship is Foreign-built, and the Time and Place of building not known,) a Statement that she is Foreign-built, and that he does not know the Time or Place of her building ; and, in addition thereto, in the Case of a Foreign Ship, a Statement of her Foreign Name, or (in the Case of a Ship condemned) a Statement of the Time, Place, and Court at and by which she was condemned :
- (3.) A Statement of the Name of the Master :
- (4.) A Statement of the Number of Shares in such Ship of which he is entitled to be registered as Owner :
- (5.) A Denial that, to the best of his Knowledge and Belief, any unqualified Person or Body of Persons is entitled as Owner to any legal or beneficial Interest in such Ship or any Share therein :

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

*Declaration
of Ownership
by Body Cor-
porate.*

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

- (1.) A Statement of such Circumstances of the Constitution and Business of such Body Corporate as prove it to be qualified to own a *British Ship* :
- (2.) A Statement of the Time when and the Place where such Ship was built, or (if the Ship is Foreign-built, and the Time and Place of building unknown,) a Statement that she is Foreign-built, and that he does not know the Time or Place of her building ; and, in addition thereto, in the Case of a Foreign Ship, a Statement of her Foreign Name, or (in the Case of a Ship condemned) a Statement of the Time, Place, and Court at and by which she was condemned :
- (3.) A Statement of the Name of the Master :
- (4.) A Statement of the Number of Shares in such Ship of which such Body Corporate is Owner :
- (5.) A Denial that, to the best of his Knowledge and Belief, any unqualified Person or Body of Persons is entitled as Owner to any legal or beneficial Interest in such Ship or any Share therein.

*Evidence to be
produced on
Registry.*

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

- (1.) In the Case of a *British-built Ship*, a Certificate (which the Builder is hereby required to grant under his Hand) containing a true Account of the proper Denomination and of the Tonnage of such Ship as estimated by him, and of the Time when and of the Place where such Ship was built, together with the Name of the Party (if any) on whose Account he has built the same, and, if any Sale or Sales have taken place, the Bill or Bills of Sale under which the Ship or Share therein has become vested in the Party requiring to be registered as Owner :
- (2.) In the Case of a Foreign-built Ship, the same Evidence as in the Case of a *British-built Ship*, unless the Person requiring to be registered as Owner, or, in the Case of a Body Corporate, the duly appointed Officer, declares that the Time or Place of her building is unknown, or that the Builder's Certificate cannot be procured, in which Case there shall be required only the Bill or Bills of Sale under which the Ship or Share therein became vested in the Party requiring to be registered as Owner thereof :
- (3.) In the Case of a Ship condemned by any competent Court, an official Copy of the Condemnation of such Ship :

*Penalty for
false Certifi-
cate.*

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

*Particulars
of Entry in
Register Book.*

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

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

*No Notice
taken of
Trusts.*

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

Certificate

*Merchant Shipping (Part II. Registry).**Certificate of Registry.**Certificate of Registry.*

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

Certificate of Registry to be granted.

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

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

Change of Owners to be indorsed on Certificate of Registry.

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

Change of Master to be indorsed on Certificate of Registry.

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

Power to grant new Certificate.

48. In the event of the Certificate of Registry of any Ship being mislaid, lost, or destroyed, if such Event occurs at any Port in the United Kingdom, the Ship being registered in the United Kingdom, or at any Port in any *British* Possession, the Ship being registered in the same *British* Possession, then the Registrar of her Port of Registry shall grant a new Certificate of Registry in lieu of and as a Substitute for her original Certificate of Registry ; but if such Event occurs elsewhere, the Master or some other Person having Knowledge of the Circumstances shall make a Declaration before the Registrar of any Port having a *British* Registrar at which such Ship is at the Time or first arrives after such Mislaid, Loss, or Destruction ; and such Declaration shall state the Facts of the Case, and the Names and Descriptions of the registered Owners of such Ship, to the best of the Declarant's Knowledge and Belief ; and the Registrar shall thereupon grant a Provisional Certificate as near to the Form appointed by this Act as Circumstances permit, and shall insert therein a Statement of the Circumstances under which such Provisional Certificate is granted.

Provision in case of Loss of Certificate.

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

Provisional Certificate to be delivered up.

50. The Certificate of Registry shall be used only for the lawful Navigation of the Ship, and shall not be subject to Detention by reason of any Title, Lien, Charge, or Interest whatsoever which any Owner, Mortgagee, or other Person may have or claim to have on or in the Ship described in such Certificate ; and if any Person whatever, whether interested or not in the Ship, refuses on Request to deliver up such Certificate when in his Possession or under his Control to the Person for the Time being entitled to the Custody thereof for the Purposes of such lawful Navigation as aforesaid, or to any Registrar, Officer of the Customs, or other Person legally entitled to require such Delivery, it shall be lawful for any Justice, by Warrant under his Hand and Seal, or for any Court capable of taking cognizance of such Matter, to cause the Person so refusing to appear before him and to be examined touching such Refusal ; and unless it is proved to the Satisfaction of such Justice or Court that there

Custody of Certificate.

Delivery of Certificate may be required.

Penalty for Detention.

*Merchant Shipping (Part II. Registry).**Certificate of Registry.*

was reasonable Cause for such Refusal the Offender shall incur a Penalty not exceeding One hundred Pounds; but if it is made to appear to such Justice or Court that the Certificate is lost, the Party complained of shall be discharged, and such Justice or Court shall thereupon certify that the Certificate of Registry is lost.

Mode of proceeding, if detaining Party abscond.

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

Penalty for using improper Certificate.

52. If the Master or Owner of any Ship uses or attempts to use for the Navigation of such Ship a Certificate of Registry not legally granted in respect of such Ship, he shall be guilty of a Misdemeanor, and it shall be lawful for any Commissioned Officer on Full Pay in the Military or Naval Service of Her Majesty, or any *British* Officer of Customs, or any *British* Consular Officer, to seize and detain such Ship, and to bring her for Adjudication before the High Court of Admiralty in *England* or *Ireland* or any Court having Admiralty Jurisdiction in Her Majesty's Dominions; and if such Court is of opinion that such Use or Attempt at Use has taken place, it shall pronounce such Ship, with her Tackle, Apparel, and Furniture, to be forfeited to Her Majesty, and may award such Portion of the Proceeds arising from the Sale of such Ship as it may think just to the Officer so bringing in the same for Adjudication.

Certificate of Ship lost or ceasing to be British to be delivered up.

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

Provisional Certificate for Ship becoming vested in British Owners at Foreign Port.

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

The Name of the Ship;

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

The Name of her Master;

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

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

*Transfers and Transmissions.**Transfers and Transmissions.**Transfer of Ships or Shares therein.*

55. A registered Ship or any Share therein, when disposed of to Persons qualified to be Owners of *British* Ships, shall be transferred by Bill of Sale; and such Bill of Sale shall contain such Description of the Ship as is contained in the Certificate of the Surveyor, or such other Description as may be sufficient to identify the Ship to the Satisfaction of the Registrar, and shall be according to the Form marked E. in the Schedule hereto, or as near thereto as Circumstances permit, and shall be executed by the Transferer in the Presence of and be attested by One or more Witnesses.

Declaration to be made by Transferree.

56. No individual shall be entitled to be registered as Transferree of a Ship or any Share therein until he has made a Declaration in the Form marked F. in the Schedule hereto, stating his Qualification to be registered as Owner of a Share in a *British* Ship, and containing a Denial similar to the Denial herein-before required to be contained in a Declaration of Ownership by an original Owner; and no Body Corporate shall be entitled to be registered as Transferree of a Ship or any Share therein until the Secretary or other duly appointed public Officer of such Body Corporate has made a Declaration in the Form marked G. in the Schedule hereto, stating the Name of such Body Corporate, and such Circumstances of its Constitution and Business as may prove it to be qualified to own a *British* Ship, and containing a Denial similar to the Denial herein-before required to be contained in a Declaration of Ownership made on behalf of a Body Corporate: In the Case of an Individual, the above Declaration shall

Merchant Shipping (Part II. Registry).

shall be made, if he reside within Five Miles of the Custom House of the Port of Registry, in the Presence of the Registrar, but if beyond that Distance in the Presence of any Registrar or of any Justice of the Peace; in the Case of a Body Corporate the Declaration shall be made in the Presence of the Registrar of the Port of Registry.

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

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

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

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

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

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

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

64. Every such Application as aforesaid for Sale shall be made within Four Weeks after the Occurrence of the Event on which such Transmission has taken place, or within such further Time as such Court as aforesaid may allow, such Time not in any Case to exceed the Space of One Year from the Date of

Transfers and
Transmissions.

Registration of
Transfer.

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

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

Registration
of transmitted
Share.

Registrar to
retain certain
Evidence.

Unqualified
Owner en-
titled by
Transmission
may apply to
Court for Sale
of Ship.

Order to be
made by
Court.

Limit of Time
for Applica-
tion.

*Merchant Shipping (Part II. Registry).**Transfers and Transmissions.*

Power of Courts to prohibit Transfers.

such Occurrence as aforesaid; and in the Event of no such Application being made within such Period as aforesaid, or of such Court refusing to accede thereto, the Ship or Share so transmitted shall thereupon be forfeited in manner herein-after directed with respect to Interests acquired by unqualified Owners in Ships using a *British* Flag and assuming the *British* Character.

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

Mortgages.

Mortgage of Ships and Shares therein.

Mortgages to be registered in Order of Time of Production.

Entry of Discharge of Mortgage.

Priority of Mortgages.

Mortgagee not to be deemed Owner.

Mortgagee to have Power of Sale.

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

Transfer of Mortgages.

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

Mortgages.

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

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

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

69. If there is more than One Mortgage registered of the same Ship or Share therein, the Mortgagees shall, notwithstanding any express, implied, or constructive Notice, be entitled in Priority one over the other according to the Date at which each Instrument is recorded in the Register Books, and not according to the Date of each Instrument itself.

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

71. Every registered Mortgagee shall have Power absolutely to dispose of the Ship or Share in respect of which he is registered, and to give effectual Receipts for the Purchase Money; but if there are more Persons than One registered as Mortgagees of the same Ship or Share, no subsequent Mortgagee shall, except under the Order of some Court capable of taking cognizance of such Matters, sell such Ship or Share without the Concurrence of every prior Mortgagee.

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

73. A registered Mortgage of any Ship or Share in a Ship may be transferred to any Person, and the Instrument creating such Transfer shall be in the Form marked K. in the Schedule hereto, and on the Production of such Instrument the Registrar shall enter in the Register Book the Name of the Transferree as Mortgagee of the Ship or Shares therein mentioned, and shall by Memorandum under his Hand record on the Instrument of Transfer that the same has been recorded by him, stating the Date and Hour of such Record.

74. If the Interest of any Mortgagee in any Ship or in any Share therein, becomes transmitted in consequence of Death, Bankruptcy, or Insolvency, or in consequence of the Marriage of any Female Mortgagee, or by any lawful Means other than by a Transfer according to the Provisions of this Act, such Transmission shall be authenticated by a Declaration of the Person to whom such Interest has been transmitted, made in the Form marked L. in the Schedule hereto, and containing a Statement describing the Manner in which and the Party to whom such Property has been transmitted; and such Declaration shall be made and subscribed, if the Declarant resides at or within Five Miles of the Custom House of the

Merchant Shipping (Part II. Registry).

the Port of Registry, in the Presence of the Registrar, but if beyond that Distance in the Presence of any Registrar or of any Justice of the Peace, and shall be accompanied by such Evidence as is herein-before required to authenticate a corresponding Transmission of Property from one registered Owner to another.

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

Certificates of Mortgage and Sale.

76. Any registered Owner, if desirous of disposing by way of Mortgage or Sale of the Ship or Share in respect of which he is registered at any Place out of the Country or Possession in which the Port of Registry of such Ship is situate, may apply to the Registrar, who shall thereupon enable him to do so by granting such Certificates as are herein-after mentioned, to be called respectively Certificates of Mortgage or Certificates of Sale, according as they purport to give a Power to mortgage or a Power to sell.

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

- (1.) The Names of the Persons by whom the Power mentioned in such Certificate is to be exercised, and in the Case of a Mortgage the maximum Amount of Charge to be created, if it is intended to fix any such Maximum, and in the Case of a Sale the minimum Price at which a Sale is to be made, if it is intended to fix any such Minimum;
- (2.) The specific Place or Places where such Power is to be exercised, or if no Place be specified, then that it may be exercised anywhere, subject to the Provisions herein-after contained;
- (3.) The Limit of Time within which such Power may be exercised;

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

At any Place within the United Kingdom, if the Port of Registry of the Ship be situate in the United Kingdom; or at any Place within the same *British* Possession if the Port of Registry is situate within a *British* Possession; or

By any Person not named in the Certificate.

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

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

- (1.) The Power shall be exercised in conformity with the Directions contained in the Certificate;
- (2.) A Record of every Mortgage made thereunder shall be endorsed thereon by a Registrar or *British* Consular Officer;
- (3.) No Mortgage *bonâ fide* made thereunder shall be impeached by reason of the Person by whom the Power was given dying before the making of such Mortgage;
- (4.) Whenever the Certificate contains a Specification of the Place or Places at which, and a Limit of Time not exceeding Twelve Months within which, the Power is to be exercised, no Mortgage *bonâ fide* made to a Mortgagee without Notice shall be impeached by reason of the Bankruptcy or Insolvency of the Person by whom the Power was given;
- (5.) Every Mortgage which is so registered as aforesaid on the Certificate shall have Priority over all Mortgages of the same Ship or Share created subsequently to the Date of the Entry of the Certificate in the Register Book; and if there be more Mortgages than One so indorsed the respective Mortgagees claiming thereunder shall, notwithstanding any express, implied, or constructive Notice, be entitled one before the other according to the Date at which a Record of each Instrument is indorsed on the Certificate, and not according to the Date of the Instrument creating the Mortgage;
- (6.) Subject to the foregoing Rules every Mortgagee whose Mortgage is registered on the Certificate shall have the same Rights and Powers and be subject to the same Liabilities as he would have had and been subject to if his Mortgage had been registered in the Register Book instead of on the Certificate;
- (7.) The Discharge of any Mortgage so registered on the Certificate may be indorsed thereon by any Registrar or *British* Consular Officer, upon the Production of such Evidence as is hereby required to be produced to the Registrar on the Entry of the Discharge of a Mortgage in the Register Book; and upon such Indorsement being made, the Estate, if any, which passed to the Mortgagee shall vest in the same Person or Persons in whom the same would, having regard to intervening Acts and Circumstances, if any, have vested if no such Mortgage had been made;
- (8.) Upon the Delivery of any Certificate of Mortgage to the Registrar by whom it was granted he shall, after recording in the Register Book in such Manner as to preserve its Priority any

Mortgages.

Entry of transmitted Mortgage.

Certificates of Mortgage and Sale.

Powers of Mortgage and Sale may be conferred by Certificate.

Requisites for Certificates of Mortgage and Sale.

Restrictions on Certificates of Mortgage and Sale.

Forms of Certificates of Mortgage and Sale.

Rules as to Certificates of Mortgage.

unsatisfied

*Merchant Shipping (Part II. Registry).**Certificates of Mortgage and Sale.**Rules as to Certificates of Sale.*

unsatisfied Mortgage registered thereon, cancel such Certificate, and enter the Fact of such Cancellation in the Register Book; and every Certificate so cancelled shall be void to all Intents.

81. The following Rules shall be observed as to Certificates of Sale; (that is to say,)
 - (1.) No such Certificate shall be granted except for the Sale of an entire Ship:
 - (2.) The Power shall be exercised in conformity with the Directions contained in the Certificate:
 - (3.) No Sale *bonâ fide* made to a Purchaser for valuable Consideration shall be impeached by reason of the Person by whom the Power was given dying before the making of such Sale:
 - (4.) Whenever the Certificate contains a Specification of the Place or Places at which, and a Limit of Time not exceeding Twelve Months within which, the Power is to be exercised, no Sale *bonâ fide* made to a Purchaser for valuable Consideration without Notice shall be impeached by reason of the Bankruptcy or Insolvency of the Person by whom the Power was given:
 - (5.) Any Transfer made to a Person qualified to be the Owner of *British* Ships shall be by Bill of Sale in the Form herein-before mentioned, or as near thereto as Circumstances permit:
 - (6.) If the Ship is sold to a Party qualified to hold *British* Ships, the Ship shall be registered anew; but Notice of all Mortgages enumerated on the Certificate of Sale shall be entered in the Register Book:
 - (7.) Previously to such Registry anew there shall be produced to the Registrar required to make the same the Bill of Sale by which the Ship is transferred, the Certificate of Sale, and the Certificate of Registry of such Ship:
 - (8.) Such last-mentioned Registrar shall retain the Certificates of Sale and Registry, and after having indorsed on both of such Instruments an Entry of the Fact of a Sale having taken place, shall forward the said Certificates to the Registrar of the Port appearing on such Certificates to be the former Port of Registry of the Ship, and such last-mentioned Registrar shall thereupon make a Memorandum of the Sale in his Register Book, and the Registry of the Ship in such Book shall be considered as closed, except as far as relates to any unsatisfied Mortgages or existing Certificates of Mortgage entered therein:
 - (9.) On such Registry anew the Description of the Ship contained in her original Certificate of Registry may be transferred to the new Register Book, without her being re-surveyed, and the Declaration to be made by the Purchaser shall be the same as would be required to be made by an ordinary Transferree:
 - (10.) If the Ship is sold to a Party not qualified to be the Owner of a *British* Ship, the Bill of Sale by which the Ship is transferred, the Certificate of Sale, and the Certificate of Registry shall be produced to some Registrar or Consular Officer, who shall retain the Certificates of Sale and Registry, and, having indorsed thereon the Fact of such Ship having been sold to Persons not qualified to be Owners of *British* Ships, shall forward such Certificates to the Registrar of the Port appearing on the Certificate of Registry to be the Port of Registry of such Ship; and such last-mentioned Registrar shall thereupon make a Memorandum of the Sale in his Register Book, and the Registry of the Ship in such Book shall be considered as closed, except so far as relates to any unsatisfied Mortgages or existing Certificates of Mortgage entered therein:
 - (11.) If upon a Sale being made to an unqualified Person Default is made in the Production of such Certificates as are mentioned in the last Rule, such unqualified Person shall be considered by *British* Law as having acquired no Title to or Interest in the Ship; and further the Party upon whose Application such Certificate was granted, and the Persons exercising the Power, shall each incur a Penalty not exceeding One hundred Pounds:
 - (12.) If no Sale is made in conformity with the Certificate of Sale, such Certificate shall be delivered to the Registrar by whom the same was granted; and such Registrar shall thereupon cancel it, and enter the Fact of such Cancellation in the Register Book; and every Certificate so cancelled shall be void to all Intents.

*Power of Commissioners of Customs in case of Loss of Certificate of Mortgage or Sale.**Revocation of Certificates of Mortgage and Sale.*

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

83. The registered Owner for the Time being of any Ship or Share therein in respect of which a Certificate of Mortgage or Sale has been granted, specifying the Place or Places where the Power thereby given is to be exercised, may, by an Instrument under his Hand made in the Form O. in the Schedule hereto, or as near thereto, as Circumstances permit, authorize the Registrar by whom such Certificate was granted to give Notice to the Registrar or Consular Officer, Registrars or Consular Officers, at such Place or Places, that such Certificate is revoked; and Notice shall be given accordingly; and all Registrars or Consular Officers receiving such Notice shall record the same, and shall exhibit the same to all Persons who may apply to them for the Purpose of effecting or obtaining a Mortgage or Transfer under the said

Merchant Shipping (Part II. Registry).

said Certificate of Mortgage or Sale; and after such Notice has been so recorded the said Certificate shall, so far as concerns any Mortgage or Sale to be thereafter made at such Place be deemed to be revoked and of no Effect; and every Registrar or Consular Officer recording any such Notice shall thereupon state to the Registrar by whom the Certificate was granted, whether any previous Exercise of the Power to which such Certificate refers has taken place.

*Certificates
of Mortgage
and Sale.*

*Registry anew,
and Transfer
of Registry.*

Registry anew, and Transfer of Registry.

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

*Alteration in
Ship to be
registered.*

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

*On Alteration
Registry anew
may be
required.*

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

*Grant of
Provisional
Certificate in
respect of
Alteration.*

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

*Consequence
of Omission to
register anew.*

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

*On change of
Owners, Re-
gistry anew
may be
granted, if
required.*

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

*Registry may
be transferred
from Port to
Port.*

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

*Manner of
Transfer of
Registry.*

Merchant Shipping (Part II. Registry).

Transfer of
Registry not to
affect Rights of
Owners.

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

Registry,
Miscellaneous.

Registry, Miscellaneous.

Inspection of
Register Books.

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

Indemnity to
Registrar.

93. No Registrar shall be liable to Damages or otherwise for any Loss accruing to any Person by reason of any Act done or Default made by him in his Character of Registrar, unless the same has happened through his Neglect or wilful Act.

Return to be
made by Re-
gistrars to
Commissioners
of Customs.

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

Application of
Fees.

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

Commissioners
of Customs to
provide, and
with Consent
of Board of
Trade may
alter Forms
and issue
Instructions.

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

Power to
Registrar to
dispense with
Declarations
and other
Evidence.

97. Whenever in any Case in which under the Second Part of this Act any Person is required to make a Declaration on behalf of himself or of any Body Corporate, or any Evidence is required to be produced to the Registrar, it is shown to the Satisfaction of the Registrar that from any reasonable Cause such Person is unable to make the Declaration, or that such Evidence cannot be produced, it shall be lawful for the Registrar, with the Sanction of the Commissioners of Customs, and upon the Production of such other Evidence, and subject to such Terms as they may think fit, to dispense with any such Declaration or Evidence.

Power for
Commissioners
or Governor in
special Cases
to grant a Pass
to a Ship not
registered.

98. In Cases where it appears to the Commissioners of Customs, or to the Governor or other Person administering the Government of any *British* Possession, that by reason of special Circumstances it would be desirable that Permission should be granted to any *British* Ship to pass, without being previously registered, from one Port or Place in Her Majesty's Dominions to any other Port or Place within the same, it shall be lawful for such Commissioners or Governor or other Person to grant a Pass accordingly, and such Pass shall for the Time and within the Limits therein mentioned have the same Effect as a Certificate of Registry.

Provision for
Cases of In-
fancy or other
Incapacity.

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

Liabilities of
Owners.

100. Whenever any Person is beneficially interested, otherwise than by way of Mortgage, in any Ship or Share therein registered in the Name of some other Person as Owner, the Person so interested shall, as well as the registered Owner, be subject to all pecuniary Penalties imposed by this or by any other Act on Owners of Ships or Shares therein, so nevertheless that Proceedings may be taken for the Enforcement

Merchant Shipping (Part II. Registry).

Enforcement of any such pecuniary Penalties against both or either of the aforesaid Parties, with or without joining the other of them.

Forgery.

101. Any Person who forges, assists in forging, or procures to be forged, fraudulently alters, assists in fraudulently altering, or procures to be fraudulently altered, any Register Book, Certificate of Surveyor, Certificate of Registry, Declaration of Ownership, Bill of Sale, Instrument of Mortgage, Certificate of Mortgage or Sale, or any Entry or Indorsement required by the Second Part of this Act to be made in or on any of the above Documents, shall for every such Offence be deemed to be guilty of Felony.

Forgery.

Punishment for Forgery.

National Character.

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

National Character.

National Character of Ship to be declared before Clearance.

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

Penalties:
For unduly assuming a British Character.

- (1.) If any Person uses the *British* Flag and assumes the *British* National Character on board any Ship owned in whole or in part by any Persons not entitled by Law to own *British* Ships, for the Purpose of making such Ship appear to be a *British* Ship, such Ship shall be forfeited to Her Majesty, unless such Assumption has been made for the Purpose of escaping Capture by an Enemy or by a Foreign Ship of War in exercise of some belligerent Right; and in any Proceeding for enforcing any such Forfeiture the Burden of proving a Title to use the *British* Flag and assume the *British* National Character shall lie upon the Person using and assuming the same:
- (2.) If the Master or Owner of any *British* Ship does or permits to be done any Matter or Thing, or carries or permits to be carried any Papers or Documents, with Intent to conceal the *British* Character of such Ship from any Person entitled by *British* Law to inquire into the same, or to assume a Foreign Character, or with Intent to deceive any such Person as lastly herein-before mentioned, such Ship shall be forfeited to Her Majesty; and the Master, if he commits or is privy to the Commission of the Offence, shall be guilty of a Misdemeanor:
- (3.) If any unqualified Person, except in the Case of such transmitted Interests as are herein-before mentioned, acquires as Owner any Interest, either legal or beneficial, in a Ship using a *British* Flag and assuming the *British* Character, such Interest shall be forfeited to Her Majesty:
- (4.) If any Person, on behalf of himself or any other Person or Body of Persons, wilfully makes a false Declaration touching the Qualification of himself or such other Person or Body of Persons to own *British* Ships or any Shares therein, the Declarant shall be guilty of a Misdemeanor; and the Ship or Share in respect of which such Declaration is made, if the same has not been forfeited under the foregoing Provision, shall, to the Extent of the Interest therein of the Person making the Declaration, and, unless it is shown that he had no Authority to make the same, of the Parties on behalf of whom such Declaration is made, be forfeited to Her Majesty:

For Concealment of British or Assumption of Foreign Character.

For acquiring Ownership, if unqualified.

For false Declaration of Ownership.

And in order that the above Provisions as to Forfeitures may be carried into effect it shall be lawful for any Commissioned Officer on Full Pay in the Military or Naval Service of Her Majesty, or any *British* Officer of Customs, or any *British* Consular Officer, to seize and detain any Ship which has, either wholly or as to any Share therein, become subject to Forfeiture as aforesaid, and to bring her for Adjudication before the High Court of Admiralty in *England* or *Ireland*, or any Court having Admiralty Jurisdiction in Her Majesty's Dominions; and such Court may thereupon make such Order in the Case as it may think fit, and may award to the Officer bringing in the same for Adjudication such Portion of the Proceeds of the Sale of any forfeited Ship or Share as it may think right.

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

Officer not liable for any Seizure made on reasonable Grounds.

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

Penalty for carrying improper Colours.

*Merchant Shipping (Part III. Masters and Seamen).**National Character.*

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

Naval Service of Her Majesty, or any *British* Officer of the Customs, or any *British* Consular Officer, to board any such Ship or Boat, and to take away any such Jack, Colours, or Pendant; and such Jack, Colours, or Pendant shall be forfeited to Her Majesty.

106. Whenever it is declared by this Act that a Ship belonging to any Person or Body Corporate qualified according to this Act to be Owners of *British* Ships shall not be recognized as a *British* Ship, such Ship shall not be entitled to any Benefits, Privileges, Advantages, or Protection usually enjoyed by *British* Ships, and shall not be entitled to use the *British* Flag or assume the *British* National Character; but, so far as regards the Payment of Dues, the Liability to Pains and Penalties, and the Punishment of Offences committed on board such Ship or by any Persons belonging to her, such Ship shall be dealt with in the same Manner in all respects as if she were a recognized *British* Ship.

Evidence.

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

Evidence.

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

Saving Clause.

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

Saving Clause.

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

PART III.

MASTERS AND SEAMEN.

Application.

Application of Part III. of Act.

Returns for certain Ships belonging to the United Kingdom.

Returns and Wages of deceased Seamen, &c.

Shipping and discharging Men in United Kingdom.

Volunteering into the Navy.

Provisions applicable to Colonial Ships.

Application.

109. The various Provisions of the Third Part of this Act shall have the following Applications, unless the Context or Subject Matter requires a different Application; (that is to say,)

So much of the Third Part of this Act as relates to the Delivery or Transmission of Lists of Crews to the Registrar General of Seamen shall apply to all Fishing Vessels belonging to the United Kingdom, whether employed exclusively on the Coasts of the United Kingdom or not; to all Ships belonging to the *Trinity House*, or the Commissioners of Northern Lighthouses, constituted as herein-after mentioned, or the Port of *Dublin* Corporation, and to all Pleasure Yachts, and to the Owners, Masters, and Crews of such Ships:

So much of the Third Part of this Act as relates to the Delivery and Transmission of Lists of Crews, and to the Wages and Effects of deceased Seamen and Apprentices, shall apply to all Sea-going *British* Ships, wherever registered, of which the Crews are discharged, or whose final Port of Destination is in the United Kingdom, and to the Owners, Masters, and Crews of such Ships:

So much of the Third Part of this Act as relates to the Shipping and Discharge of Seamen in the United Kingdom shall apply to all Sea-going *British* Ships, wherever registered, and to the Owners, Masters, and Crews of such Ships:

So much of the Third Part of this Act as relates to Seamen volunteering into the Royal Navy shall apply to all Sea-going *British* Ships, wherever registered, and to the Owners, Masters, and Crews of such Ships, wherever the same may be:

So much of the Third Part of this Act as relates to Rights to Wages and Remedies for the Recovery thereof; to the Shipping and Discharge of Seamen in Foreign Ports; to leaving Seamen abroad, and to the Relief of Seamen in Distress in Foreign Ports; to the Provisions, Health, and Accommodation of Seamen; to the Power of Seamen to make Complaints; to the Protection of Seamen from Imposition; to Discipline; to Naval Courts on the High Seas and abroad; and to Crimes committed abroad; shall apply to all Ships registered in any of Her Majesty's Dominions abroad, when such Ships are out of the Jurisdiction of their respective Governments, and to the Owners, Masters, and Crews of such Ships:

And the whole of the Third Part of this Act shall apply to all Sea-going Ships registered in the United Kingdom, (except such as are exclusively employed in fishing on the Coasts of the United Kingdom, and such as belong to the *Trinity House*, the Commissioners of Northern Lighthouses, or the

As to whole of Part III. of Act.

Merchant Shipping (Part III. Masters and Seamen).

the Port of *Dublin* Corporation, and also except Pleasure Yachts,) and also to all Ships registered in any *British* Possession and employed in trading or going between any Place in the United Kingdom and any Place or Places not situate in the Possession in which such Ships are registered, and to the Owners, Masters, and Crews of such Ships respectively, wherever the same may be.

Local Marine Boards.

110. There shall be Local Marine Boards for carrying into effect the Provisions of this Act under the Superintendence of the Board of Trade at those Seaports of the United Kingdom at which Local Marine Boards have heretofore been established, and at such other Places as the Board of Trade appoints for this Purpose; and each of such Local Marine Boards shall be constituted as follows; (that is to say,) the Mayor or Provost and the Stipendiary Magistrate or such of the Mayors or Provosts and Stipendiary Magistrates of the Place (if more than One) as the Board of Trade appoints shall be a Member or Members *ex officio*; the Board of Trade shall appoint Four Members from Persons residing or having Places of Business at the Port or within Seven Miles thereof; and the Owners of Foreign-going Ships and of Home Trade Passenger Ships registered at the Port shall elect Six Members; and such Elections as aforesaid shall take place on the Twenty-fifth Day of *January* One thousand eight hundred and fifty-seven, and on the Twenty-fifth Day of *January* in every Third succeeding Year, and such Appointments as aforesaid shall take place within One Month after such Elections; and upon the Conclusion of such 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; and any occasional Vacancy caused in the Intervals between the General Elections and Appointments, by Death, Resignation, Disqualification, or otherwise, shall be filled up within One Month after it occurs; and every Person elected or appointed on an occasional Vacancy shall continue a Member until the next Constitution of a new Board; and the Mayor or Provost shall fix the Place and Mode of conducting all such Elections as aforesaid, and also on occasional Vacancies the Day of Election, and shall give at least Ten Days Notice thereof; and the Board of Trade shall have Power to decide any Questions raised concerning any such Elections.

111. Owners of Foreign-going Ships and of Home Trade Passenger Ships registered at any Seaport at which there is a Local Marine Board shall have Votes at the Election of Members of such Board as follows; (that is to say,) every registered Owner of not less than Two hundred and fifty Tons in the whole of such Shipping shall at every Election have One Vote for each Member for every Two hundred and fifty Tons owned by him, so that his Votes for any One Member do not exceed Ten: And for the Purpose of ascertaining the Qualification of such Electors the following Rules shall be observed; (that is to say,) in the Case of a Ship registered in the Name of One Person, such Person shall be deemed to be the Owner, and 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 the Owners as nearly as may be in proportion to their respective Shares, and each of such Persons shall be deemed to be the Owner of the Tonnage so apportioned to him; and 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 it is sufficient, either alone or together with other Tonnage (if any) owned by such joint Owners, to give a Qualification to each of them, be apportioned equally between the joint Owners, and each of such joint Owners shall be deemed to be the Owner of the equal Share so apportioned to him, but if it is not so sufficient, the whole of such 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; and in making any such Apportionment as aforesaid any Portion may be struck off so as to obtain a divisible Amount; and 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.

112. The Collector or Comptroller of Customs in every Seaport of the United Kingdom at which there is a Local Marine Board shall, with the Assistance of the Registrar General of Seamen, on or before the Twenty-fifth Day of *December* in the Year One thousand eight hundred and fifty-six, and in every Third succeeding Year, make out an alphabetical List of the Persons entitled by virtue of this Act to vote at the Election of Members of such Local Marine Board, containing the Christian Name, Surname, and Residence of each such Person, and the Number of Votes to which he is entitled, and shall sign such List and cause a sufficient Number of Copies thereof to be printed, and to be fixed on or near the Doors of the Custom House at such Seaport for Two entire Weeks next after such List has been made, and shall keep true Copies of such List, and permit the same to be perused by any Person, without Payment of any Fee, at all reasonable Hours during such Two Weeks.

113. The Mayor or Provost of every Seaport at which there is a Local Marine Board, 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* in the Year One thousand eight hundred and fifty-seven, and in each succeeding Third Year, nominate Two Justices of the Peace to revise the said Lists; and such Justices shall, between the Eighth and Fifteenth Days of *January*, both inclusive, in the Year in which they are so nominated, revise the said List at the Custom House of the Port, or in some convenient Place near thereto, to be hired, if necessary, by the said Collector or Comptroller, and shall give Three clear

Local Marine Boards.

Constitution of Local Marine Boards.

Qualification of Voters for Members of Local Marine Boards.

Lists of such Voters to be made.

Revision of List of Voters.

*Merchant Shipping (Part III. Masters and Seamen).**Local Marine Boards.*

Days Notice of such Revision by advertising the same in some local Newspaper, and by affixing a Notice thereof on or near to the Doors of such Custom House, and shall make such Revision by inserting in such List the Name of every Person who claims to be inserted therein, and gives Proof satisfactory to the said Revisors of his Right to have his Name so inserted, and by striking out therefrom the Name of every Person to the Insertion of which an Objection is made by any other Person named in such List who gives Proof satisfactory to the said Revisors that the Name of the Person so objected to ought not to have been inserted therein; and the Decision of the said Revisors with respect to every such Claim or Objection shall be conclusive; and the said Revisors shall immediately after such Revision sign their Names at the Foot of the List so revised; and such List so revised shall be the Register of Voters at Elections of Members of the Local Marine Board of such Seaport 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; and the said revised List, when so signed, shall be delivered to such Mayor or Provost as aforesaid of the Place, who shall, if necessary, cause a sufficient Number of Copies thereof to be printed, and shall cause a Copy to be delivered to every Voter applying for the same.

Registers to be produced.

114. The said Collector or Comptroller, if required, shall for the Assistance of the said Revisors in revising the said List produce to them the Books containing the Register of Ships registered at such Seaport; and the Registrar General of Seamen, if required, shall also produce or transmit to such Revisors such certified Extracts or Returns from the Books in his Custody as may be necessary for the same Purpose.

Expenses to be paid by Board of Trade.

115. The Two Justices aforesaid shall certify all Expenses properly incurred by any such Collector or Comptroller as aforesaid in making and printing the said List and in the Revision thereof, and the Board of Trade shall pay the same, and also all Expenses properly incurred by any such Mayor or Provost as aforesaid in printing the same or in Elections taking place under this Act; and the said Board may disallow any Items of any such Expenses as aforesaid which it deems to have been improperly incurred.

Persons on revised List qualified to vote.

116. Every Person whose Name appears on such revised List, and no other Person, shall be qualified to vote at the Election of Members of the Local Marine Board at such Seaport to be held on the Twenty-fifth day of *January* next after the Revision of such List, and at any occasional Election held at any Time between that Day and the next ordinary triennial Election of the Members of such Board.

Qualification of Members of Local Marine Boards.

117. Every Male Person who is according to such revised List of the Voters at any Seaport entitled to a Vote shall be qualified to be elected a Member of the Local Marine Board of such Seaport, and no other Person shall be so qualified; and if any Person elected as a Member after such Election ceases 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 as a Member, and thereupon another Member shall be elected in his Place.

Error in Elections not to vitiate Acts done.

118. No Act of any Local Marine Board shall be vitiated or prejudiced by reason of any Irregularity in the Election of any of its Members, or of any Error in the List of Voters herein mentioned, or of any Irregularity in the making or revising of such List, or by reason of any Person who is not duly qualified as herein-before directed acting upon such Board.

Minutes and Business of Local Marine Boards.

119. Every Local Marine Board shall keep Minutes of its Proceedings, and the same shall be kept in such Mode (if any) as the Board of Trade prescribes; and such Minutes, and all Books or Documents used or kept by any Local Marine Board, or by any Examiners, Shipping Masters, or other Officers or Servants under the Control of any Local Marine Board, shall be open to the Inspection of the Board of Trade and its Officers; and every Local Marine Board shall make and send to the Board of Trade such Reports and Returns as it requires; but, subject as aforesaid, every Local Marine Board may regulate the Mode in which its Meetings are to be held and its Business conducted.

Board of Trade may assume Duties of Local Marine Board, &c.

120. If any Local Marine Board, by reason of any Election not taking place, or of the simultaneous Resignation or continued Non-attendance of all or the greater Part of the Members, or from any other Cause, fails to meet or to discharge its Duties, the Board of Trade may in its Discretion either take into its own Hands the Performance of the Duties of such Local Marine Board until the next triennial Appointment and Election thereof, or direct that a new Appointment and Election of such Local Marine Board shall take place immediately.

May alter Arrangements of Local Marine Boards.

121. If upon Complaint made to the Board of Trade it appears to such Board that any Appointments or Arrangements made by any Local Marine Board under the Powers hereby given to it 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 such Appointments or Arrangements in such Manner as, having regard to the Intentions of this Act and to the Wants of the Port, it deems to be expedient.

Shipping Offices.

Local Marine Boards to establish Shipping Offices.

Shipping Offices.

122. In every Seaport in the United Kingdom in which there is a Local Marine Board such Board shall establish a Shipping Office or Shipping Offices, and may for that Purpose, subject as herein mentioned, procure the requisite Premises, and appoint and from Time to Time remove and re-appoint Superintendents of such Offices, to be called Shipping Masters, with any necessary Deputies, Clerks, and Servants, and regulate the Mode of conducting Business at such Offices, and shall, subject as herein mentioned, have complete Control over the same; and every Act done by or before any Deputy duly appointed shall have the same Effect as if done by or before a Shipping Master.

123. The

*Merchant Shipping (Part III. Masters and Seamen).**Shipping
Offices.*

123. The Sanction of the Board of Trade shall be necessary so far as regards the Number of Persons so appointed by any such Local Marine Board, and the Amount of their Salaries and Wages and all other Expenses; and the Board of Trade shall have the immediate Control of such Shipping Offices, so far as regards the Receipt and Payment of Money thereat; and all Shipping Masters, Deputies, Clerks, and Servants so appointed as aforesaid shall before entering upon their Duties give such Security (if any) for the due Performance thereof as the Board of Trade requires; and if in any Case the Board of Trade has reason to believe that any Shipping Master, Deputy, Clerk, or Servant appointed by any Local Marine Board does not properly discharge his Duties, the Board of Trade may cause the Case to be investigated, and may, if it thinks fit so to do, remove him from his Office, and may provide for the proper Performance of his Duties until another Person is properly appointed in his Place.

Board of Trade to have partial Control over Shipping Offices.

124. It shall be the general Business of Shipping Masters appointed as aforesaid—

- To afford Facilities for engaging Seamen by keeping Registries of their Names and Characters;
- To superintend and facilitate their Engagement and Discharge in manner herein-after mentioned;
- To provide Means for securing the Presence on board at the proper Times of Men who are so engaged;
- To facilitate the making of Apprenticeships to the Sea Service;
- To perform such other Duties relating to Merchant Seamen and Merchant Ships as are hereby or may hereafter under the Powers herein contained be committed to them.

Business of such Offices generally.

125. Such Fees, not exceeding the Sums specified in the Table marked P. in the Schedule hereto, as are from Time to Time fixed by the Board of Trade, shall be payable upon all Engagements and Discharges effected before Shipping Masters as herein-after mentioned, and the Board of Trade shall cause Scales of the Fees payable for the Time being to be prepared and to be conspicuously placed in the Shipping Offices; and all Shipping Masters, their Deputies, Clerks, and Servants, may refuse to proceed with any Engagement or Discharge unless the Fees payable thereon are first paid.

Fees to be paid upon Engagements and Discharges.

126. Every Owner or Master of a Ship engaging or discharging any Seamen or Seaman in a Shipping Office or before a Shipping Master shall pay to the Shipping Master the whole of the Fees hereby made payable in respect of such Engagement or Discharge, and may, for the Purpose of in part reimbursing himself, deduct in respect of each such Engagement or Discharge from the Wages of all Persons (except Apprentices) so engaged or discharged, and retain, any Sums not exceeding the Sums specified in that Behalf in the Table marked Q. in the Schedule hereto: Provided that, if in any Cases the Sums which the Owner is so entitled to deduct exceed the Amount of the Fee payable by him, such Excess shall be paid by him to the Shipping Master in addition to such Fee.

Masters to pay Fees, and to deduct Part from Wages.

127. Any Shipping Master, Deputy Shipping Master, or any Clerk or Servant in any Shipping Office, who demands or receives any Remuneration whatever, either directly or indirectly, for hiring or supplying any Seaman for any Merchant Ship, excepting the lawful Fees payable under this Act, shall for every such Offence incur a Penalty not exceeding Twenty Pounds, and shall also be liable to be dismissed from his Office by the Board of Trade.

Proviso as to Excess.

128. The Board of Trade may, with the Consent of the Commissioners of Customs, direct that at any Place in which no separate Shipping Office is established the whole or any Part of the Business of the Shipping Office shall be conducted at the Custom House, and thereupon the same shall be there conducted accordingly; and in respect of such Business such Custom House shall for all Purposes be deemed to be a Shipping Office, and the Officer of Customs there to whom such Business is committed shall for all Purposes be deemed to be a Shipping Master within the Meaning of this Act.

Penalty on Shipping Masters taking other Remuneration.

129. 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 Shipping Master, with any necessary Deputies, Clerks, and Servants, and may appoint any Office in any such Home to be a Shipping Office; and all Shipping Masters and Shipping 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.

Business of Shipping Offices may be transacted at Custom Houses.

In London Sailors Homes may be Shipping Offices.

130. The Board of Trade may from Time to Time dispense with the Transaction before a Shipping Master or in a Shipping Office of any Matters required by this Act to be so transacted; and thereupon such Matters shall, if otherwise duly transacted as required by Law, be as valid as if transacted before a Shipping Master or in a Shipping Office.

Dispensation with Shipping Master's Superintendence.

Examinations and Certificates of Masters and Mates.

131. Examinations shall be instituted for Persons who intend to become Masters or Mates of Foreign-going Ships, or of Home Trade Passenger Ships, or who wish to procure Certificates of Competency herein-after mentioned; and, subject as herein mentioned, the Local Marine Boards shall provide for the Examinations at their respective Ports, and may appoint and from Time to Time remove and re-appoint Examiners to conduct the same, and may regulate the same; and any Members of the Local Marine Board of the Place where the Examination is held may be present and assist at any such Examination.

*Certificates of
Masters and
Mates.*

Examinations to be instituted for Masters and Mates.

132. The Board of Trade may from Time to Time lay down Rules as to the Conduct of such Examinations and as to the Qualifications of the Applicants, and such Rules shall be strictly adhered to by all Examiners; and no Examiner shall be appointed unless he possesses a Certificate of Qualification, to be from Time to Time granted or renewed by the Board of Trade; and the Sanction of the Board of Trade shall be necessary, so far as regards the Number of Examiners to be appointed, and the Amount of their

Powers of Board of Trade over Examinations.

Remuneration;

*Merchant Shipping (Part III. Masters and Seamen).**Certificates of Masters and Mates.*

Fees to be paid by Applicants for Examination. Certificates of Competency to be granted to those who pass.

Certificates of Service to be delivered to Persons who served as Masters or Mates before 1851, and to certain Naval Officers; and Certificates of Service for Home Trade Passenger Ships to be delivered to Persons who have served as Masters or Mates in such Ships before 1st January 1854.

No Foreign-going Ship or Home Trade Passenger Ship to proceed to Sea without Certificates of the Master and Mates.

Certificates for Foreign-going Ships available for Home Trade Passenger Ships. The Registrar to record Grants, Cancellations, &c. of Certificates.

Remuneration; and the Board of Trade may at any Time depute any of its Officers to be present and assist at any Examination; and if it appears to the Board of Trade that the Examinations for any Two or more Ports can be conducted without Inconvenience by the same Examiners, it may require and authorize the Local Marine Boards of such Ports to act together as One Board in providing for and regulating Examinations and appointing and removing Examiners for such Ports.

133. All Applicants for Examination shall pay such Fees, not exceeding the Sums specified in the Table marked R. in the Schedule hereto, as the Board of Trade directs; and such Fees shall be paid to such Persons as the said Board appoints for that Purpose.

134. Subject to the Proviso herein-after contained, the Board of Trade shall deliver to every Applicant who is duly reported by the Local 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, a Certificate (herein-after called a "Certificate of Competency") to the Effect that he is competent to act as Master, or as First, Second, or Only Mate of a Foreign-going Ship, or as Master or Mate of a Home Trade Passenger Ship, as the Case may be: Provided that in every Case in which the Board of Trade has Reason to believe such Report to have been unduly made, such Board may remit the Case either to the same 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.

135. Certificates of Service, differing in Form from Certificates of Competency, shall be granted as follows; (that is to say),

- (1.) Every Person who before the First Day of *January* One thousand eight hundred and fifty-one served as Master in the *British* Merchant Service, or who has attained or attains the Rank of Lieutenant, Master, Passed Mate, or Second Master, or any higher Rank in the Service of Her Majesty or of the *East India* Company, shall be entitled to a Certificate of Service as Master for Foreign-going Ships:
- (2.) Every Person who before the First Day of *January* One thousand eight hundred and fifty-one served as Mate in the *British* Merchant Service shall be entitled to a Certificate of Service as Mate for Foreign-going Ships:
- (3.) Every Person who before the First Day of *January* One thousand eight hundred and fifty-four has served as Master of a Home Trade Passenger Ship shall be entitled to a Certificate of Service as Master for Home Trade Passenger Ships:
- (4.) Every Person who before the First Day of *January* One thousand eight hundred and fifty-four has served as Mate of a Home Trade Passenger Ship shall be entitled to a Certificate of Service as Mate for Home Trade Passenger Ships:

And each of such Certificates of Service shall contain Particulars of the Name, Place, and Time of Birth, and of the Length and Nature of the previous Service of the Person to whom the same is delivered; and the Board of Trade shall deliver such Certificates of Service to the various Persons so respectively entitled thereto, upon their proving themselves to have attained such Rank or to have served as aforesaid, and upon their giving a full and satisfactory Account of the Particulars aforesaid.

136. No Foreign-going Ship or Home Trade Passenger Ship shall go to Sea from any Port in the United Kingdom unless the Master thereof, and in the Case of a Foreign-going Ship the First and Second Mates or Only Mate (as the Case may be), and in the Case of a Home Trade Passenger Ship the First or Only Mate (as the Case may be), have obtained and possess valid Certificates either of Competency or Service appropriate to their several Stations in such Ship, or of a higher Grade; and no such Ship, if of One hundred Tons Burden or upwards, shall go to Sea as aforesaid, unless at least One Officer besides the Master has obtained and possesses a valid Certificate appropriate to the Grade of Only Mate therein or to a higher Grade; and every Person who, having been engaged to serve as Master or as First or Second or Only Mate of any Foreign-going Ship, or as Master or First or Only Mate of a Home Trade Passenger Ship, goes to Sea as aforesaid as such Master or Mate without being at the Time entitled to and possessed of such a Certificate as herein-before required, or who employs any Person as Master, or First, Second, or Only Mate of any Foreign-going Ship, or as Master or First or Only Mate of a Home Trade Passenger Ship, without ascertaining that he is at the Time entitled to and possessed of such Certificate, shall for each such Offence incur a Penalty not exceeding Fifty Pounds.

137. Every 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 such last-mentioned Ship; but no Certificate for a Home Trade Passenger Ship shall entitle the Holder to go to Sea as Master or Mate of a Foreign-going Ship.

138. All Certificates, whether of Competency or Service, shall be made in Duplicate, and one Part shall be delivered to the Person entitled to the Certificate, and the other shall be kept and recorded by the Registrar General of Seamen or by such other Person as the Board of Trade appoints for that Purpose; and the Board of Trade shall give to such Registrar or such other Person immediate Notice of all Orders made by it for cancelling, suspending, altering, or otherwise affecting any Certificate in pursuance of the Powers herein contained; and the Registrar or such other Person as aforesaid shall thereupon

Merchant Shipping (Part III. Masters and Seamen).

thereupon make a corresponding Entry in the Record of Certificates; and a Copy purporting to be certified by such Registrar or his Assistant or by such Person as aforesaid of any Certificate shall be *prima facie* Evidence of such Certificate, and a Copy purporting to be so certified as aforesaid of any Entry made as aforesaid in respect of any Certificate shall be *prima facie* Evidence of the Truth of the Matters stated in such Entry.

139. Whenever any Master or Mate proves to the Satisfaction of the Board of Trade that he has, without Fault on his Part, lost or been deprived of any Certificate already granted to him, the Board of Trade shall, upon Payment of such Fee (if any) as it directs, cause a Copy of the Certificate to which by the Record so kept as aforesaid he appears to be entitled, to be made out and certified as aforesaid, and to be delivered to him; and any Copy which purports to be so made and certified as aforesaid shall have all the Effect of the Original.

140. Every Person who makes, or procures to be made, or assists in making, any false Representation for the Purpose of obtaining for himself or for any other Person a Certificate either of Competency or Service, or who forges, assists in forging, or procures to be forged, or fraudulently alters, assists in fraudulently altering, or procures to be fraudulently altered, any such Certificate or any official Copy of any such Certificate, or who fraudulently makes use of any such Certificate or any Copy of any such Certificate which is forged, altered, cancelled, suspended, or to which he is not justly entitled, or who fraudulently lends his Certificate to or allows the same to be used by any other Person, shall for each Offence be deemed guilty of a Misdemeanor.

Apprenticeships to the Sea Service.

141. All Shipping Masters appointed under this Act shall, if applied to for the Purpose, give to any Board of Guardians, Overseers, or other Persons desirous of apprenticing Boys to the Sea Service, and to Masters and Owners of Ships requiring Apprentices, such Assistance as is in their Power for facilitating the making of such Apprenticeships, and may receive from Persons availing themselves of such Assistance such Fees as may be determined in that Behalf by the Board of Trade, with the Concurrence, so far as relates to Pauper Apprentices in *England*, of the Poor Law Board in *England*, and so far as relates to Pauper Apprentices in *Ireland*, of the Poor Law Commissioners in *Ireland*.

142. In the Case of every Boy bound Apprentice to the Sea Service by any Guardians or Overseers of the Poor, or other Persons having the Authority of Guardians of the Poor, the Indentures 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, who 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 Master to whom the Boy is to be bound is a proper Person for the Purpose.

143. All Indentures of Apprenticeship to the Sea Service shall be exempt from Stamp Duty; and all such Indentures shall be in Duplicate; and every Person to whom any Boy whatever is bound as an Apprentice to the Sea Service in the United Kingdom shall within Seven Days after the Execution of the Indentures take or transmit the same to the Registrar General of Seamen or to some Shipping Master; and the said Registrar or Shipping Master shall retain and record One Copy, and shall indorse on the other that the same has been recorded, and shall re-deliver the same to the Master of the Apprentice; and whenever any such Indenture is assigned or cancelled, and whenever any such Apprentice dies or deserts, the Master of the Apprentice shall, within Seven Days after such Assignment, Cancellation, Death, or Desertion, if the same happens within the United Kingdom, or if the same happens elsewhere, so soon afterwards as Circumstances permit, notify the same either to the said Registrar of Seamen, or to some Shipping Master, to be recorded; and every Person who fails to comply with the Provisions of this Section shall incur a Penalty not exceeding Ten Pounds.

144. Subject to the Provisions herein-before contained, all Apprenticeships to the Sea Service made by any Guardians or Overseers of the Poor, or Persons having the Authority of Guardians of the Poor, 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 the same Persons, and if made in *Ireland* shall be subject to the following Rules; (that is to say,)

- (1.) In every Union the Guardians of the Poor, or other Persons duly appointed to carry into execution the Acts for the Relief of the destitute Poor and having the Authority of Guardians of the Poor, may put out and bind as an Apprentice to the Sea Service any Boy who or whose Parent or Parents is or are receiving Relief in such Union, and who has attained the Age of Twelve Years, and is of sufficient Health and Strength, and who consents to be so bound:
- (2.) If the Cost of relieving any such Boy is chargeable to an Electoral Division of a Union, then (except in Cases in which paid Officers act in Place of Guardians) he shall not be bound as aforesaid unless the Consent in Writing of the Guardians of such Electoral Division or of a Majority of the Guardians (if more than One) be first obtained, such Consent to be, when possible, indorsed upon the Indentures:
- (3.) The Expense incurred in the Binding and Outfit of any such Apprentice shall be charged to the Union or Electoral Division (as the Case may be) to which the Boy or his Parent or Parents is or are chargeable at the Time of his being apprenticed:

(4.) All

Certificates of Masters and Mates.

Duplicates, &c. Evidence.

In case of Loss a Copy to be granted.

Penalties for false Representations; for forging or altering or fraudulently using or lending any Certificate.

Apprenticeships to Sea Service.

Shipping Masters to assist in binding Apprentices, and may receive Fees.

Indentures of Boys apprenticed to Sea Service by Guardians, &c., witnessed by Two Justices.

Indentures of Apprenticeship to be exempt from Stamp Duty, and to be recorded.

Rules to govern Apprenticeship of Paupers in *Great Britain* and *Ireland* respectively.

*Merchant Shipping (Part III. Masters and Seamen).**Apprenticeships to Sea Service.*

- (4.) All Indentures made in any Union may be sued upon by the Guardians of the Union or Persons having the Authority of Guardians therein for the Time being, by their Name of Office, and Actions brought by them upon such Indentures shall not abate by reason of Death or Change in the Persons holding the Office; but no such Action shall be commenced without the Consent of the *Irish* Poor Law Commissioners :
- (5.) The Amount of the Costs incurred in any such Action and not recovered from the Defendant therein, may be charged upon the Union or Electoral Division (as the Case may be) to which the Boy or his Parent or Parents was or were chargeable at the Time of his being apprenticed.

Apprentices and their Indentures to be brought before Shipping Master before each Voyage in a Foreign-going Ship.

145. The Master of every Foreign-going Ship shall, before carrying any Apprentice to Sea from any Place in the United Kingdom, cause such Apprentice to appear before the Shipping Master before whom the Crew is engaged, and shall produce to him the Indenture by which such Apprentice is bound, and the Assignment or Assignments thereof (if any); and the Name of such Apprentice, with the Date of the Indenture and of the Assignment or Assignments thereof (if any), and the Name of the Port or Ports at which the same have been registered, shall be entered on the Agreement; and for any Default in obeying the Provisions of this Section the Master shall for each Offence incur a Penalty not exceeding Five Pounds.

*Engagement of Seamen.**Engagement of Seamen.*

Persons licensed to procure Seamen.

146. The Board of Trade may grant to such Persons as it thinks fit Licences to engage or supply Seamen or Apprentices for Merchant Ships in the United Kingdom, to continue for such Periods, to be upon such Terms, and to be revocable upon such Conditions, as such Board thinks proper.

Penalties : for supplying Seamen without Licence;

147. The following Offences shall be punishable as herein-after mentioned ; (that is to say,)

for employing unlicensed Persons;

(1.) If any Person not licensed as aforesaid, other than the Owner or Master or a Mate of the Ship, or some Person who is *bond fide* the Servant and in the constant Employ of the Owner, or a Shipping Master duly appointed as aforesaid, engages or supplies any Seaman or Apprentice to be entered on board any Ship in the United Kingdom, he shall for each Seaman or Apprentice so engaged or supplied incur a Penalty not exceeding Twenty Pounds :

(2.) If any Person employs any unlicensed Person, other than Persons so excepted as aforesaid, for the Purpose of engaging or supplying any Seaman or Apprentice to be entered on board any Ship in the United Kingdom, he shall for each Seaman or Apprentice so engaged or supplied incur a Penalty not exceeding Twenty Pounds, and if licensed shall in addition forfeit his Licence :

for receiving Seamen illegally supplied :

(3.) If any Person knowingly receives or accepts to be entered on board any Ship any Seaman or Apprentice who has been engaged or supplied contrary to the Provisions of this Act, he shall for every Seaman or Apprentice so engaged or supplied incur a Penalty not exceeding Twenty Pounds.

For receiving Remuneration from Seamen for shipping them.

148. If any Person demands or receives, either directly or indirectly, from any Seaman or Apprentice, or from any Person seeking Employment as a Seaman or Apprentice, or from any Person on his Behalf, any Remuneration whatever, other than the Fees hereby authorized, for providing him with Employment, he shall for every such Offence incur a Penalty not exceeding Five Pounds.

Agreements to be made with Seamen, containing certain Particulars.

149. 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 with every Seaman whom he carries to Sea from any Port in the United Kingdom as One of his Crew in the Manner herein-after mentioned; and every such Agreement shall be in a Form sanctioned 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 any Seaman signs the same, and shall contain the following Particulars as Terms thereof ; (that is to say,)

(1.) The Nature, and, as far as practicable, the Duration of the intended Voyage or Engagement :

(2.) The Number and Description of the Crew, specifying how many are engaged as Sailors :

(3.) The Time at which each Seaman is to be on board or to begin Work :

(4.) The Capacity in which each Seaman is to serve :

(5.) The Amount of Wages which each Seaman is to receive :

(6.) A Scale of the Provisions which are to be furnished to each Seaman :

(7.) Any Regulations as to Conduct on board, and as to Fines, short Allowance of Provisions, or other lawful Punishments for Misconduct, which have been sanctioned by the Board of Trade as Regulations proper to be adopted, and which the Parties agree to adopt :

And every such Agreement shall be so framed as to admit of Stipulations, to be adopted at the Will of the Master and Seaman in each Case, as to Advance and Allotment of Wages, and may contain any other Stipulations which are not contrary to Law : Provided that if the Master of any Ship belonging to any *British* Possession has an Agreement with his Crew made in due Form according to the Law of the Possession to which such Ship belongs or in which her Crew were engaged, and engages single Seamen in the United Kingdom, such Seamen may sign the Agreement so made, and it shall not be necessary for them to sign an Agreement in the Form sanctioned by the Board of Trade.

Proviso as to Forms for Colonial Ships.

*Merchant Shipping (Part III. Masters and Seamen).**Engagement of Seamen.*

150. In the Case of all Foreign-going Ships, in whatever Part of Her Majesty's Dominions the same are registered, the following Rules shall be observed with respect to Agreements; (that is to say,)

- (1.) Every Agreement made in the United Kingdom (except in such Cases of Agreements with Substitutes as are herein-after specially provided for) shall be signed by each Seaman in the Presence of a Shipping Master :
- (2.) Such Shipping Master 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 Shipping Master, and the other Part 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, and shall be delivered to the Master :
- (4.) In the Case of Substitutes engaged in the Place of Seamen who have duly signed the Agreement, and whose Services are lost within Twenty-four Hours of the Ship's putting to Sea by Death, Desertion, or other unforeseen Cause, the Engagement shall, when practicable, be made before some Shipping Master duly appointed in the Manner herein-before specified ; and whenever such last-mentioned Engagement cannot be so made, 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 Seamen ; and the Seamen shall thereupon sign the same in the Presence of a Witness, who shall attest their Signatures.

Rules with respect to Agreements in the Case of Foreign-going Ships.

To be in Duplicate;

Provision for Substitutes.

151. In the Case of Foreign-going Ships making Voyages averaging less than Six Months in Duration, running Agreements with the Crew may be made to extend over Two or more Voyages, so that no such Agreement shall extend beyond the next following Thirtieth Day of *June* or Thirty-first Day of *December* or the First Arrival of the Ship at her Port of Destination in the United Kingdom after such Date, or the Discharge of Cargo consequent upon such Arrival ; and every Person entering into such Agreement, whether engaged upon the First Commencement thereof or otherwise, shall enter into and sign the same in the Manner hereby required for other Foreign-going Ships ; and every Person engaged thereunder, if discharged in the United Kingdom, shall be discharged in the Manner hereby required for the Discharge of Seamen belonging to other Foreign-going Ships.

Foreign-going Ships making short Voyages may have running Agreements.

152. The Master of every Foreign-going Ship for which such a running Agreement as aforesaid is made shall, upon every Return to any Port in the United Kingdom before the final Termination of the Agreement, discharge or engage before the Shipping Master at such Port any Seaman whom he is required by Law so to discharge or engage, and shall upon every such Return indorse on the Agreement a Statement (as the Case may be) either that no such Discharges or Engagements have been made or are intended to be made before the Ship again leaves Port, or that all such Discharges or Engagements have been duly made as herein-before required, and shall deliver the Agreement so indorsed to the Shipping Master ; and any Master who wilfully makes a false Statement in such Indorsement shall incur a Penalty not exceeding Twenty Pounds ; and the Shipping Master shall also sign an Indorsement on the Agreement to the Effect that the Provisions of this Act relating to such Agreement have been complied with, and shall re-deliver the Agreement so indorsed to the Master.

Engagement and Discharge of Seamen in the meantime.

153. In Cases in which such running Agreements are made, the Duplicate Agreement retained by the Shipping Master upon the First Engagement of the Crew shall either be transmitted to the Registrar General of Seamen immediately, or be kept by the Shipping Master until the Expiration of the Agreement, as the Board of Trade directs.

Duplicates of running Agreements, how to be dealt with.

154. For the Purpose of determining the Fees to be paid upon the Engagement and Discharge of Seamen belonging to Foreign-going Ships which have running Agreements as aforesaid, the Crew shall be considered to be engaged when the Agreement is first signed, and to be discharged when the Agreement finally terminates, and all intermediate Engagements and Discharges shall be considered to be Engagements and Discharges of single Seamen.

Fees to be paid on such running Agreements.

155. In the Case of Home Trade Ships, Crews or single Seamen may, if the Master thinks fit, be engaged before a Shipping Master in the Manner herein-before directed with respect to Foreign-going Ships ; and in every Case in which the Engagement is not so made, 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 each Seaman, and the Seaman shall thereupon sign the same in the Presence of a Witness, who shall attest his Signature.

In Home Trade Ships Agreement to be entered into before a Shipping Master, &c.

156. In Cases where several Home Trade Ships belong to the same Owner, the Agreement with the Seamen may, notwithstanding anything herein contained, be made by the Owner instead of by the Master, and the Seamen may be engaged to serve in any Two or more of such Ships, provided that the Names of the Ships and the Nature of the Service are specified in the Agreement ; but with the foregoing Exception all Provisions herein contained which relate to ordinary Agreements for Home Trade Ships shall be applicable to Agreements made in pursuance of this Section.

Special Agreements for Home Trade Ships belonging to same Owners.

157. If in any Case a Master carries any Seaman to Sea without entering into an Agreement with him in the Form and Manner and at the Place and Time hereby in such Case required, the Master in

Penalty for shipping Seamen without

*Engagement of Seamen.**Merchant Shipping (Part III. Masters and Seamen).*

Agreement duly executed.

Changes in Crew to be reported.

Seamen engaged in the Colonies to be shipped before some Shipping Master or Officer of Customs.

Seamen engaged in Foreign Ports to be shipped with the Sanction and in the Presence of the Consul.

Rules as to Production of Agreements and Certificates of Masters and Mates of Foreign-going Ships.

the Case of a Foreign-going Ship, and the Master or Owner in the Case of a Home Trade Ship, shall for each such Offence incur a Penalty not exceeding Five Pounds.

158. The Master of every Foreign-going Ship of which the Crew has been engaged before a Shipping Master shall before finally leaving the United Kingdom sign and send to the nearest Shipping Master a full and accurate Statement in a Form sanctioned by the Board of Trade of every Change which takes place in his Crew before finally leaving the United Kingdom, and in default shall for each Offence incur a Penalty not exceeding Five Pounds; and such Statement shall be admissible in Evidence, subject to all just Exceptions.

159. Every Master of a Ship who, if such Ship is registered in the United Kingdom engages any Seaman in any *British* Possession, or if such Ship belongs to any *British* Possession engages any Seaman in any *British* Possession other than that to which such Ship belongs, shall, if there is at the Place where such Seaman is engaged any official Shipping Master or other Officer duly appointed for the Purpose of shipping Seamen, engage such Seaman before such Shipping Master, and if there is no such Shipping Master or Officer, then before some Officer of Customs; and the same Rules, Qualifications, and Penalties as are herein-before specified with respect to the Engagement of Seamen before Shipping Masters in the United Kingdom shall apply to such Engagements in a *British* Possession; and upon every such Engagement such Shipping Master or Officer as aforesaid shall indorse upon the Agreement an Attestation to the Effect that the same has been signed in his Presence, and otherwise made as hereby required; and if in any Case such Attestation is not made, the Burden of proving that the Seaman was duly engaged as hereby required shall lie upon the Master.

160. Every Master of a *British* Ship who engages any Seaman at any Place out of Her Majesty's Dominions in which there is a *British* Consular Officer shall, before carrying such Seaman to Sea, procure the Sanction of such Officer, and shall engage such Seaman before such Officer; and the same Rules as are herein-before contained with respect to the Engagement of Seamen before Shipping Masters in the United Kingdom shall apply to such Engagements made before Consular Officers; and upon every such Engagement the Consular Officer shall indorse upon the Agreement his Sanction thereof, and an Attestation to the Effect that the same has been signed in his Presence, and otherwise made as hereby required; and every Master who engages any Seaman in any Place in which there is a Consular Officer, otherwise than as herein-before required, shall incur a Penalty not exceeding Twenty Pounds; and if in any Case the Indorsement and Attestation hereby required is not made upon the Agreement, the Burden of proving the Engagement to have been made as herein-before required shall lie upon the Master.

161. The following Rules shall be observed with respect to the Production of Agreements and Certificates of Competency or Service for Foreign-going Ships; (that is to say,)

- (1.) The Master of every Foreign-going Ship shall, on signing the Agreement with his Crew, produce to the Shipping Master before whom the same is signed the Certificates of Competency or Service which the said Master and his First and Second Mate or Only Mate, as the Case may be, are hereby required to possess; and upon such Production being duly made, and the Agreement being duly executed as hereby required, the Shipping Master shall sign and give to the Master a Certificate to that Effect:
- (2.) In the Case of running Agreements for Foreign-going Ships the Shipping Master shall, before the Second and every subsequent Voyage made after the First Commencement of the Agreement, sign and give to the Master, on his complying with the Provisions herein contained with respect to such Agreements, and producing to the Shipping Master the Certificate of Competency or Service of any First, Second, or only Mate then first engaged by him, a Certificate to that Effect:
- (3.) The Master of every Foreign-going Ship shall, before proceeding to Sea, produce the Certificate so to be given to him by the Shipping Master as aforesaid to the Collector or Comptroller of Customs, and no Officer of Customs shall clear any such Ship Outwards without such Production; and if any such Ship attempts to go to Sea without a Clearance, any such Officer may detain her until such Certificate as aforesaid is produced:
- (4.) 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 such Agreement to a Shipping Master at the Place; and such Shipping Master shall thereupon give to the Master a Certificate of such Delivery; and no Officer of Customs shall clear any Foreign-going Ship Inwards without the Production of such Certificate:

And if the Master of any Foreign-going Ship fails to deliver the Agreement to a Shipping Master at the Time and in the Manner hereby directed, he shall for every Default incur a Penalty not exceeding Five Pounds.

162. The following Rules shall be observed with respect to the Production of Agreements and Certificates of Competency or Service for Home Trade Ships; (that is to say,)

- (1.) In the Case of Home Trade Ships of more than Eighty Tons Burden, no Agreement shall extend beyond the next following Thirtieth Day of *June* or Thirty-first Day of *December*, or the First Arrival

Rules as to production of Agreements

*Merchant Shipping (Part III. Masters and Seamen).**Engagement of Seamen.*

- Arrival of the Ship at her final Port of Destination in the United Kingdom after such Date, or the Discharge of Cargo consequent upon such Arrival :
- (2.) The Master or Owner of every such Ship shall, within Twenty-one Days after the Thirtieth Day of June and the Thirty-first Day of December in every Year, transmit or deliver to some Shipping Master in the United Kingdom every Agreement made within the Six Calendar Months next preceding such Days respectively, and shall also in the Case of Home Trade Passenger Ships produce to the Shipping Master the Certificates of Competency or Service which the said Master, and his First or Only Mate, as the Case may be, are hereby required to possess :
- (3.) The Shipping Master shall thereupon give to the Master or Owner a Certificate of such Delivery and Production ; and no Officer of Customs shall grant a Clearance or Transire for any such Ship as last aforesaid without the Production of such Certificate ; and if any such Ship attempts to ply or go to Sea without such Clearance or Transire, any such Officer may detain her until the said Certificate is produced :

and Certificates for Home Trade Ships.

And if the Agreement for any Home Trade Ship is not delivered or transmitted by the Master or Owner to a Shipping Master at the Time and in the Manner hereby directed, such Master or Owner shall for every Default incur a Penalty not exceeding Five Pounds.

163. Every Erasure, Interlineation, or Alteration in any such Agreement with Seamen as is required by the Third Part of this Act (except Additions so made as herein-before directed for shipping Substitutes or Persons engaged subsequently to 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 such Erasure, Interlineation, or Alteration by the written Attestation (if made in Her Majesty's Dominions) of some Shipping Master, Justice, Officer of Customs, or other public Functionary, or (if made out of Her Majesty's Dominions) of a British Consular Officer, or, where there is no such Officer, of Two respectable British Merchants.

Alterations to be void unless attested to have been made with the Consent of all Parties.

164. Every Person who fraudulently alters, assists in fraudulently altering, or procures to be fraudulently altered, or makes, or assists in making, or procures to be made, any false Entry in, or delivers, assists in delivering, or procures to be delivered, a false Copy of any Agreement, shall for each such Offence be deemed guilty of a Misdemeanor.

Penalty for falsifying Agreement.

165. Any Seaman may bring forward Evidence to prove the Contents of any Agreement or otherwise to support his Case, without producing or giving Notice to produce the Agreement or any Copy thereof.

Production of Agreement.

166. The Master shall at the Commencement of every Voyage or Engagement cause a legible Copy of the Agreement (omitting the Signatures) to be placed or posted up in such Part of the Ship as to be accessible to the Crew, and in default shall for each Offence incur a Penalty not exceeding Five Pounds.

Copy of Agreement accessible to Crew.

167. Any Seaman who has signed an Agreement, and is afterwards discharged before the Commencement of the Voyage, or before One Month's Wages are earned, without Fault on his Part justifying such Discharge and without his Consent, shall be entitled to receive from the Master or Owner, in addition to any Wages he may have earned, due Compensation for the Damage thereby caused to him, not exceeding One Month's Wages, and may, on adducing such Evidence as the Court hearing the Case deems satisfactory of his having been so improperly discharged as aforesaid, recover such Compensation as if it were Wages duly earned.

Seamen discharged before Voyage to have Compensation.

*Allotment of Wages.**Allotment of Wages.*

168. All Stipulations for the Allotment of any Part of the Wages of a Seaman during his Absence which are made at the Commencement of the Voyage shall be inserted in the Agreement, and shall state the Amounts and Times of the Payments to be made ; and all Allotment Notes shall be in Forms sanctioned by the Board of Trade.

Regulations as to Allotment Notes.

169. The Wife, or the Father or Mother, or the Grandfather or Grandmother, or any Child or Grandchild, or any Brother or Sister of any Seaman in whose Favour an Allotment Note of Part of the Wages of such Seaman is made, may, unless the Seaman is shown in manner herein-after mentioned to have forfeited or ceased to be entitled to the Wages out of which the Allotment is to be paid, and subject, as to the Wife, to the Provision herein-after contained, sue for and recover the Sums allotted by the Note when and as the same are made payable, with Costs, from the Owner or any Agent who has authorized the drawing of the Note, either in the County Court or in the summary Manner in which Seamen are by this Act enabled to sue for and recover Wages not exceeding Fifty Pounds ; and in any such Proceeding it shall be sufficient for the Claimant to prove that he or she 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 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 by a duly certified Copy of some Entry in the official Log Book to the Effect that he has left the Ship, or by a credible Letter from the Master of the Ship to the same Effect, or by such other Evidence, of whatever Description, as the Court in its absolute Discretion considers sufficient to show satisfactorily that the Seaman has ceased to be entitled to the Wages out of which the Allotment is to be paid : Provided that the Wife of any Seaman

Allotment Notes may be sued on summarily by certain Persons and under certain Conditions.

Merchant Shipping (Part III. Masters and Seamen).

who deserts her Children, or so misconducts herself as to be undeserving of Support from her Husband, shall thereupon forfeit all Right to further Payments of any Allotment of his Wages which has been made in her Favour.

Discharge and Payment of Wages.

Discharge from Foreign-going Ships to be made before Shipping Master.

Master to deliver Account of Wages.

Masters to give Seamen Certificates of Discharge, and return Certificates of Competency, &c. to Mates.

Shipping Master may decide Questions which Parties refer to him.

Master and others to produce Ship's Papers to Shipping Masters, and give Evidence.

Settlement of Wages.

Release to be signed before and attested by the Shipping Master; to be Discharge; and to be Evidence.

No other Receipt to be a Discharge.

Voucher to be given to Master, and to be Evidence.

Discharge and Payment of Wages.

170. In the Case of all *British* Foreign-going Ships, in whatever Part of Her Majesty's Dominions the same are registered, all Seamen discharged in the United Kingdom shall be discharged and receive their Wages in the Presence of a Shipping Master duly appointed under this Act, except in Cases where some competent Court otherwise directs; and any Master or Owner of any such Ship who discharges any Seaman belonging thereto, or, except as aforesaid, pays his Wages within the United Kingdom in any other Manner, shall incur a Penalty not exceeding Ten Pounds; and in the Case of Home Trade Ships Seamen may, if the Owner or Master so desires, be discharged and receive their Wages in like Manner.

171. Every Master shall, not less than Twenty-four Hours before paying off or discharging any Seaman, deliver to him, or, if he is to be discharged before a Shipping Master, to such Shipping Master, a full and true Account in a Form sanctioned by the Board of Trade of his Wages and of all Deductions to be made therefrom on any Account whatever, and in default shall for each Offence incur a Penalty not exceeding Five Pounds; and no Deduction from the Wages of any Seaman (except in respect of any Matter happening after such Delivery) shall be allowed unless it is included in the Account so delivered; and the Master shall during the Voyage enter the various Matters in respect of which such 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 such 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 such Payments.

172. Upon the Discharge of any Seaman, or upon Payment of his Wages, the Master shall sign and give him a Certificate of his Discharge, in a Form sanctioned by the Board of Trade, specifying the Period of his Service and the Time and Place of his Discharge; and if any Master fails to sign and give to any such Seaman such Certificate of Discharge he shall for each such Offence incur a Penalty not exceeding Ten Pounds; and the Master shall also, upon the Discharge of every Certificated Mate whose Certificate of Competency or Service has been delivered to and retained by him, return such Certificate, and shall in default incur a Penalty not exceeding Twenty Pounds.

173. Every Shipping Master shall hear and decide any Question whatever between a Master or Owner and any of his Crew which both Parties agree in Writing to submit to him; and every Award so made by him shall be binding on both Parties, and shall in any legal Proceeding which may be taken in the Matter before any Court of Justice be deemed to be conclusive as to the Rights of the Parties; and no such Submission or Award shall require a Stamp; and any Document purporting to be such Submission or Award shall be *prima facie* Evidence thereof.

174. In any Proceeding relating to the Wages, Claims, or Discharge of any Seaman carried on before any Shipping Master under the Provisions of this Act, such Shipping Master may call upon the Owner or his Agent, or upon the Master or any Mate or other Member of the Crew, to produce any Log Books, Papers, or other Documents in their respective Possession or Power relating to any Matter in question in such Proceeding, and may call before him and examine any of such Persons being then at or near the Place on any such Matter; and every Owner, Agent, Master, Mate, or other Member of the Crew who when called upon by the Shipping Master does not produce any such Paper or Document as aforesaid, if in his Possession or Power, or does not appear and give Evidence, shall, unless he shows some reasonable Excuse for such Default, for each such Offence incur a Penalty not exceeding Five Pounds.

175. The following Rules shall be observed with respect to the Settlement of Wages; (that is to say,)

- (1.) Upon the Completion before a Shipping Master of any Discharge and Settlement, the Master or Owner and each Seaman shall respectively in the Presence of the Shipping Master sign in a Form sanctioned by the Board of Trade a mutual Release of all Claims in respect of the past Voyage or Engagement, and the Shipping Master shall also sign and attest it, and shall retain and transmit it as herein directed:
- (2.) Such 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.) A Copy of such Release certified under the Hand of such Shipping Master to be a true Copy shall be given by him to any Party thereto requiring the same; and such Copy shall be receivable in Evidence upon any future Question touching such Claims as aforesaid, and shall have all the Effect of the Original of which it purports to be a Copy:
- (4.) In Cases in which Discharge and Settlement before a Shipping Master are hereby required, no Payment, Receipt, Settlement, or Discharge otherwise made shall operate or be admitted as Evidence of the Release or Satisfaction of any Claim:
- (5.) Upon any Payment being made by a Master before a Shipping Master, the Shipping Master shall, if required, sign and give to such Master a Statement of the whole Amount so paid; and such Statement shall as between the Master and his Employer be received as Evidence that he has made the Payments therein mentioned.

176. Upon

Merchant Shipping (Part III. Masters and Seamen).

176. Upon every Discharge effected before a Shipping Master the Master shall make and sign in a Form sanctioned by the Board of Trade a Report of the Conduct, Character, and Qualifications of the Persons discharged, or may state in a Column to be left for that Purpose in the said Form that he declines to give any Opinion upon such Particulars or upon any of them; and the Shipping Master shall transmit the same to the Registrar General of Seamen, or to such other Person as the Board of Trade directs, to be recorded, and shall, if desired so to do by any Seaman, give to him or indorse on his Certificate of Discharge a Copy of so much of such Report as concerns him; and every Person who makes, assists in making, or procures to be made any false Certificate or Report of the Service, Qualifications, Conduct, or Character of any Seaman, knowing the same to be false, or who forges, assists in forging, or procures to be forged, or fraudulently alters, assists in fraudulently altering, or procures to be fraudulently altered, any such Certificate or Report, or who fraudulently makes use of any Certificate or Report or of any Copy of any Certificate or Report which is forged or altered or does not belong to him, shall for each such Offence be deemed guilty of a Misdemeanor.

Discharge and Payment of Wages.

Master to make Reports of Character.

Remittance of Wages and Savings Banks for Seamen.

177. Facilities shall, if the Board of Trade so directs, be given for remitting the Wages and other Monies of Seamen and Apprentices to their Relatives or other Persons by means of Money Orders issued by Shipping Masters; and the Board of Trade may make Regulations concerning such Orders, and the Persons by or to whom, and the Mode and Time in and at which, the same are to be paid, and may from Time to Time repeal or alter any such Regulations; and all such Regulations, so long as they are in force, shall be binding upon all Persons interested or claiming to be interested in such Orders, as well as upon the Officers employed in issuing or paying the same; and no legal Proceeding shall be instituted against the Board of Trade, or against any Shipping Master or other public Officer employed about such Orders, on account of any such Regulations, 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 such Money Order, unless such Refusal, Neglect, or Omission arise from Fraud or wilful Misbehaviour on the Part of the Person against whom Proceedings are instituted.

Remittance of Wages and Savings Banks for Seamen.

Facilities may be given for remitting Seamen's Wages.

178. The Board of Trade may, in any Case in which it thinks fit so to do, cause the Amount of any such Money Order as aforesaid to be paid to the Person to whom or in whose Favour the same may have been granted, or to his personal Representatives, Legatees, or next of Kin, notwithstanding that such Order may not be in his or their Possession; and in all such Cases from and after such Payment the Board of Trade and every Shipping Master or other Officer of the Board of Trade shall be freed from all Liability in respect of such Order.

Power to pay when Order is lost.

179. Every Shipping Master or other public Officer who grants or issues any Money Order with a fraudulent Intent shall in *England* or *Ireland* be deemed guilty of Felony, and in *Scotland* of a high Crime and Offence, and shall be liable to be kept in Penal Servitude for a Term not exceeding Four Years.

Penalty for issuing Money Orders with fraudulent Intent.

180. The Commissioners for the Reduction of the National Debt, or the Comptroller General acting under them, may, on the Application and Recommendation of the Board of Trade, establish Savings Banks at such Ports and Places within the United Kingdom, either in the Shipping Offices established in such Ports or elsewhere, as may appear to be expedient, and may appoint Treasurers to receive from or on account of Seamen, or the Wives and Families of Seamen, desirous to become Depositors in such Savings Banks, Deposits to an Amount not exceeding One hundred and fifty Pounds in the whole in respect of any One Account, under such Regulations as may be prescribed by the said Commissioners or Comptroller General; and such Regulations shall be binding on all such Treasurers and Depositors; and the said Commissioners may remove such Treasurers, and appoint others in their Place; and all the Provisions of the Acts now in force relating to Savings Banks, except so far as relates to the annual Amount of Deposit, shall apply to all Savings Banks which may be established under the Authority of this Act, and to such Treasurers and Depositors as aforesaid.

Savings Banks for Seamen may be established.

Legal Rights to Wages.

181. A Seaman's Right to Wages and Provisions shall be taken to commence 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.

Legal Rights to Wages.

Right to Wages, &c. when to begin.

182. No Seaman shall by any Agreement forfeit his Lien upon the Ship, or be deprived of any Remedy for the Recovery of his Wages to which he would otherwise have been entitled; and every Stipulation in any Agreement inconsistent with any Provision of this Act, and every Stipulation by which any Seaman consents to abandon his Right to Wages in the Case of the Loss of the Ship, or to abandon any Right which he may have or obtain in the Nature of Salvage, shall be wholly inoperative.

Seamen not to give up certain Rights.

183. No Right to Wages shall be dependent 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 claim and recover the same, notwithstanding that Freight has not been earned; but in all

Wages not to be dependent on the earning of Freight.

Cases

*Merchant Shipping (Part III. Masters and Seamen).**Legal Rights to Wages.*

Payment of Wages in case of Death.

Rights to Wages in case of Termination of Service by Wreck or Illness.

Wages not to accrue during Refusal to work or Imprisonment. Period within which Wages are to be paid.

Cases of Wreck or Loss of the Ship, Proof that he has not exerted himself to the utmost to save the Ship, Cargo, and Stores, shall bar his Claim.

184. If any Seaman or Apprentice to whom Wages are due under the last preceding Enactment dies before the same are paid, they shall be paid and applied in the Manner herein-after specified with regard to the Wages of Seamen who die during a Voyage.

185. In Cases where the Service of any Seaman terminates before the Period contemplated in the Agreement by reason of the Wreck or Loss of the Ship, and also in Cases where such Service terminates before such Period as aforesaid by reason of his being left on shore at any Place abroad under a Certificate of his Unfitness or Inability to proceed on the Voyage granted as herein-after mentioned, such Seaman shall be entitled to Wages for the Time of Service prior to such Termination as aforesaid, but not for any further Period.

186. No Seaman or Apprentice shall be entitled to Wages for any Period during which he unlawfully refuses or neglects to work when required, whether before or after the Time fixed by the Agreement for his beginning 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.

187. The Master or Owner of every Ship shall pay to every Seaman his Wages within the respective Periods following; (that is to say,) in the Case of a Home Trade Ship within Two Days after the Termination of the Agreement or at the Time when such Seaman is discharged, whichever first happens; and in the Case of all other Ships (except Ships employed in the Southern Whale Fishery or on other Voyages for which Seamen by the Terms of their Agreement are wholly compensated by Shares in the Profits of the Adventure) within Three Days after the Cargo has been delivered, or within Five Days after the Seaman's Discharge, whichever first happens; and in all Cases the Seaman shall at the Time of his Discharge be entitled to be paid on account a Sum equal to One Fourth Part of the Balance due to him; and every Master or Owner who neglects or refuses to make Payment in manner aforesaid, without sufficient Cause, shall pay to the Seaman a Sum not exceeding the Amount of Two Days Pay for each of the Days, not exceeding Ten Days, during which Payment is delayed beyond the respective Periods aforesaid, and such Sum shall be recoverable as Wages.

Mode of recovering Wages.

Seamen may sue for Wages in a summary Manner.

Restrictions on Suits for Wages in Superior Courts.

No Seaman to sue for Wages abroad, except in Cases of Discharge or of Danger to Life.

Master to have same Remedies for Wages as Seamen.

Relief to Seamen's Families out of Poor Rates.

Relief to Seamen's Families

Mode of recovering Wages.

188. Any Seaman or Apprentice, or any Person duly authorized on his Behalf, may sue in a summary Manner before any Two Justices of the Peace acting in or near to the Place at which the Service has terminated, or at which the Seaman or Apprentice has been discharged, or at which any Person upon whom the Claim is made is or resides, or in *Scotland* either before any such Justices or before the Sheriff of the County within which any such Place is situated, for any Amount of Wages due to such Seaman or Apprentice not exceeding Fifty Pounds over and above the Costs of any Proceeding for the Recovery thereof, so soon as the same becomes payable; and every Order made by such Justices or Sheriff in the Matter shall be final.

189. No Suit or Proceeding for the Recovery of Wages under the Sum of Fifty Pounds shall be instituted by or on behalf of any Seaman or Apprentice in any Court of Admiralty or Vice-Admiralty, or in the Court of Session in *Scotland*, or in any Superior Court of Record in Her Majesty's Dominions, unless the Owner of the Ship is adjudged bankrupt or declared insolvent, or unless the Ship is under Arrest or is sold by the Authority of any such Court as aforesaid, or unless any Justices acting under the Authority of this Act refer the Case to be adjudged by such Court, or unless neither the Owner nor Master is or resides within Twenty Miles of the Place where the Seaman or Apprentice is discharged or put ashore.

190. No Seaman who is engaged for a Voyage or Engagement which is to terminate in the United Kingdom shall be entitled to sue in any Court abroad for Wages, unless he is discharged with such Sanction as herein required and with the written Consent of the Master, or proves such Ill-usage on the Part of the Master or by his Authority as to warrant reasonable Apprehension of Danger to the Life of such Seaman if he were to remain on board; but if any 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 Enactment 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.

191. Every Master of a Ship shall, so far as the Case permits, have the same Rights, Liens, and Remedies for the Recovery of his Wages which by this Act or by any Law or Custom any Seaman, not being a Master, has for the Recovery of his Wages; and if in any Proceeding in any Court of Admiralty or Vice-Admiralty touching the Claim of a Master to Wages any Right of Set-off or Counter-claim is set up, it shall be lawful for such Court to enter into and adjudicate upon all Questions and to settle all Accounts then arising or outstanding and unsettled between the Parties to the Proceeding, and to direct Payment of any Balance which is found to be due.

Relief to Seamen's Families out of Poor Rates.

192. Whenever during the Absence of any Seaman on a Voyage his Wife, Children, and Stop-children, or any of them, become or becomes chargeable to any Union or Parish in the United Kingdom, such Union

Merchant Shipping (Part III. Masters and Seamen).

Union or Parish shall be entitled to be reimbursed out of the Wages of such Seaman earned during such Voyage any Sums properly expended during his Absence in the Maintenance of his said Relations, or any of them, so that such Sums do not exceed the following Proportions of his said Wages ; (that is to say,)

(1.) If only One of such Relations is chargeable, One Half of such Wages :

(2.) If Two or more of such Relations are chargeable, Two Thirds of such Wages :

But if during the Absence of the Seaman any Sums have been paid by the Owner to or on behalf of any such Relation as aforesaid, under an Allotment Note given by the Seaman in his, her, or their Favour, any such Claim for Reimbursement as aforesaid shall be limited to the Excess (if any) of the Proportion of the Wages herein-before mentioned over the Sums so paid.

193. For the Purpose of obtaining such Reimbursement as aforesaid, the Guardians of the Union or Parish, where the Relief of the Poor is administered by Guardians, and the Overseers of the Poor of any other Parish in *England*, and the Guardians or other Persons having the Authority of Guardians in any Union in *Ireland*, and the Inspector of the Poor 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 the 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 such Owner immediately on such Return to give to such Guardians, Overseers, Persons, or Inspector Notice in Writing of such Return; and such Owner, after receiving such Notice as aforesaid, shall be bound to retain the said Proportion of Wages, and to give Notice of the Seaman's Return accordingly, and shall likewise give to the Seaman Notice of the intended Claim; and the said Guardians, Overseers, Persons, or Inspector may upon the Seaman's Return apply in a summary Way in *England* or *Ireland* to any Two Justices having Jurisdiction in such Union or Parish as aforesaid, and in *Scotland* to the Sheriff of the County, for an Order for such Reimbursement as aforesaid; and such Justices or Sheriff may hear the Case, and may make an Order for such Reimbursement to the whole Extent aforesaid, or to such lesser Amount as they or he may under the Circumstances think fit; and the Owner shall pay to such Guardians, Overseers, Persons, or Inspector, out of the Seaman's Wages, the Amount so ordered to be paid by way of Reimbursement, and shall pay the Remainder of the said Wages to the Seaman; and if no such Order as aforesaid is obtained within the Period mentioned in the Notice so to be given to the Owner as aforesaid, the Proportion of Wages so to be retained by him as aforesaid shall immediately on the Expiration of such Period, and without Deduction, be payable to the Seaman.

to be chargeable on a certain Proportion of their Wages.

Notice to be given to Owner, and Charge to be enforced on the Return of the Seaman.

Wages and Effects of deceased Seamen.

194. Whenever any Seaman or Apprentice belonging to or sent home in any *British Ship*, whether a Foreign-going Ship or a Home Trade Ship, employed on a Voyage which is to terminate in the United Kingdom, dies during such Voyage, the Master shall take charge of all Money, Clothes, and Effects which he leaves on board, and shall, if he thinks fit, cause all or any of the said Clothes and Effects to be sold by Auction at the Mast or other Public Auction, and shall thereupon sign an Entry in the official Log Book containing the following Particulars; (that is to say,)

(1.) A Statement of the Amount of the Money and a Description of the Effects so left by the Deceased :

(2.) In case of a Sale, a Description of each Article sold, and the Sum received for each :

(3.) A Statement of the Sum due to the Deceased as Wages, and the total Amount of the Deductions (if any) to be made therefrom :

And shall cause such Entry to be attested by a Mate and by One of the Crew.

195. In the Cases provided for by the last preceding Section, the following Rules shall be observed ; (that is to say,)

(1.) If the Ship proceeds at once to any Port in the United Kingdom without touching on the Way at any Foreign Port, the Master shall within Forty-eight Hours after his Arrival deliver any such Effects as aforesaid remaining unsold, and pay any Money which he has taken charge of or received from such Sale as aforesaid, and also the Balance of Wages due to the Deceased, to the Shipping Master at the Port of Destination in the United Kingdom :

(2.) If the Ship touches and remains for Forty-eight Hours at some Foreign Port or at some Port in Her Majesty's Dominions abroad before coming to any Port in the United Kingdom, the Master shall report the Case to the *British Consular Officer* or Officer of Customs there, as the Case may be, and shall give to such Officer any Information he requires as to the Destination of the Ship and probable Length of the Voyage; and such Officer may thereupon, if he considers it expedient so to do, require the said Effects, Money, and Wages to be delivered and paid to him, and shall upon such Delivery and Payment give to the Master a Receipt, and the Master shall within Forty-eight Hours after his Arrival at his Port of Destination in the United Kingdom produce the same to the Shipping Master there; and such Consular Officer or Officer of Customs shall in such Case indorse and certify upon the Agreement with the Crew such Particulars with respect to such Delivery and Payment as the Board of Trade requires :

Wages and Effects of deceased Seamen.

Masters to take charge of or sell Effects of deceased Seamen which are on board, and enter the same and Wages due in the official Log.

Such Effects and Wages to be paid either to Consul or to Shipping Master, with full Accounts.

(3.) If

Merchant Shipping (Part III. Masters and Seamen).

*Wages and
Effects of de-
ceased Seamen.*

- (3.) If such Officer as aforesaid does not require such Payment and Delivery to be made to him, the Master shall take charge of the said Effects, Money, and Wages, and shall within Forty-eight Hours after his Arrival at his Port of Destination in the United Kingdom deliver and pay the same to the Shipping Master there :
- (4.) The Master shall in all Cases in which any Seaman or Apprentice dies during the Progress of a Voyage or Engagement give to the Board of Trade, or to such Officer or Shipping Master as aforesaid, an Account in such Form as they respectively require of the Effects, Money, and Wages so to be delivered and paid ; and no Deductions claimed in such Account shall be allowed unless verified, if there is any official Log Book, by such Entry therein as herein-before required, and also by such other Vouchers (if any) as may be reasonably required by the Board of Trade, or by the Officer or Shipping Master to whom the Account is rendered :
- (5.) Upon due Compliance with such of the Provisions of this Section as relate to Acts to be done at the Port of Destination in the United Kingdom, the Shipping Master shall grant to the Master a Certificate to that Effect, and no Officer of Customs shall clear Inwards any Foreign-going Ship without the Production of such Certificate.

*Penalties for
not taking
charge of,
remitting, or
accounting for
such Monies
and Effects.*

196. If any Master fails to take such Charge of the Money or other Effects of a Seaman or Apprentice dying during a Voyage, or to make such Entries in respect thereof, or to procure such Attestation to such Entries, or to make such Payment or Delivery of any Money, Wages, or Effects of any Seaman or Apprentice dying during a Voyage, or to give such Account in respect thereof as herein-before respectively directed, he shall be accountable for the Money, Wages, and Effects of the Seaman or Apprentice to the Board of Trade, and shall pay and deliver the same accordingly ; and such Master shall in addition for every such Offence incur a Penalty not exceeding treble the Value of the Money or Effects not accounted for, or, if such Value is not ascertained, not exceeding Fifty Pounds ; and if any such Money, Wages, or Effects are 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 Money and Wages and the Value of such Effects shall be recoverable from him accordingly ; and if he fails to account for and pay the same, he shall, in addition to his Liability for the said Money and Value, incur the same Penalty which is herein-before mentioned as incurred by the Master for the like Offence ; and all Money, Wages, and Effects of any Seaman or Apprentice dying during a Voyage shall be recoverable in the same Courts and by the same Modes of proceeding by which Seamen are hereby enabled to recover Wages due to them.

*Officers of
Customs and
Consuls to
take charge of
Effects left by
Seamen
abroad, and to
remit the same
and their
Wages, to
Board of
Trade.*

197. If any such Seaman or Apprentice as last aforesaid dies abroad at any Place either in or out of Her Majesty's Dominions leaving any Money or Effects not on board his Ship, the chief Officer of Customs or the *British* Consular Officer at or nearest to the Place, as the Case may be, shall claim and take charge of such Money and Effects ; and such Officer shall, if he thinks fit, sell all or any of such Effects, or any Effects of any deceased Seaman or Apprentice delivered to him under the Provisions herein-before contained ; and every such Officer shall, quarterly or at such other Times as the Board of Trade directs, remit to Her Majesty's Paymaster General all Monies belonging to or arising from the Sale of the Effects of or paid as the Wages of any deceased Seamen or Apprentices which have come to his Hands under the Provisions herein-before contained, and shall render such Accounts in respect thereof as the Board of Trade requires.

*Wages, &c. of
Seamen dying
at home to be
paid in certain
Cases to Board
of Trade.*

198. Whenever any Seaman or Apprentice dies in the United Kingdom, and is at the Time of his Death entitled to claim from the Master or Owner of any Ship in which he has served any unpaid Wages or Effects, such Master or Owner shall pay and deliver or account for the same to the Shipping Master at the Port where the Seaman or Apprentice was discharged or was to have been discharged, or to the Board of Trade, or as it directs.

*If less than
50l. Wages
and Property
of deceased
Seamen may
be paid over
without Pro-
bate or Ad-
ministration to
the Persons
entitled.*

199. If the Money and Effects of any deceased Seaman or Apprentice paid, delivered, or remitted to the Board of Trade or its Agents, including the Monies received for any Part of the said Effects which have been sold either before Delivery to the Board of Trade or by its Direction, do not exceed in Value the Sum of Fifty Pounds, then, subject to the Provisions herein-after contained, and to all such Deductions for Expenses incurred in respect of the Seaman or Apprentice or of his said Money and Effects as the said Board thinks proper to allow, the said Board may, if it thinks fit so to do, pay and deliver the said Money and Effects either to any Claimants who can prove themselves to the Satisfaction of the said Board either to be his Widow or Children, or to be entitled to the Effects of the Deceased under his Will (if any), or under the Statutes for the Distribution of the Effects of Intestates, or under any other Statute, or at Common Law, or to be entitled to procure Probate or take out Letters of Administration or Confirmation, although no Probate or Letters of Administration or Confirmation have been taken out, and shall be thereby discharged from all further Liability in respect of the Money and Effects so paid and delivered, or may, if it thinks fit so to do, require Probate or Letters of Administration or Confirmation to be taken out, and thereupon pay and deliver the said Money and Effects to the legal personal Representatives of the Deceased ; and all Claimants to whom such Money or Effects are so paid or delivered shall apply the same in due Course of Administration ; and if such Money and Effects exceed in Value the Sum of Fifty Pounds, then, subject to the Provisions herein-after contained and to Deduction for Expenses, the Board of Trade shall pay and deliver the same to the legal personal Representatives of the Deceased.

200. In

Merchant Shipping (Part III. Masters and Seamen).

200. In Cases where the deceased Seaman or Apprentice has left a Will, the Board of Trade shall have the following Powers; (that is to say,)

- (1.) It may in its Discretion refuse to pay or deliver any such Wages or Effects as aforesaid to any Person claiming to be entitled thereto under a Will made on board Ship, unless such Will is in Writing, and is signed or acknowledged by the Testator in the Presence of the Master or First or Only Mate of the Ship, and is attested by such Master or Mate :
- (2.) It may in its Discretion refuse to pay or deliver any such Wages or Effects as aforesaid to any Person not being related to the Testator by Blood or Marriage who claims to be entitled thereto under a Will made elsewhere than on board Ship, unless such Will is in Writing, and is signed or acknowledged by the Testator in the Presence of Two Witnesses, One of whom is some Shipping Master appointed under this Act, or some Minister or Officiating Minister or Curate of the Place in which the same is made, or, in a Place where there are no such Persons, some Justice of the Peace, or some *British* Consular Officer, or some Officer of Customs, and is attested by such Witnesses :

Mode of Payment under Wills made by Seamen.

Whenever any Claim made under a Will is rejected by the Board of Trade on account of the said Will not being made and attested as herein-before required, the Wages and Effects of the Deceased shall be dealt with as if no Will had been made.

201. The following Rules shall be observed with respect to Creditors of deceased Seamen and Apprentices; (that is to say,)

- (1.) No such Creditor shall be entitled to claim from the Board of Trade the Wages or Effects of any such Seaman or Apprentice or any Part thereof by virtue of Letters of Administration taken out by him, or by virtue of Confirmation in *Scotland* as Executor Creditor :
- (2.) No such Creditor shall be entitled by any Means whatever to Payment of his Debt out of such Wages and Effects, 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 such Death :
- (3.) Subject as aforesaid, the Steps to be taken for procuring Payment of such Debt shall be as follows (that is to say): Every Person making a Demand as Creditor shall deliver to the Board of Trade an Account in Writing in such Form as it requires, subscribed with his Name, stating the Particulars of his Demand and the Place of his Abode, and verified by his Declaration made before a Justice :
- (4.) If before such Demand is made any Claim to the Wages and Effects of the Deceased made by any Person interested therein as his Widow or Child, or under a Will or under the Statutes for the Distribution of the Effects of Intestates, or under any other Statute, or at Common Law, has been allowed, the Board of Trade shall give Notice to the Creditor of the Allowance of such Person's Claim, and the Creditor shall thereupon have the same Rights and Remedies against such Person as if he or she had received the said Wages and Effects as the legal personal Representative of the Deceased :
- (5.) If no Claim by any such Person has been allowed, the Board of Trade shall proceed to 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 such Means the Creditor duly 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 Assets in the Hands of the Board of Trade will extend for that Purpose, and such Payment shall discharge the Board of Trade from all further Liability in respect of the Money so paid; but if such Board is not so satisfied, or if such Books, Accounts, Vouchers, or Papers as aforesaid are not produced, and no sufficient Reason is assigned for not producing them, 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 Wages and Effects of the Deceased is made and substantiated as herein-before required by any Person interested therein as a Widow or Child, or under a Will, or under the Statutes for the Distribution of the Effects of Intestates, or under any other Statute, or at Common Law, the Board of Trade may pay and deliver the same to such Person; and thereupon the Creditor shall have the same Rights and Remedies against such Person as if he or she had received the same as the legal personal Representative of the Deceased.

Provision for Payment of just Claims by Creditors, and for preventing fraudulent Claims.

202. In Cases of Wages or Effects of deceased Seamen or Apprentices received by the Board of Trade to which no Claim is substantiated within Six Years after the Receipt thereof by such Board, it shall be in the absolute Discretion of such Board, if any subsequent Claim is made, either to allow or to refuse the same; and, subject to the Provision herein-after contained, the Board of Trade shall from Time to Time pay any Monies arising from the unclaimed Wages and Effects of deceased Seamen, which in the Opinion of such Board it is not necessary to retain for the Purpose of satisfying Claims, into the Receipt of Her Majesty's Exchequer in such Manner as the Treasury directs, and such Monies shall be carried to and form Part of the Consolidated Fund of the United Kingdom.

Mode of dealing with unclaimed Wages of deceased Seamen.

Merchant Shipping (Part III. Masters and Seamen).

Punishment for Forgery and false Representations in order to obtain Wages and Property of deceased Seamen.

Disposal of the Effects of Seamen discharged from the Navy.

Leaving Seamen abroad.

On Discharge of Seamen abroad, by Sale of Ship or otherwise, Certificates of Discharge to be given, and Seamen to be sent home at Expense of Owner.

Forcing Seamen on shore a Misdemeanor.

No Seamen to be discharged or left abroad without Certificate of some Functionary.

203. Every Person who, for the Purpose of obtaining, either for himself or for another, any Money or Effects of any deceased Seamen or Apprentice, forges, assists in forging, or procures to be forged, or fraudulently alters, assists in fraudulently altering, or procures to be fraudulently altered, any Document purporting to show or assist in showing a Right to such Wages or Effects, and every Person who for the Purpose aforesaid makes use of any such forged or altered Document as aforesaid, or who for the Purpose aforesaid gives or makes or procures to be given or made, or assists in giving or making or procuring to be given or made, any false Evidence or Representation, knowing the same to be false, shall be punishable with Penal Servitude for a Term not exceeding Four Years, or with Imprisonment with or without Hard Labour for any Period not exceeding Two Years, or if summarily prosecuted and convicted, by Imprisonment, with or without Hard Labour, for any Period not exceeding Six Months.

204. In the Case of Seamen invalided or discharged from any of Her Majesty's Ships, and sent home in Merchant Ships, any Monies or Effects belonging to them which are paid, remitted, or delivered to the Board of Trade, or its Agents, under the Provisions herein-before contained, shall be paid over and disposed of in such Manner as the Accountant General of Her Majesty's Navy directs.

Leaving Seamen abroad.

205. Whenever any *British Ship* is transferred or disposed of at any Place out of Her Majesty's Dominions, and any Seaman or Apprentice belonging thereto does not in the Presence of some *British Consular Officer*, or, if there is no such Consular Officer there, in the Presence of One or more respectable *British Merchants* residing at the Place, and not interested in the said Ship, signify his Consent in Writing to complete the Voyage if continued, and whenever the Service of any Seaman or Apprentice belonging to any *British Ship* terminates at any Place out of Her Majesty's Dominions, the Master shall give to each such Seaman or Apprentice a Certificate of Discharge in the Form sanctioned by the Board of Trade as aforesaid, and in the Case of any Certificated Mate whose Certificate he has retained shall return such Certificate to him, and shall also, besides paying the Wages to which such Seaman or Apprentice is entitled, either 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 such other Port in the United Kingdom as is agreed upon by him, or furnish the Means of sending him back to such Port, or provide him with a Passage home, or deposit with such Consular Officer or such Merchant or Merchants as aforesaid such a Sum of Money as is by such Officer or Merchants deemed sufficient to defray the Expenses of his Subsistence and Passage home; and such Consular Officer or Merchants shall indorse upon the Agreement of the Ship which the Seaman or Apprentice is leaving the Particulars of such Payment, Provision, or Deposit; and if the Master refuses or neglects to comply with the Requirements of this Section, such Expenses as last aforesaid, if defrayed by such Consular Officer or by any other Person, shall, unless such Seaman or Apprentice has been guilty of Barratry, be a Charge upon the Ship to which such Seaman or Apprentice belonged and upon the Owner for the Time being thereof, and may be recovered against such Owners, with Costs, at the Suit of the Consular Officer or other Person defraying such Expenses, or, in case the same has been allowed to the Consular Officer out of the Public Monies, as a Debt due to Her Majesty either by ordinary Process of Law, or in the Manner in which Seamen are hereby enabled to recover Wages; and such Expenses, if defrayed by the Seaman or Apprentice, shall be recoverable as Wages due to him.

206. If the Master or any other Person belonging to any *British Ship* wrongfully forces on shore and leaves behind, or otherwise wilfully and wrongfully leaves behind, in any Place, on shore or at Sea, in or out of Her Majesty's Dominions, any Seaman or Apprentice belonging to such Ship before the Completion of the Voyage for which such Person was engaged or the Return of the Ship to the United Kingdom, he shall for each such Offence be deemed guilty of a Misdemeanor.

207. If the Master of any *British Ship* does any of the following Things; (that is to say,)

- (1.) Discharges any Seaman or Apprentice in any Place situate in any *British Possession* abroad (except the Possession in which he was shipped), without previously obtaining the Sanction in Writing indorsed on the Agreement of some public Shipping Master or other Officer duly appointed by the local Government in that Behalf, or (in the Absence of any such Functionary) of the chief Officer of Customs resident at or near the Place where the Discharge takes place;
- (2.) Discharges any Seaman or Apprentice at any Place out of Her Majesty's Dominions without previously obtaining the Sanction so indorsed as aforesaid of the *British Consular Officer* there, or (in his Absence) of Two respectable Merchants resident there;
- (3.) Leaves behind any Seaman or Apprentice at any Place situate in any *British Possession* abroad on any Ground whatever, without previously obtaining a Certificate in Writing so indorsed as aforesaid from such Officer or Person as aforesaid, stating the Fact and the Cause thereof, whether such Cause be Unfitness or Inability to proceed to Sea, or Desertion or Disappearance;
- (4.) Leaves behind any Seaman or Apprentice at any Place out of Her Majesty's Dominions, on shore or at Sea, on any Ground whatever, without previously obtaining the Certificate indorsed in manner

Merchant Shipping (Part III. Masters and Seamen).

manner and to the Effect last aforesaid of the *British* Consular Officer there, or (in his Absence) of Two respectable Merchants, if there is any such at or near the Place where the Ship then is:

Leaving Seamen abroad.

He shall for each such Default be deemed guilty of a Misdemeanor; and the said Functionaries shall and the said Merchants may examine into the Grounds of such proposed Discharge, or into the Allegation of such Unfitness, Inability, Desertion, or Disappearance as aforesaid, in a summary Way, and may for that Purpose, if they think fit so to do, administer Oaths, and may either grant or refuse such Sanction or Certificate as appears to them to be just.

208. Upon the Trial of any Information, Indictment, or other Proceeding against any Person for discharging or leaving behind any Seaman or Apprentice, contrary to the Provisions of this Act, it shall lie upon such Person either to produce the Sanction or Certificate hereby required, or to prove that he had obtained the same previously to having discharged or left behind such Seaman or Apprentice, or that it was impracticable for him to obtain such Sanction or Certificate.

Proof of such Certificate to be upon Master.

209. Every Master of any *British* Ship who leaves any Seaman or Apprentice on shore at any Place abroad in or out of Her Majesty's Dominions, under a Certificate of his Unfitness or Inability to proceed on the Voyage, shall deliver to One of the Functionaries aforesaid or (in the Absence of such Functionaries) to the Merchants by whom such Certificate is signed, or, if there be but One respectable Merchant resident at such Place, to him, a full and true Account of the Wages due to such Seaman or Apprentice, such Account when delivered to a Consular Officer to be in Duplicate, and shall pay the same either in Money or by a Bill drawn upon the Owner; and in the Case of every Bill so drawn, such Functionary, Merchants or Merchant as aforesaid, shall by Indorsement certify thereon that the same is drawn for Money due on account of a Seaman's Wages, and shall also indorse the Amount for which such Bill is drawn, with such further Particulars in respect of the Case as the Board of Trade requires, upon the Agreement of the Ship; and every such Master as aforesaid who refuses or neglects to deliver a full Account of such Wages, and pay the Amount thereof in Money or by Bill, as herein-before required, shall for every such Offence or Default be liable, in addition to the Payment of the Wages, to a Penalty not exceeding Ten Pounds; and every such Master who delivers a false Account of such Wages shall for every such Offence, in addition to the Payment of the Wages, incur a Penalty not exceeding Twenty Pounds.

Wages to be paid when Seamen are left behind on Ground of Inability.

210. Every such Payment as last aforesaid, whether by Bill or in Money, shall, if made in any *British* Possession, be made to the Seaman or Apprentice himself, and, if made out of Her Majesty's Dominions, to the Consular Officer, who shall, if satisfied with the Account, indorse on One of the Duplicates thereof a Receipt for the Amount paid or Bill delivered, and shall return the same to the Master; and the Master shall, within Forty-eight Hours after his Return to his Port of Destination in the United Kingdom, deliver the same to the Shipping Master there; and the Consular Officer shall retain the other Duplicate of the said Account, and shall, if the Seaman or Apprentice subsequently obtains Employment at or otherwise quits the Port, deduct out of the Sum received by him as aforesaid any Expenses which have been incurred by him in respect of the Subsistence of the Seaman or Apprentice under the Provisions herein contained, except such as the Master or Owner of the Ship is hereby required to pay, and shall pay the Remainder to the Seaman or Apprentice, and shall also deliver to him an Account of the Sums so received and expended on his Behalf; and shall, if the Seaman or Apprentice dies before his Ship quits the Port, deal with the same in the Manner herein-after specified in that Behalf, and shall, if the Seaman or Apprentice is sent home at the public Expense under the Provisions herein contained, account for the Amount received to the Board of Trade; and such Amount shall, after deducting any Expenses which have been duly incurred in respect of such Seaman or Apprentice, except such as the Master or Owner of the Ship is hereby required to pay, be dealt with as Wages to which he is entitled, and shall be paid accordingly.

Such Wages to be treated as Money due to the Seamen, subject to Payment of Expense of their Subsistence and Passage home.

211. The Governors, Consular Officers, and other Officers of Her Majesty in Foreign Countries shall, and in Places where there are no such Governors or Officers any Two Resident *British* Merchants may, provide for the Subsistence of all Seamen or Apprentices, being Subjects of Her Majesty, who have been shipwrecked, discharged, or left behind at any Place abroad, whether from any Ship employed in the Merchant Service or from any of Her Majesty's Ships, or who have been engaged by any Person acting either as Principal or Agent to serve in any Ship belonging to any Foreign Power or to the Subject of any Foreign State, and who are in Distress in any Place abroad, until such Time as they are able to provide them with a Passage home, and for that Purpose shall cause such Seamen or Apprentices to be put on board some Ship belonging to any Subject of Her Majesty bound to any Port of the United Kingdom, or to the *British* Possession to which they belong, (as the Case requires,) which is in want of Men to make up its Complement, and in default of any such Ship shall provide them with a Passage home as soon as possible in some Ship belonging to a Subject of Her Majesty so bound as aforesaid, and shall indorse on the Agreement of any Ship on board of which any Seaman or Apprentice is so taken or sent the Name of every Person so sent on board thereof, with such Particulars concerning the Case as the Board of Trade requires, and shall be allowed for the Subsistence of any such Seaman or Apprentice such Sum *per Diem* as the Board of Trade from Time to Time appoints; and the Amount due in respect of such Allowance shall be paid out of any Monies applicable to the Relief of distressed *British* Seamen, and

Distressed Seamen found abroad may be relieved and sent home at the public Expense.

Merchant Shipping (Part III. Masters and Seamen).

*Leaving Seamen
abroad.*

Masters of
British Ships
compelled to
take them.

and granted by Parliament for the Purpose, on the Production of the Bills of the Disbursements, with the proper Vouchers.

212. The Master of every *British Ship* so bound as aforesaid shall receive and afford a Passage and Subsistence to all Seamen or Apprentices whom he is required to take on board his Ship under the Provisions herein-before contained, not exceeding One for every Fifty Tons Burden, and shall during the Passage provide every such Seaman or Apprentice with a proper Berth or Sleeping Place effectually protected against Sea and Weather; and on the Production of a Certificate signed by any Governor, Consular Officer, or Merchants by whose Directions any such Seaman or Apprentice was received on board, specifying the Number and Names of such Seamen or Apprentices, and the Time when each of them respectively was received on board, and on a Declaration made by such Person before a Justice, and verified by the Registrar General of Seamen, stating the Number of Days during which each Seaman or Apprentice received Subsistence and was provided for as aforesaid on board his Ship, and stating also the Number of Men and Boys forming the Complement of his Crew, and the Number of Seamen and Apprentices employed on board his Ship during such Time, and every Variation (if any) of such Number, such Person shall be entitled to be paid out of the said Monies applicable to the Relief of distressed *British Seamen*, in respect of the Subsistence and Passage of every Seaman or Apprentice so conveyed, subsisted, 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 from Time to Time appoints; and if any Person having Charge of any such Ship fails or refuses to receive on board his Ship, or to give a Passage home, or Subsistence to, or to provide for any such Seaman or Apprentice as aforesaid, contrary to the Provisions of this Act, he shall incur a Penalty not exceeding One hundred Pounds for each Seaman or Apprentice with respect to whom he makes such Default or Refusal.

Power to
sue for the
Amount ad-
vanced for
the Relief of
Seamen left
abroad.

213. If any Seaman or Apprentice belonging to any *British Ship* is discharged or left behind at any Place out of the United Kingdom, without full Compliance on the Part of the Master with all the Provisions in that Behalf in this Act contained, and becomes distressed and is relieved under the Provisions of this Act, or if any Subject of Her Majesty, after having been engaged by any Person (whether acting as Principal or Agent) to serve in any Ship belonging to any Foreign Power, or to the Subject of any Foreign Power, becomes distressed and is relieved as aforesaid, the Wages (if any) due to such Seaman or Apprentice, and all Expenses incurred for his Subsistence, necessary Clothing, Conveyance home, and Burial, in case he should die abroad before reaching Home, shall be a Charge upon the Ship, whether *British* or Foreign, to which he so belonged as aforesaid; and the Board of Trade may in the Name of Her Majesty (besides suing for any Penalties which may have been incurred) sue for and recover the said Wages and Expenses, with Costs, either from the Master of such Ship as aforesaid, or from the Person who is Owner thereof for the Time being, or, in the Case of such Engagement as aforesaid for Service in a Foreign Ship, from such Master or Owner, or from the Person by whom such Engagement was so made as aforesaid; and such Sums shall be recoverable either in the same Manner as other Debts due to Her Majesty, or in the same Manner and by the same Form and Process in which Wages due to the Seaman would be recoverable by him; and in any Proceedings for that Purpose Production of the Account (if any) to be furnished as herein-before is provided in such Cases, together with Proof of Payment by the Board of Trade or by the Paymaster General of the Charges incurred on account of any such Seaman, Apprentice, or other Person, shall be sufficient Evidence that he was relieved, conveyed home, or buried (as the Case may be) at Her Majesty's Expense.

*Volunteering
into the Navy.*

Seamen al-
lowed to leave
their Ships
in order to
enter the Navy.

Clothes to be
delivered at
once.

Wages to be
given to the
Queen's
Officer on
account of
the Seamen.

Volunteering into the Navy.

214. Any Seaman may leave his Ship for the Purpose of forthwith entering into the Naval Service of Her Majesty, and such leaving his Ship shall not be deemed a Desertion therefrom, and shall not render him liable to any Punishment or Forfeiture whatever; and all Stipulations introduced into any Agreement whereby any Seaman is declared to incur any Forfeiture or be exposed to any Loss in case he enters into Her Majesty's Naval Service shall be void, and every Master or Owner who causes any such Stipulation to be so introduced shall incur a Penalty not exceeding Twenty Pounds.

215. Whenever any Seaman, without having previously committed any Act amounting to and treated by the Master as Desertion, leaves his Ship in order to enter into the Naval Service of Her Majesty and is received into such Service, the Master shall deliver to him his Clothes and Effects on board such Ship, and shall pay the proportionate Amount of his Wages down to the Time of such Entry, subject to all just Deductions, as follows; (that is to say,) the Master of the said Ship shall pay the same to the Officer authorized to receive such Seaman into Her Majesty's 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 such Officer shall be a Discharge for the Money or Bill so given; and such Bill shall be exempt from Stamp Duty; and if such Wages are paid in Money, such Money shall be credited in the Muster Book of the Ship to the Account of the said Seaman; and if such Wages are paid by Bill, such Bill shall be noted in the said Muster Book and shall be sent to the said Accountant General, who shall present the same or cause the same to be presented for Payment, and shall credit the Produce thereof to the Account of the said Seaman; and such Money or Produce (as the Case may be) shall not be paid to the said Seaman until the Time at which he would have been entitled to receive the same if he had remained in the

Merchant Shipping (Part III. Masters and Seamen).

the Service of the Ship which he had so quitted as aforesaid; and if any such Bill is not duly paid when presented, the said Accountant General or the Seaman on whose Behalf the same is given may sue thereon or may recover the Wages due by all or any of the Means by which Wages due to Merchant Seamen are recoverable; and if upon any Seaman leaving his Ship in the Manner and for the Purpose aforesaid, the Master fails to deliver his Clothes and Effects, or to pay his Wages as herein-before required, he shall, in addition to his Liability to pay and deliver the same, incur a Penalty not exceeding Twenty Pounds; provided that no Officer who receives any such Bill as aforesaid shall be subject to any Liability in respect thereof, except for the safe Custody thereof until sent to the said Accountant General as aforesaid.

*Volunteering
into the Navy.*

216. If upon any Seaman leaving his Ship for the Purpose of entering the Naval Service of Her Majesty, the Owner or Master of such 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 such Seaman, and that such Seaman has not at the Time of quitting his Ship duly earned such Advance by Service therein, and, in the Case of such Liability as aforesaid, if such Owner or Master actually satisfies the same, it shall be lawful for the Admiralty to pay to such Owner or Master so much of such Advance as has not been duly earned, and to deduct the Sum so paid from the Wages of the Seaman earned or to be earned in the Naval Service of Her Majesty.

Repayment
to Owner of
Advance paid
and not duly
earned.

217. If, in consequence of any Seaman so leaving his Ship without the Consent of the Master or Owner thereof, it becomes necessary for the Safety and proper Navigation of the said Ship to engage a Substitute or Substitutes, and if the Wages or other Remuneration paid to such Substitute or Substitutes for subsequent Service exceed the Wages or Remuneration which would have been payable to the said Seaman under his Agreement for similar Service, the Master or Owner of the said Ship may apply to the Registrar of the High Court of Admiralty in *England* for a Certificate authorizing the Repayment of such Excess; and such Application shall be in such Form, and shall be accompanied by such Documents, and by such Statements, whether on Oath or otherwise, as the Judge of the said Court from Time to Time directs.

If new Seamen
are engaged, the
Owner may
apply for
Repayment
of any extra
Expense he
has been put to.

218. The said Registrar shall, upon receiving any such Application as aforesaid, give Notice thereof in Writing, and of the Sum claimed, to the Secretary to the Admiralty, and shall proceed to examine the said Application, and may call upon the Registrar General of Seamen to produce any Papers in his Possession relating thereto, and may call for further Evidence; and if the whole of the Claim appears to him to be just, he shall give a Certificate accordingly; but if he considers that such Claim or any Part thereof is not just, he shall give Notice of such his Opinion in Writing under his Hand to the Person making the said Application or his Attorney or Agent; and if within Sixteen Days from the giving of such Notice such Person does not leave or cause to be left at the Office of the Registrar of the said Court a written Notice demanding that the said Application shall be referred to the Judge of the said Court, then the said Registrar shall finally decide thereon, and certify accordingly; but if such Notice is left as aforesaid, then the said Application shall stand referred to the said Judge in his Chambers, and his Decision thereon shall be final, and the said Registrar shall certify the same accordingly; and the said Registrar and Judge respectively shall in every Proceeding under this Act have full Power to administer Oaths, and to exercise all the ordinary Powers of the Court, as in any other Proceeding within its Jurisdiction; and the said Registrar or Judge (as the Case may be) may, if he thinks fit, allow for the Costs of any Proceeding under this Act any Sum not exceeding Five Pounds for each Seaman so quitting his Ship as aforesaid; and such Sum shall be added to the Sum allowed, and shall be certified by the said Registrar accordingly.

Application
how to be
decided on,
and Amount
of Repayment
how to be
ascertained.

219. Every Certificate so given shall be sent by Post or otherwise to the Person making the Application, his Attorney or Agent, and a Copy thereof shall be sent to the Accountant General of the Navy; and such Accountant General shall, upon Delivery to him of the said original Certificate, together with a Receipt in Writing purporting to be a Receipt from the Master or Owner making the Application, pay to the Person delivering the same out of the Monies applicable to the Naval Service of Her Majesty, and granted by Parliament for the Purpose, the Amount mentioned in such Certificate; and such Certificate and Receipt shall absolutely discharge the said Accountant General and Her Majesty from all Liability in respect of the Monies so paid or of the said Application.

Accountant
General to pay
Sums when
ascertained.

220. Every Person who, in making or supporting any such Application as aforesaid to the Registrar of the High Court of Admiralty, forges, assists in forging, or procures to be forged, or fraudulently alters, assists in fraudulently altering, or procures to be fraudulently altered, any Document, and every Person who in making or supporting any such Application presents or makes use of any such forged or altered Document, or who in making or supporting any such Application makes or gives, or assists in making or giving, or procures to be made or given, any false Evidence or Representation, knowing the same to be false, shall be deemed guilty of a Misdemeanor.

Penalty for
Forgery and
false Representations in
support of
such Applications.

Provisions, Health, and Accommodation.

221. Any Three or more of the Crew of any *British* Ship may complain to any Officer in command of any of Her Majesty's Ships, or any *British* Consular Officer, or any Shipping Master, or any Chief Officer of Customs, that the Provisions or Water for the Use of the Crew are at any Time of bad Quality,

Provisions,
Health, and
Accommodation.
Survey of
Provisions

Merchant Shipping (Part III. Masters and Seamen).

and Water on
Complaint
made.

Quality, unfit for Use, or deficient in Quantity; and such Officer may thereupon examine the said Provisions or Water, or cause them to be examined; and if on Examination such Provisions or Water are found to be of bad Quality and unfit for Use, or to be deficient in Quantity, the Person making such Examination shall signify the same in Writing to the Master of the Ship; and if such Master does not thereupon provide other proper Provisions or Water in lieu of any so signified to be of a bad Quality and unfit for Use, or does not procure the requisite Quantity of any so signified to be insufficient in Quantity, or uses any Provisions or Water which have been so signified as aforesaid to be of a bad Quality and unfit for Use, he shall in every such Case incur a Penalty not exceeding Twenty Pounds; and upon every such Examination as aforesaid the Officers making or directing the same shall enter a Statement of the Result of the Examination in the Official Log, and shall send a Report thereof to the Board of Trade, and such Report, if produced out of the Custody of such Board or its Officers, shall be received in Evidence in any legal Proceeding.

Forfeiture
for frivolous
Complaint.

222. If the Officer to whom any such Complaint as last aforesaid is made certifies in such Statement as aforesaid that there was no reasonable Ground for such Complaint, each of the Parties so complaining 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.

223. In the following Cases, (that is to say,)

- (1.) If during a Voyage the Allowance of any of the Provisions which any Seaman has by his Agreement stipulated for is reduced (except in accordance with any Regulations for Reduction by way of Punishment contained in the Agreement, and also except for any Time during which such 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);
- (2.) If it is shown that any of such Provisions are or have during the Voyage been bad in Quality and unfit for Use;

The Seamen shall receive by way of Compensation for such 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,)

- (1.) If his Allowance is reduced by any Quantity not exceeding One Third of the Quantity specified in the Agreement, a Sum not exceeding Fourpence a Day;
- (2.) If his Allowance is reduced by more than One Third of such Quantity, Eightpence a Day;
- (3.) In respect of such bad Quality as aforesaid, a Sum not exceeding One Shilling a Day:

But if it is shown to the Satisfaction of the Court before which 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 such Circumstances into consideration, and shall modify or refuse Compensation as the Justice of the Case may require.

Medicines,
Lime, or
Lemon Juice,
Sugar, and
Vinegar to be
provided and
kept on board
certain Ships.

224. The following Rules shall be observed with respect to Medicines, Medical Stores, and Antiscorbutics; (that is to say,)

- (1.) The Board of Trade shall from Time to Time issue and cause to be published a Scale of Medicines and Medical Stores suitable to Accidents and Diseases arising on Sea Voyages;
- (2.) The Owner of every Ship navigating between the United Kingdom and any Place out of the same shall provide and cause to be constantly kept on board such Ship a Supply of such Medicines and Medical Stores in accordance with the said Scale;
- (3.) The Master or Owner of every Foreign-going Ship (except those bound to *European* Ports or to Ports in the *Mediterranean Sea*, and also except 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 from Time to Time exempt from this Enactment,) shall also provide and cause to be kept on board such Ship a sufficient Quantity of Lime or Lemon Juice, or of such Articles as the Board of Trade sanctions as Substitutes for Lime or Lemon Juice, and also of Sugar and Vinegar;
- (4.) The Master of every such Ship as last aforesaid shall serve out the Lime or Lemon Juice or other such Articles as aforesaid and Sugar and Vinegar to the Crew, whenever they have consumed Salt Provisions for Ten Days, and so long afterwards as such Consumption continues, the Lime or Lemon Juice and Sugar daily at the Rate of Half an Ounce each *per* Day and the Vinegar weekly at the Rate of Half a Pint *per* Week, to each Member of the Crew:

And if in any such Ship as aforesaid such Medicines, Medical Stores, Lime or Lemon Juice or other Articles, Sugar and Vinegar, as are herein-before required, are not provided and kept on board as herein-before required, the Master or Owner shall incur a Penalty not exceeding Twenty Pounds; and if the Master of any such Ship as aforesaid neglects to serve out the Lime or Lemon Juice or other Articles, Sugar or Vinegar, in the Case and Manner herein-before directed, he shall for each such Offence incur a Penalty not exceeding Five Pounds; and if any Master is convicted in either of the last-mentioned Penalties, and it appears that the Offence is owing to the Act or Default of the Owner, such Master may recover the Amount of such Penalty and the Costs incurred by him from the Owner.

Masters to
keep Weights

225. Every Master shall keep on board proper Weights and Measures for the Purpose of determining the Quantities of the several Provisions and Articles served out, and shall allow the same to be used at the Time
of

Merchant Shipping (Part III. Masters and Seamen).

of serving out such Provisions and Articles in the Presence of a Witness whenever any Dispute arises about such Quantities, and in default shall for every Offence incur a Penalty not exceeding Ten Pounds.

226. Any Local Marine Board may, upon being required by the Board of Trade so to do, appoint and remove a Medical Inspector of Ships for the Port, and may fix his Remuneration, such Remuneration to be subject to the Control of the Board of Trade; and at Ports where there are no Local Marine Boards the Board of Trade may appoint and remove such Inspectors, and fix their Remuneration; and it shall be the Duty of such Inspectors to inspect the Medicines, Medical Stores, Lime or Lemon Juice, or other Articles, Sugar and Vinegar, required to be kept on board any such Ships as aforesaid; and such Inspection, if made at Places where there are Local Marine Boards, shall be made under their Direction, and also in any special Cases under the Direction of the Board of Trade, and if made at Places where there are no Local Marine Boards, shall be made under the Direction of the Board of Trade; and such Medical Inspectors shall for the Purposes of such Inspection have the same Powers as the Inspectors appointed by the Board of Trade under the First Part of this Act; but every such Inspector, if required by timely Notice in Writing from the Master, Owner, or Consignee, shall make his Inspection Three Days at least before the Ship proceeds to Sea, and if the Result of the Inspection is satisfactory shall not again make Inspection before the Commencement of the Voyage, unless he has Reason to suspect that some of the Articles inspected have been subsequently removed, injured, or destroyed; and whenever any such Medical Inspector is of opinion that in any Ship hereby required to carry such Articles as aforesaid the same or any of them are deficient in Quantity or Quality, or are placed in improper Vessels, he shall signify the same in Writing to the Chief Officer of Customs of the Port where such Ship is lying, and also to the Master, Owner, or Consignee thereof, and thereupon the Master of such Ship, before proceeding to Sea, shall produce to such Chief Officer of Customs a Certificate under the Hand of such Medical Inspector or of some other Medical Inspector, to the Effect that such Deficiency has been supplied or remedied, or that such improper Vessels have been replaced by proper Vessels, as the Case may require; and such Chief Officer of Customs shall not grant a Clearance for such Ship without the Production of such Certificate, and if such Ship attempts to go to Sea without a Clearance, may detain her until such Certificate is produced; and if such Ship proceeds to Sea without the Production of such Certificate, the Owner, Master, or Consignee thereof shall incur a Penalty not exceeding Twenty Pounds.

227. Any Person who sells or supplies any Medicines, Medical Stores, Lime or Lemon Juice, of bad Quality, for the Use of any Ship, shall for each such Offence incur a Penalty not exceeding Twenty Pounds.

228. The following Rules shall be observed with respect to Expenses attendant on Illness and Death; (that is to say,)

- (1.) If the Master or any Seaman or Apprentice receives any Hurt or Injury in the Service of the Ship to which he belongs, the Expense of providing the necessary Surgical and Medical Advice, with Attendance and Medicines, and of his Subsistence until he is cured, or dies, or is brought back to some Port in the United Kingdom, if shipped in the United Kingdom, or if shipped in some British Possession to some Port in such Possession, and of his Conveyance to such Port, and the Expense (if any) of his Burial, shall be defrayed by the Owner of such Ship, without any Deduction on that Account from the Wages of such Master, Seaman, or Apprentice:
- (2.) If the Master or any 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 such Removal and of providing the necessary Advice with Attendance and Medicines and of his Subsistence whilst away from the Ship, shall be defrayed in like Manner:
- (3.) The Expense of all Medicines and Surgical or Medical Advice and Attendance given to any Master, Seaman, or Apprentice whilst on board his Ship shall be defrayed in like Manner:
- (4.) In all other Cases any reasonable Expenses duly incurred by the Owner for any Seaman in respect of Illness, and also any reasonable Expenses duly incurred by the Owner in respect of the Burial of any Seaman or Apprentice who dies whilst on Service, shall, if duly proved, be deducted from the Wages of such Seaman or Apprentice.

229. If any such Expenses in respect of the Illness, Injury, or Hurt of any Seaman or Apprentice, as are to be borne by the Owner, are paid by any Consular Officer or other Person on behalf of Her Majesty, or if any other Expenses in respect of the Illness, Injury, or Hurt of any Seaman or Apprentice whose Wages are not accounted for to such Officer under the Provisions herein-before contained in that Behalf are so paid, such Expenses shall be repaid to such Officer or other Person by the Master of the Ship, and if not so repaid, the Amount thereof, with Costs, shall be a Charge upon the Ship, and be recoverable from the said Master or from the Owner of the Ship for the Time being as a Debt due to Her Majesty, and shall be recoverable either by ordinary Process of Law or in the Manner in which Seamen are hereby enabled to recover Wages; and in any Proceeding for the Recovery thereof the Production of a Certificate of the Facts, signed by such 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 such Consular Officer or other Person as aforesaid.

and Measures on board.

Board of Trade and Local Boards may appoint Inspectors of Medicines, who are to see that Ships are properly provided.

Penalty for selling bad Drugs for Ships.

Expense of Medical Attendance and Subsistence in case of Illness, and of Burial in case of Death, how to be defrayed.

Expenses, if paid by Consul, to be recoverable from Owner.

Merchant Shipping (Part III. Masters and Seamen).

Certain Ships
to carry
Medical
Practitioners.

230. Every Foreign-going Ship having One hundred Persons or upwards on board shall carry on board as Part of her Complement some Person duly authorized by Law to practise as Physician, Surgeon, or Apothecary; and in default the Owner shall for every Voyage of any such Ship made without such Medical Practitioner incur a Penalty not exceeding One hundred Pounds: Provided that nothing herein contained shall in anywise affect any Provision contained in the "Passengers Act, 1852," concerning the Carriage of Medical Practitioners by the Class of Ships therein named Passenger Ships, nor shall any such Passenger Ship, if not thereby required to carry a Medical Practitioner, be hereby required to do so.

Place appro-
priated to
Seamen to
have a certain
Space for each
Man;
and to be
properly con-
structed and
kept clear.

231. The following Rules shall be observed with respect to Accommodation on board; (that is to say,)

1. Every Place in any Ship occupied by Seamen or Apprentices, and appropriated to their Use, shall have for every such Seaman or Apprentice, if they sleep in Hammocks, a Space of not less than Nine Superficial Feet, and if they do not sleep in Hammocks, a Space of not less than Twelve Superficial Feet, measured on the Deck or Floor of such Place:
- (2.) Every such Place shall either be Six Feet in Height from Deck to Deck, or shall have for every Seaman and Apprentice, if they sleep in Hammocks, a Space of not less than Fifty-four Cubic Feet, and if they do not sleep in Hammocks, a Space of not less than Seventy-two Cubic Feet:
- (3.) Every such Place shall be kept free from Stores or Goods of any kind, not being the personal Property of the Crew in use during the Voyage:
- (4.) Every such Place shall be properly caulked, and in all other respects securely and properly constructed and well ventilated:

And if any such Place in any Ship is not in the whole sufficiently large to give such Space for each Seaman and Apprentice as herein-before required, or is not properly caulked and in all other respects securely and properly constructed and well ventilated, the Owner shall for every such Failure to comply with the Provisions of this Section incur a Penalty not exceeding Twenty Pounds; and if any such Space as aforesaid is not kept free from Goods and Stores as aforesaid, the Master shall for every such Failure to comply with the Provisions of this Section incur a Penalty not exceeding Ten Pounds.

Power of
making
Complaint.

Seamen to be
allowed to go
ashore to
make Com-
plaint to a
Justice.

Power of making Complaint.

232. If any Seaman or Apprentice whilst on board any Ship states to the Master that he desires to make Complaint to a Justice of the Peace, or Consular Officer, or Naval Officer in command of any of Her Majesty's Ships, against the Master or any of the Crew, the said Master shall, if the Ship is then at a Place where there is a Justice or any such Officer as aforesaid, so soon as the Service of the Ship will permit, and if the Ship is not then at such a Place, so soon after her first Arrival at such a Place as the Service of the Ship will permit, allow such Seaman or Apprentice to go ashore or send him ashore in proper Custody so that he may be enabled to make such Complaint, and shall, in default, incur a Penalty not exceeding Ten Pounds.

Protection of
Seamen from
Imposition.

Sale of and
Charge upon
Wages to be
invalid.

As to Recovery
of Debts.

Penalty for
Overcharges by
Lodging-house
Keepers.

Penalty for
detaining Sea-
men's Effects.

Protection of Seamen from Imposition.

233. No Wages due or accruing to any Seaman or Apprentice shall be subject to Attachment or Arrestment from any Court; and every Payment of Wages to a Seaman or Apprentice shall be valid in Law, notwithstanding any previous Sale or Assignment of such Wages, or of any Attachment, Incumbrance, or Arrestment thereon; and no Assignment or Sale of such Wages or of Salvage made prior to the accruing thereof shall bind the Party making the same; and no Power of Attorney or Authority for the Receipt of any such Wages or Salvage shall be irrevocable.

234. No Debt exceeding in Amount Five Shillings, incurred by any Seaman after he has engaged to serve, shall be recoverable until the Service agreed for is concluded.

235. If any Person demands or receives from any Seaman or Apprentice to the Sea Service Payment in respect of his Board or Lodging in the House of such Person for a longer Period than such Seaman or Apprentice has actually resided or boarded therein, he shall incur a Penalty not exceeding Ten Pounds.

236. If any Person receives or takes into his Possession or under his Control, any Monies, Documents, or Effects of any Seaman or Apprentice to the Sea Service, and does not return the same or pay the Value thereof when required by such Seaman or Apprentice, subject to such Deduction as may be justly due to him from such Seaman or Apprentice in respect of Board or Lodging or otherwise, or absconds therewith, he shall incur a Penalty not exceeding Ten Pounds, and any Two Justices may, besides inflicting such Penalty, by summary Order direct the Amount or Value of such Monies, Documents, or Effects, subject to such Deduction as aforesaid, to be forthwith paid to such Seaman or Apprentice.

Persons not to
go on board
before the final
Arrival of Ship
without Per-
mission.

237. Every Person who, not being in Her Majesty's Service, and not being duly authorized by Law for the Purpose, goes on board any Ship about to arrive at the Place of her Destination, before her actual Arrival in Dock or at the Place of her Discharge, without the Permission of the Master, shall for every such Offence incur a Penalty not exceeding Twenty Pounds; and the Master or Person in charge of such Ship may take any such Person so going on board as aforesaid into Custody, and deliver him

Merchant Shipping (Part III. Masters and Seamen).

him up forthwith to any Constable or Peace Officer, to be by him taken before a Justice or Justices or the Sheriff of the County in *Scotland*, and to be dealt with according to the Provisions of this Act.

238. If, within Twenty-four Hours after the Arrival of any Ship at any Port in the United Kingdom, any Person then being on board such Ship solicits any Seaman to become a Lodger at the House of any Person letting Lodgings for Hire, or takes out of such Ship any Effects of any Seaman, except under his personal Direction and with the Permission of the Master, he shall for every such Offence incur a Penalty not exceeding Five Pounds.

Protection of Seamen from Imposition.

Penalty for Solicitations by Lodging-house Keepers.

*Discipline.**Discipline.*

239. Any Master of or any Seaman or Apprentice belonging to any *British* Ship who by wilful Breach of Duty, or by Neglect of Duty, or by reason of Drunkenness, does any Act tending to the immediate Loss, Destruction, or serious Damage of such Ship, or tending immediately to endanger the Life or Limb of any Person belonging to or on board of such Ship, or who by wilful Breach of Duty, or by Neglect of Duty, or by reason of Drunkenness, refuses or omits to do any lawful Act proper and requisite to be done by him for preserving such Ship from immediate Loss, Destruction, or serious Damage, or for preserving any Person belonging to or on board of such Ship from immediate Danger to Life or Limb, shall for every such Offence be deemed guilty of a Misdemeanor.

Misconduct endangering Ship or Life or Limb a Misdemeanor.

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

Power of Admiralty Courts to remove Master.

241. If the Board of Trade or any Local Marine Board has reason to believe that any Master or Mate is from Incompetency or Misconduct unfit to discharge his Duties, the Board of Trade may either institute an Investigation or may direct the Local Marine Board at or nearest to the Place at which it may be convenient for the Parties and Witnesses to attend to institute the same, and thereupon such Persons as the Board of Trade may appoint for the Purpose, or, as the Case may be, the Local Marine Board, shall, with the Assistance of a local Stipendiary Magistrate (if any), and if there is no such Magistrate of a competent legal Assistant to be appointed by the Board of Trade, conduct the Investigation, and may summon the Master or Mate to appear, and shall give him full Opportunity of making a Defence either in person or otherwise, and shall for the Purpose of such Investigation have all the Powers given by the First Part of this Act to Inspectors appointed by the Board of Trade, and may make such Order with respect to the Costs of such Investigation as they may deem just; and shall on the Conclusion of the Investigation make a Report upon the Case to the Board of Trade; and in Cases where there is no Local Marine Board before which the Parties and Witnesses can conveniently attend, or where such Local Marine Board is unwilling to institute the Investigation, the Board of Trade may direct the same to be instituted before Two Justices or a Stipendiary Magistrate; and thereupon such Investigation shall be conducted, and the Results thereof reported, in the same Manner and with the same Powers in and with which formal Investigations into Wrecks and Casualties are directed to be conducted, and the Results thereof reported, under the Provisions contained in the Eighth Part of this Act, save only that, if the Board of Trade so directs, the Person bringing the Charge of Incompetency or Misconduct to the Notice of the Board of Trade shall be deemed to be the Party having the Conduct of the Case.

Power to investigate Cases of alleged Incompetency and Misconduct.

242. The Board of Trade may suspend or cancel the Certificate (whether of Competency or Service) of any Master or Mate in the following Cases; (that is to say,)

Board of Trade may cancel or suspend Certificates in certain Cases.

- (1.) If upon any Investigation made in pursuance of the last preceding Section, he is reported to be incompetent, or to have been guilty of any gross Act of Misconduct, Drunkenness, or Tyranny:
- (2.) If upon any Investigation conducted under the Provisions contained in the Eighth Part of this Act, or upon any Investigation made by a Naval Court constituted as herein-after mentioned, it is reported 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:
- (3.) If he is superseded by the Order of any Admiralty Court or of any Naval Court constituted as herein-after mentioned:
- (4.) If he is shown to have been convicted of any Offence:
- (5.) If upon any Investigation made by any Court or Tribunal authorized or hereafter to be authorized by the Legislative Authority in any *British* Possession to make Inquiry into Charges of Incompetency or Misconduct on the Part of Masters or Mates of Ships, or as to Shipwrecks or other Casualties affecting Ships, a Report is made by such Court or Tribunal to the Effect that he has been guilty of any gross Act of Misconduct, Drunkenness, or Tyranny, or that the Loss or

*Merchant Shipping (Part III. Masters and Seamen).**Discipline.*

Abandonment of or serious Damage to any Ship or Loss of Life has been caused by his wrongful Act or Default, and such Report is confirmed by the Governor or Person administering the Government of such Possession :

And every Master or Mate whose Certificate is cancelled or suspended shall deliver it to the Board of Trade or as it directs, and in default shall for each Offence incur a Penalty not exceeding Fifty Pounds ; and the Board of Trade may at any subsequent Time grant to any Person whose Certificate has been cancelled a new Certificate of the same or of any lower Grade.

Offences of
Seamen and
Apprentices
and their Pun-
ishments.

243. Whenever any Seaman who has been lawfully engaged or any Apprentice to the Sea Service commits any of the following Offences he shall be liable to be punished summarily as follows ; (that is to say,)

Desertion :

(1.) For Desertion he shall be liable to Imprisonment for any Period not exceeding Twelve Weeks, with or without Hard Labour, and also to forfeit all or any Part of the Clothes and Effects he leaves on board, and all or any Part of the Wages or Emoluments which he has then earned, and also, if such Desertion takes place abroad, at the Discretion of the Court, to forfeit all or any Part of the Wages or Emoluments 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 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 :

Neglecting or
refusing to join,
or to proceed to
Sea, Absence
within 24 Hours
before sailing,
and Absence
without Leave :

(2.) For neglecting or refusing, without reasonable Cause, to join his Ship, or to proceed to Sea in his Ship, or for Absence without Leave at any Time within Twenty-four Hours of the Ship's sailing from any Port either at the Commencement or during the Progress of any Voyage, or for Absence at any Time without Leave and without sufficient Reason from his Ship or from his Duty not amounting to Desertion or not treated as such by the Master, he shall be liable to Imprisonment for any Period not exceeding Ten Weeks, with or without Hard Labour, and also, at the Discretion of the Court, to forfeit out of his Wages a Sum not exceeding the Amount of Two Days Pay, and in addition for every Twenty-four Hours of Absence either a Sum not exceeding Six Days Pay, or any Expenses which have been properly incurred in hiring a Substitute :

Quitting with-
out Leave
before Ship is
secured :
Act of Dis-
obedience :

(3.) For quitting 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 :

Continued
Disobedience :

(4.) For wilful Disobedience to any lawful Command he shall be liable to Imprisonment for any Period not exceeding Four Weeks, with or without Hard Labour, and also, at the Discretion of the Court, to forfeit out of his Wages a Sum not exceeding Two Days Pay :

(5.) For continued wilful Disobedience to lawful Commands, or continued wilful Neglect of Duty, he shall be liable to Imprisonment for any Period not exceeding Twelve Weeks, with or without Hard Labour, and also, at the Discretion of the Court, to forfeit for every Twenty-four Hours Continuance of such Disobedience or Neglect either a Sum not exceeding Six Days Pay, or any Expenses which have been properly incurred in hiring a Substitute :

Assault on
Officers :

(6.) For assaulting any Master or Mate he shall be liable to Imprisonment for any Period not exceeding Twelve Weeks, with or without Hard Labour :

Combining to
disobey :

(7.) For combining with any other or others 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 any Period not exceeding Twelve Weeks, with or without Hard Labour :

Wilful Damage
and Embezzle-
ment :

(8.) For wilfully damaging the Ship, or embezzling or wilfully damaging any of her Stores or Cargo, he shall be liable to forfeit out of his Wages a Sum equal in Amount to the Loss thereby sustained, and also, at the Discretion of the Court, to Imprisonment for any Period not exceeding Twelve Weeks, with or without Hard Labour :

Act of Smug-
gling causing
Loss to Owner.

(9.) For any Act of Smuggling of which he is convicted, and whereby Loss or Damage is occasioned to the Master or Owner, he shall be liable to pay to such Master or Owner such a Sum as is sufficient to reimburse the Master or Owner for such Loss or Damage ; and the whole or a proportionate Part of his Wages may be retained in satisfaction or on account of such Liability, without Prejudice to any further Remedy.

Entry of
Offences to be
made in official
Log, and to be
read over or a
Copy given to
the Offender,
and his Reply,
if any, to be
also entered.

244. Upon the Commission of any of the Offences enumerated in the last preceding Section an Entry thereof shall be made in the official Log Book, and shall be signed by the Master and also by the Mate or One of the Crew ; and 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 such Entry or have the same read over distinctly and audibly to him, and may thereupon make such Reply thereto as he thinks fit ; and a Statement that a Copy of the said Entry has been so furnished, or that the same has been so read over as aforesaid, and the Reply (if any) made by the Offender, shall likewise be entered and signed in manner aforesaid ; and in any subsequent legal Proceeding the Entries herein-before required shall, if practicable, be produced or proved, and in default of

Merchant Shipping (Part III. Masters and Seamen).

of such Production or Proof the Court hearing the Case may, at its Discretion, refuse to receive Evidence of the Offence.

245. Every seafaring Person whom the Master of any Ship is, under the Authority of this Act or of any other Act of Parliament compelled to take on board and convey, and every Person who goes to Sea in any Ship without the Consent of the Master or Owner or other Person entitled to give such Consent, shall, so long as he remains in such Ship, be subject to the same Laws and Regulations for preserving Discipline, and to the same Penalties and Punishments for Offences constituting or tending to a Breach of Discipline, to which he would be subject if he were a Member of the Crew and had signed the Agreement.

246. Whenever, either at the Commencement or during the Progress of any Voyage, any Seaman or Apprentice neglects or refuses to join or deserts from or refuses to proceed to Sea in any Ship in which he is duly engaged to serve, or is found otherwise absenting himself therefrom without Leave, the Master, or any Mate, or the Owner, Ship's Husband, or Consignee, may, in any Place in Her Majesty's Dominions, with or without the Assistance of the local Police Officers or Constables, who are hereby directed to give the same, if required, and also at any Place out of Her Majesty's Dominions, if and so far as the Laws in force at such Place will permit, apprehend him without first procuring a Warrant; and may thereupon in any Case, and shall in case he 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 may, for the Purpose of conveying him before such Court, detain him in Custody for a Period not exceeding Twenty-four Hours or such shorter Time as may be necessary, or may, if he does not so require, or if there is no such Court at or near the Place, at once convey him on board; and if any such Apprehension appears to the Court before which the Case is brought to have been made on improper or on insufficient Grounds, the Master, Mate, Owner, Ship's Husband, or Consignee who makes the same or causes the same to be made shall incur a Penalty not exceeding Twenty Pounds; but such Penalty, if inflicted, shall be a Bar to any Action for false Imprisonment in respect of such Apprehension.

247. Whenever any Seaman or Apprentice is brought before any Court on the Ground of his having neglected or refused to join or to proceed to Sea in any Ship in which he is engaged to serve, or of having deserted or otherwise absented himself therefrom without Leave, such Court may, if the Master or the Owner or his Agent so requires, instead of committing the Offender to Prison, cause him to be conveyed on board 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 which by virtue of his then existing Engagement he may afterwards earn.

248. If any Seaman or Apprentice is imprisoned on the Ground of his having neglected or refused to join or to proceed to Sea in any Ship in which he is engaged to serve, or of having deserted or otherwise absented himself therefrom without Leave, or of his having committed any other Breach of Discipline, and if during such Imprisonment and before his Engagement is at an end his Services are required on board his Ship, any Justice may, at the Request of the Master or of the Owner or his Agent, cause such Seaman or Apprentice to be conveyed on board his said 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, notwithstanding that the Termination of the Period for which he was sentenced to Imprisonment has not arrived.

249. In all Cases of Desertion from any Ship in any Place abroad the Master shall produce the Entry of such Desertion in the official Log Book to the Person or Persons hereby required to indorse on the Agreement a Certificate of such Desertion; and such Person or Persons shall thereupon make and certify a Copy of such Entry and also a Copy of the said Certificate of Desertion; and if such Person is a public Functionary he shall, and in other Cases the said Master shall forthwith transmit such Copies to the Registrar General of Seamen in *England*; and the said Registrar shall, if required, cause the same to be produced in any legal Proceeding; and such Copies, if purporting to be so made and certified as aforesaid, and certified to have come from the Custody of the said Registrar, shall in any legal Proceeding relating to such Desertion be received as Evidence of the Entries therein appearing.

250. Whenever a Question arises whether the Wages of any Seaman or Apprentice are forfeited for Desertion, it shall be sufficient for the Party insisting on the Forfeiture to show that such Seaman or Apprentice was duly engaged in or that he belonged to the Ship from which he is alleged to have deserted, and that he quitted such Ship before the Completion of the Voyage or Engagement, or if such 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 the Desertion has been duly made in the official Log Book; and thereupon the Desertion shall, so far as relates to any Forfeiture of Wages or Emoluments under the Provisions herein-before contained, 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.

251. Whenever in any Proceeding relating to Seamen's Wages it is shown that any Seaman or Apprentice has in the course of the Voyage been convicted of any Offence by any competent Tribunal

Discipline.

Seamen, &c. to be subject to Penalties for Breach of Discipline.

Master or Owner may apprehend Deserters without Warrant.

Deserters may be sent on board in lieu of being imprisoned.

Seamen imprisoned for Desertion or Breach of Discipline may be sent on board before Termination of Sentence.

Entries and Certificates of Desertion abroad to be copied, sent home, and admitted in Evidence.

Facilities for proving Desertion, so far as concerns Forfeiture of Wages.

Costs of procuring Imprisonment may to

*Merchant Shipping (Part III. Masters and Seamen).**Discipline.*

the Extent of
3l. be deducted
from Wages.

Amount of For-
feiture how to
be ascertained
when Seamen
contract for the
Voyage.

Application of
Forfeitures.

Questions of
Forfeitures may
be decided in
Suits for Wages.

Penalty for
false Statement
as to last Ship
or Name.

Fines to be de-
ducted from
Wages, and paid
to Shipping
Master.

Penalty for
enticing to
desert, and har-
bouring Deser-
ters.

and rightfully punished therefor by Imprisonment or otherwise, the Court hearing the Case may direct a Part of the Wages due to such Seaman, not exceeding Three Pounds, to be applied in reimbursing any Costs properly incurred by the Master in procuring such Conviction and Punishment.

252. Whenever any 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 taken to be an Amount bearing the same Proportion to the whole Wages or Share as a Calendar Month or other the Period herein-before mentioned in fixing the Amount of such Forfeiture (as the Case may be) bears to the whole Time spent in the Voyage; and if the whole Time spent in the Voyage does not exceed the Period for which the Pay is to be forfeited, the Forfeiture shall extend to the whole Wages or Share.

253. All Clothes, Effects, Wages, and Emoluments which under the Provisions herein-before contained are forfeited for Desertion shall be applied in the first instance in or towards the Reimbursement of the Expenses occasioned by such Desertion to the Master or Owner of the Ship from which the Desertion has taken place; and may, if earned subsequently to the Desertion, be recovered by such Master, or by the Owner or his Agent, in the same Manner as the Deserter might have recovered the same if they had not been forfeited; and in any legal Proceeding relating to such Wages the Court may order the same to be paid accordingly; and subject to such Reimbursement the same shall be paid into the Receipt of Her Majesty's Exchequer in such Manner as the Treasury may direct, and shall be carried to and form Part of the Consolidated Fund of the United Kingdom; and in all other Cases of Forfeiture of Wages under the Provisions herein-before contained the Forfeiture shall, in the Absence of any specific Directions to the contrary, be for the Benefit of the Master or Owner by whom the Wages are payable.

254. Any Question concerning the Forfeiture of or Deductions from the Wages of any Seaman or Apprentice may be determined in any Proceeding lawfully instituted with respect to such Wages, notwithstanding that the Offence in respect of which such Question arises, though hereby made punishable by Imprisonment as well as Forfeiture, has not been made the Subject of any Criminal Proceeding.

255. If any Seaman on or before being engaged wilfully and fraudulently makes a false Statement of the Name of his last Ship or last alleged Ship, or wilfully and fraudulently makes a false Statement of his own Name, he shall incur a Penalty not exceeding Five Pounds; and such Penalty may be deducted from any Wages he may earn by virtue of such Engagement as aforesaid, and shall, subject to Reimbursement of the Loss and Expenses (if any) occasioned by any previous Desertion, be paid and applied in the same Manner as other Penalties payable under this Act.

256. Whenever any Seaman commits an Act of Misconduct for which his Agreement imposes a Fine, and which it is intended to punish by enforcing such Fine, an Entry thereof shall be made in the Official Log Book, and a Copy of such Entry shall be furnished or the same shall be read over to the Offender, and an Entry of such reading over, and of the Reply (if any) made by the Offender, shall be made, in the Manner and subject to the Conditions herein-before specified with respect to the Offences against Discipline specified in and punishable under this Act; and such Fine shall be deducted and paid over as follows; (that is to say,) if the Offender is discharged in the United Kingdom, and the Offence and such Entries in respect thereof as aforesaid are proved, in the Case of a Foreign-going Ship to the Satisfaction of the Shipping Master before whom the Offender is discharged, and in the Case of a Home Trade Ship the Master or Owner shall deduct such Fine from the Wages of the Offender, and pay the same over to such Shipping Master; and if before the final Discharge of the Crew in the United Kingdom any such Offender as aforesaid enters into any of Her Majesty's Ships, or is discharged abroad, and the Offence and such Entries as aforesaid are proved to the Satisfaction of the Officer in command of the Ship into which he so enters, or of the Consular Officer, Officer of Customs, or other Person by whose Sanction he is so discharged, the Fine shall thereupon be deducted as aforesaid, and an Entry of such Deduction shall then be made in the Official Log Book (if any) and signed by such Officer or other Person; and on the Return of the Ship to the United Kingdom the Master or Owner shall pay over such Fine, in the Case of Foreign-going Ships, to the Shipping Master before whom the Crew is discharged, and in the Case of Home Trade Ships to the Shipping Master at or nearest to the Place at which the Crew is discharged; and if any Master or Owner neglects or refuses to pay over any such Fine in manner aforesaid, he shall for each such Offence incur a Penalty not exceeding Six Times the Amount of the Fine retained by him: Provided that no Act of Misconduct for which any such Fine as aforesaid has been inflicted and paid shall be otherwise punished under the Provisions of this Act.

257. Every Person who by any Means whatever persuades or attempts to persuade any Seaman or Apprentice to neglect or refuse to join or to proceed to Sea in or to desert from his Ship, or otherwise to absent himself from his Duty, shall for each such Offence in respect of each such Seaman or Apprentice incur a Penalty not exceeding Ten Pounds; and every Person who wilfully harbours or secretes any Seaman or Apprentice who has deserted from his Ship, or who has wilfully neglected or refused to join or has deserted from his Ship, knowing or having Reason to believe such Seaman or Apprentice to have so done, shall for every such Seaman or Apprentice so harboured or secreted incur a Penalty not exceeding Twenty Pounds.

258. Any

*Merchant Shipping (Part III. Masters and Seamen).**Discipline.*

258. Any Person who secretes himself and goes to Sea in any Ship without the Consent of either the Owner, Consignee, or Master, or of a Mate, or of any Person in charge of such Ship, or of any other Person entitled to give such Consent, shall incur a Penalty not exceeding Twenty Pounds, or be liable to Imprisonment with or without Hard Labour for any Period not exceeding Four Weeks.

Penalty for obtaining Passage surreptitiously.

259. If during the Progress of a Voyage the Master is superseded or for any other Reason quits the Ship and is succeeded in the Command by some other Person, he shall deliver to his Successor the various Documents relating to the Navigation of the Ship and to the Crew thereof which are in his Custody, and shall in default incur a Penalty not exceeding One hundred Pounds; and such Successor shall immediately on assuming the Command of the Ship enter in the Official Log a List of the Documents so delivered to him.

On Change of Masters, Documents hereby required to be handed over to Successor.

*Naval Courts on the High Seas and abroad.**Naval Courts.*

260. Any Officer in command of any Ship of Her Majesty on any Foreign Station, or, in the Absence of such Officer, any Consular Officer, may summon a Court, to be termed a "Naval Court," in the following Cases; (that is to say,)

Naval Courts may be summoned for hearing Complaints, and investigating Wrecks on the High Seas or abroad.

- (1.) Whenever a Complaint which appears to such Officer to require immediate Investigation is made to him by the Master of any *British Ship*, or by any certificated Mate, or by One or more of the Seamen belonging to any such Ship:
- (2.) Whenever the Interest of the Owner of any *British Ship* or of the Cargo of any such Ship appears to such Officer to require it:
- (3.) Whenever any *British Ship* is wrecked or abandoned or otherwise lost at or near the Place where such Officer may be, or whenever the Crew or Part of the Crew of any *British Ship* which has been wrecked, abandoned, or lost abroad, arrives at such Place.

261. Every such Naval Court as aforesaid 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 *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 such Court may include the Naval or Consular Officer summoning the same, but shall not include the Master or Consignee of the Ship to which the Parties complaining or complained against may belong; and the Naval or Consular Officer in such Court, if there is only One such Officer in the Court, 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 such Court.

Constitution of such Courts.

262. Every such Naval Court shall hear and investigate the Complaint brought before it, or the Cause of the Wreck or Abandonment, (as the Case may be,) and may for that Purpose summon and compel the Attendance of Parties and Witnesses, and administer Oaths, and order the Production of Documents, and shall conduct the Investigation in such Manner as to give any Person against whom any Charge is made an Opportunity of making a Defence.

General Functions and Mode of Action of such Courts.

263. Every such Naval Court may, after hearing the Case, exercise the following Powers; (that is to say,)

Powers of such Courts:

- (1.) It may, if unanimous that the Safety of the Ship or Crew, or the Interest of the Owner, absolutely requires it, supersede the Master, and may 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 then at the Place:
- (2.) It may discharge any Seaman from his Ship:
- (3.) It may order the Wages of any Seaman so discharged or any Part of such 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 Receipt of Her Majesty's Exchequer in the same Manner as other Penalties and Forfeitures under this Act:
- (4.) It may decide any Questions as to Wages, or Fines, or Forfeitures, arising between any of the Parties to the Proceedings:
- (5.) It 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 such Seaman or Apprentice, whether then or subsequently earned:
- (6.) It may exercise the same Powers with regard to Persons charged before it with the Commission of Offences at Sea or abroad as are by this Act given to *British Consular Officers*:
- (7.) It may order the Costs of the Proceeding before it (if any), or any Portion thereof, 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 Cost or Compensation so ordered shall be paid by such 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 his Wages:

To supersede the Master:

To discharge a Seaman:

To forfeit Wages:

To decide Disputes as to Wages, &c.:

To direct Costs of Imprisonment to be paid out of Wages:

To send home Offenders for Trial:

To order Payment of Costs, &c.

And

*Merchant Shipping (Part III. Masters and Seamen).**Naval Courts.*

Orders to be entered in Official Log.

Report to be made of Proceedings of Naval Courts.

And all Orders duly made by any such Court under the Powers hereby given to it shall in any subsequent legal Proceedings be deemed conclusive as to the Rights of the Parties.

264. All Orders made by any such Naval Court shall, whenever practicable, be entered in the Official Log Book of the Ship to which the Parties to the Proceedings before it belong, and shall be signed by the President of the Court.

265. Every such Naval Court shall make a Report to the Board of Trade, containing the following Particulars; (that is to say,)

- (1.) A Statement of the Proceedings, with the Order made by the Court, and a Report of the Evidence:
- (2.) An Account of the Wages of any Seaman or Apprentice who is discharged from his Ship by such Court:
- (3.) If summoned in order to inquire into a Case of Wreck or Abandonment, a Statement of the Opinion of the Court as to the Cause of such Wreck or Abandonment, with such Remarks on the Conduct of the Master and Crew as the Circumstances require:

And every such Report shall be signed by the President of the Court; and every Document purporting to be such a Report and to be so signed as aforesaid shall, if produced out of the Custody of some Officer of the Board of Trade, be deemed to be such Report, unless the contrary is proved, and shall be received in Evidence, subject to all just Exceptions.

Penalty for preventing Complaint or obstructing Investigation.

266. Any Person who wilfully and without due Cause prevents or obstructs the making of any such Complaint as last aforesaid, or the Conduct of any Case or Investigation by any Naval Court, shall for each such Offence incur a Penalty not exceeding Fifty Pounds, or be liable to Imprisonment with or without Hard Labour for any Period not exceeding Twelve Weeks.

Crimes committed abroad.

Offences committed by British Seamen at Foreign Ports to be within Admiralty Jurisdiction.

Crimes committed on the High Seas and abroad.

267. 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 such 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*.

Conveyance of Offenders and Witnesses to United Kingdom or some British Possession.

268. The following Rules shall be observed with respect to Offences committed on the High Seas or abroad; (that is to say,)

- (1.) Whenever any Complaint is made to any *British Consular Officer* of any of the Offences mentioned in the last preceding Section, or of any Offence on the High Seas having been committed by any Master, Seaman, or Apprentice belonging to any *British Ship*, such 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 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.) For the Purpose aforesaid such 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 such 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 such Tonnage; and such Consular Officer shall indorse upon the Agreement of the Ship such Particulars with respect to any Offenders or Witnesses sent in her as the Board of Trade requires:
- (3.) Every such Master shall on his Ship's Arrival in the United Kingdom, or in such *British Possession* as aforesaid, give every Offender so committed to his Charge into the Custody of some Police Officer or Constable, who shall take the Offender before a Justice of the Peace or other Magistrate by Law empowered to deal with the Matter, and such Justice or Magistrate shall deal with the Matter as in Cases of Offences committed upon the High Seas:

And any such Master as aforesaid who, 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 such Passage and Subsistence to him, or who does not deliver any Offender committed to his Charge into the Custody of some Police Officer or Constable as herein-before directed, shall for each such Offence incur a Penalty not exceeding Fifty Pounds; and 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 be Part of the Costs of the Prosecution, or be paid as Costs incurred on account of seafaring Subjects of Her Majesty left in Distress in Foreign Parts.

269. Whenever

Merchant Shipping (Part III. Masters and Seamen).

269. Whenever any Case of Death happens on board any Foreign-going Ship, the Shipping Master shall on the Arrival of such Ship at the Port where the Crew is discharged inquire into the Cause of such Death, and shall make on the List of the Crew delivered to him as herein required an Indorsement to the Effect either that the Statement of the Cause of Death therein contained is in his Opinion true or otherwise, as the Result of the Inquiry requires; and every such Shipping Master shall for the Purpose of such Inquiry have the Powers hereby given to Inspectors appointed by the Board of Trade under the First Part of this Act; and if in the course of such Inquiry it appears to him that any such Death as aforesaid has been caused 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.

Crimes committed abroad.

Inquiry into Cause of Death on board.

270. Whenever in the course of any legal Proceedings 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 such Proceeding, then upon due Proof, if such Proceeding is instituted in the United Kingdom, that such Witness cannot be found in that Kingdom, or if in any *British Possession*, that he cannot be found in the same Possession, any Deposition that such 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 subject to the following Restrictions; (that is to say,)

Depositions to be received in Evidence when Witness cannot be produced.

- (1.) If such Deposition was made in the United Kingdom, it shall not be admissible in any Proceeding instituted in the United Kingdom:
- (2.) If such a Deposition was made in any *British Possession*, it shall not be admissible in any Proceeding instituted in the same *British Possession*:
- (3.) If the Proceeding is Criminal it shall not be admissible unless it was made in the Presence of the Person accused:

Every Deposition so made as aforesaid shall be authenticated by the Signature of the Judge, Magistrate, or Consular Officer, before whom the same is made; and such Judge, Magistrate, or Consular Officer shall, when the same is taken in a Criminal Matter, certify, if the Fact is so, and that the accused was present at the taking thereof, but 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 such Certificate as aforesaid shall, unless the contrary is proved, be sufficient Evidence of the accused having been present in manner thereby certified; but 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 such Colony, or to interfere with the Power of any Colonial Legislature to make such Depositions admissible in Evidence, or to interfere with the Practice of any Court in which Depositions not authenticated as herein-before mentioned are admissible.

Registration of and Returns respecting Seamen.

271. There shall be in the Port of *London* an Office, to be called the "General Register and Record Office of Seamen," and the Board of Trade shall have Control over the same, and may appoint and from Time to Time remove a Registrar General, and such Assistants, Clerks, and Servants as may be necessary, and may from Time to Time, with the Consent of the Treasury, regulate their Salaries and Allowances; and such Salaries and Allowances, and all other necessary Expenses, shall be paid by the Treasury out of any Monies to be granted by Parliament for that Purpose; and the Board of Trade may direct the Business of the Register Office at any of the Outports to be transacted at the Shipping Office, or with the Consent of the Commissioners of Customs, at the Custom House of the Port, and may appoint the Shipping Master, or, with such Consent as aforesaid, some Officer of Customs, to conduct the same; and such Business shall thereupon be conducted accordingly, but shall in all Cases be subject to the immediate Control of the Board of Trade.

Registration and Returns respecting Seamen.

Establishment of Register Office.

272. The said Registrar General of Seamen shall by means of the Agreements, Lists, and other Papers to be transmitted to him as herein directed, or by such other Means as are in his Power, keep a Register of all Persons who serve in Ships subject to the Provisions of this Act.

Register of Seamen to be kept.

273. Every Master of every Foreign-going Ship of which the Crew is discharged in the United Kingdom, in whatever Part of Her Majesty's Dominions the same is registered, and of every Home Trade Ship, shall make out and sign a List in a Form sanctioned by the Board of Trade, containing the following Particulars; (that is to say,)

Lists to be made for all Ships, containing certain Particulars.

- (1.) The Number and Date of the Ship's Register and her registered Tonnage:
- (2.) The Length and general Nature of the Voyage or Employment:
- (3.) The Christian Names, Surnames, Ages, and Places of Birth of all the Crew, including the Master and Apprentices; their Qualities on board, their last Ships or other Employments, and the Dates and Places of their joining the Ship:
- (4.) The Names of any Members of the Crew who have died or otherwise ceased to belong to the Ship, with the Times, Places, Causes, and Circumstances thereof:

(5.) The

Merchant Shipping (Part III. Masters and Seamen).

Registration
and Returns
respecting
Seamen.

- (5.) The Names of any Members of the Crew who have been maimed or hurt, with the Times, Places, Causes, and Circumstances thereof :
- (6.) The Wages due to any of the Crew who have died, at the Times of their respective Deaths :
- (7.) The Clothes and other Effects belonging to any of the Crew who have died, with a Statement of the Manner in which they have been dealt with, and the Money for which any of them have been sold :
- (8.) The Name, Age, and Sex of every Person, not being one of the Crew, who dies on board, with the Date and the Cause thereof :
- (9.) Every Birth which happens on board, with the Date thereof, the Sex of the Infant, and the Names of the Parents :
- (10.) Every Marriage which takes place on board, with the Date thereof, and the Names and Ages of the Parties.

Lists for
Foreign-going
Ships to be de-
livered to Ship-
ping Master on
Arrival.

274. In the Case of Foreign-going Ships, the Master 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 to the Shipping Master before whom the Crew is discharged such List as herein-before required, and if he fails so to do shall for every Default incur a Penalty not exceeding Five Pounds ; and such Shipping Master shall thereupon give to the Master a Certificate of such Delivery ; and no Officer of Customs shall clear Inwards any Foreign-going Ship without the Production of such Certificate, and any such Officer may detain any such Ship until the same is produced.

Lists to be de-
livered by Home
Trade Ships
half-yearly.

275. The Master or Owner of every Home Trade Ship shall, within Twenty-one Days after the Thirtieth Day of *June* and the Thirty-first Day of *December* in every Year, transmit or deliver to some Shipping Master in the United Kingdom such List as herein-before required for the preceding Half Year, and shall in default incur a Penalty not exceeding Five Pounds ; and such Shipping Master shall give to the Master or Owner a Certificate of such Transmission or Delivery ; and no Officer of Customs shall grant a Clearance or Transire for any Home Trade Ship without the Production of such Certificate, and any such Officer may detain any such Ship until the same is produced.

Lists to be sent
home in case of
Transfer of Ship
and in case of
Loss.

276. If any Ship ceases by reason of Transfer of Ownership or Change of Employment to fall within the Definition of a Foreign-going or of a Home Trade Ship, the Master or Owner thereof shall, if such Ship is then in the United Kingdom, within One Month, and if she is elsewhere, within Six Months, deliver or transmit to the Shipping Master at the Port to which the Ship has belonged such List as herein-before mentioned, duly made out to the Time at which she ceased to be a Foreign-going or Home Trade Ship, and in default shall for each Offence incur a Penalty not exceeding Ten Pounds ; and if any Ship is lost or abandoned, the Master or Owner thereof shall, if practicable, and as soon as possible, deliver or transmit to the Shipping Master at the Port to which the Ship belonged such List as herein-before mentioned duly made out to the Time of such Loss or Abandonment, and in default shall for each Offence incur a Penalty not exceeding Ten Pounds.

Shipping Mas-
ters and other
Officers to
transmit Docu-
ments to Regis-
trar.

Registrar to
permit Inspec-
tion, to produce
Originals, and
give Copies.

277. All Shipping Masters and 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 where such Documents come into their Hands, or for any other proper Purpose, and shall, if required, produce them for any of such Purposes, and shall then transmit them to the Registrar General of Seamen, to be by him recorded and preserved ; and the said Registrar shall, on Payment of a moderate Fee to be fixed by the Board of Trade, or without Payment of any Fee if the Board of Trade so directs, allow any Person to inspect the same ; and in Cases in which the Production of the Original of any such Document in any Court of Justice or elsewhere is essential, shall produce the same, and in other Cases shall make and deliver to any Person requiring it a certified Copy of any such Document or of any Part thereof ; and every Copy purporting to be so made and certified shall be received in Evidence, and shall have all the Effect of the Original of which it purports to be a Copy.

Officers of Cus-
toms to make
Returns to
Registrar.

278. The Collector or Comptroller of Customs at every 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 Seamen a List of all Ships registered in such Port, and also of all Ships whose Registers have been transferred or cancelled in such Port since the last preceding Return.

Agreements,
Indentures, and
Assignments,
on Arrival at a
Foreign Port
to be deposited
with the Consul,
and at a Colony
with the Officers
of Customs.

279. The following Rules shall be observed with respect to the Delivery of Documents to *British* Consular Officers ; (that is to say,)

- (1.) Whenever any Ship, in whatever Part of Her Majesty's Dominions the same is registered, (except Ships whose Business for the Time being is to carry Passengers,) arrives at any Foreign Port where there is a *British* Consular Officer, or at any Port in any *British* Possession abroad, and remains thereat for Forty-eight Hours, the Master shall, within Forty-eight Hours of the Ship's Arrival, deliver to such Consular Officer, or to the Chief Officer of Customs, (as the Case may be,) the Agreement with the Crew, and also all Indentures and Assignments of Apprenticeships, or, in the Case of a Ship belonging to a *British* Possession, such of the said Documents as such Ship is provided with :
- (2.) Such Officer shall keep such Documents during the Ship's Stay in such Port, and, in Cases where any Indorsements upon the Agreement are hereby required, shall duly make the same, and shall return

Merchant Shipping (Part III. Masters and Seamen).

return the said Documents to the Master a reasonable Time before his Departure, with a Certificate indorsed on the Agreement, stating when the same were respectively delivered and returned :

- (3.) If it appears that the required Forms have been neglected, or that the existing Laws have been transgressed, such Officer shall make an Indorsement to that Effect on the Agreement, and forthwith transmit a Copy of such Indorsement, with the fullest Information he can collect regarding such Neglect or Transgression, to the Registrar General of Seamen :

And if any Master fails to deliver any such Document as aforesaid he shall for every such Default incur a Penalty not exceeding Twenty Pounds ; and in any Prosecution for such Penalty it shall lie upon the Master either to produce the Certificate of the Consular Officer or Officer of Customs herein-before required, or to prove that he duly obtained the same, or that it was impracticable for him so to do.

Registration and Returns respecting Seamen.

Official Logs.

280. The Board of Trade shall sanction Forms of Official Log Books, which may be different for different Classes of Ships, so that each such Form contains Blanks for the Entries herein-after required ; and an Official Log of every Ship (except Ships employed exclusively in trading between Ports on the Coasts of the United Kingdom) shall be kept in the appropriate sanctioned Form ; and such Official Log may, at the Discretion of the Master or Owner, either be kept distinct from the ordinary Ship's Log or united therewith, so that in all Cases all the Blanks in the Official Log be duly filled up.

281. Every Entry in every Official Log shall be made as soon as possible after the Occurrence to which it relates, and if not made on the same Day as the Occurrence to which it relates, shall be made and dated so as to show the Date of the Occurrence and of the Entry respecting it ; and in no Case shall any Entry therein in respect of any Occurrence happening previously to the Arrival of the Ship at her final Port of Discharge be made more than Twenty-four Hours after such Arrival.

282. Every Master of a Ship for which an Official Log Book is hereby required shall make or cause to be made therein Entries of the following Matters ; (that is to say,)

- (1.) Every legal Conviction of any Member of his Crew, and the Punishment inflicted :
- (2.) Every Offence committed by any 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 reading over such Entry, and concerning the Reply (if any) made to the Charge, as herein-before 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 such Particulars :
- (5.) Every Case of Illness or Injury happening to any Member of the Crew, with the Nature thereof, and the Medical Treatment adopted (if any) :
- (6.) Every Case of Death happening on board, and of the Cause thereof :
- (7.) Every Birth happening on board, with the Sex of the Infant and the Names of the Parents :
- (8.) Every Marriage taking place on board, with the Names and Ages of the Parties :
- (9.) 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 :
- (10.) The Amount of Wages due to any Seaman who enters Her Majesty's Service during the Voyage :
- (11.) The Wages due to any Seaman or Apprentice who dies during the Voyage, and the gross Amount of all Deductions to be made therefrom :
- (12.) The Sale of the Effects of any Seaman or Apprentice who dies during the Voyage, including a Statement of each Article sold, and of the Sum received for it :
- (13.) Every Collision with any other Ship, and the Circumstances under which the same occurred.

283. The Entries hereby required to be made in Official Log Books shall be signed as follows ; that is to say, every such Entry shall be signed by the Master and by the Mate or some other of the Crew, and every Entry of Illness, Injury, or Death shall be also signed by the Surgeon or Medical Practitioner on board (if any) ; and every Entry of Wages due to or of the Sale of the Effects of any Seaman or Apprentice who dies shall be signed by the Master and by the Mate and some other Member of the Crew ; and every Entry of Wages due to any Seaman who enters Her Majesty's Service shall be signed by the Master, and by the Seaman or by the Officer authorized to receive the Seaman into such Service.

284. The following Offences in respect of Official Log Books shall be punishable as herein-after mentioned ; (that is to say,)

- (1.) If in any Case an Official Log Book is not kept in the Manner hereby required, or if any Entry hereby directed to be made in any such Log Book is not made at the Time and in the Manner hereby directed, the Master shall for each such Offence incur the specific Penalty herein mentioned in respect thereof, or where there is no such specific Penalty, a Penalty not exceeding Five Pounds :

Official Logs.

Official Logs to be kept in Forms sanctioned by Board of Trade.

Entries to be made in due Time.

Entries required in Official Log.

Convictions.

Offences.

Punishments.

Conduct, &c., of Crew.

Illnesses and Injuries.

Deaths.

Births.

Marriages.

Quitting Ship.

Wages of Men entering Navy.

Wages of deceased Seamen.

Sale of their Effects.

Collisions.

Entries how to be signed.

Penalties in respect of Official Logs.

*Merchant Shipping (Part IV. Safety).**Official Logs.*

(2.) Every Person who makes or procures to be made or assists in making any Entry in any 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 such Arrival, shall for each such Offence incur a Penalty not exceeding Thirty Pounds :

(3.) Every Person who wilfully destroys or mutilates or renders illegible any Entry in any Official Log Book, or who wilfully makes or procures to be made or assists in making any false or fraudulent Entry or Omission in any such Log Book, shall for each such Offence be deemed guilty of a Misdemeanor.

Entries in
Official Logs to
be received in
Evidence.

Official Logs to
be delivered
to Shipping
Master.

285. All Entries made in any Official Log Book as herein-before directed shall be received in Evidence in any Proceeding in any Court of Justice, subject to all just Exceptions.

286. In the Case of Foreign-going Ships the Master 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 to the Shipping Master before whom the Crew is discharged the Official Log Book of the Voyage ; and the Master or Owner of every Home Trade Ship, not exclusively employed in trading between Ports on the Coasts in the United Kingdom, shall within Twenty-one Days after the Thirtieth Day of *June* and the Thirty-first Day of *December* in every Year transmit or deliver to some Shipping Master in the United Kingdom the Official Log Book for the preceding Half Year ; and every Master or Owner who refuses or neglects to deliver his Official Log Book as hereby required shall be subject to the same Consequences and Liabilities to which he is hereby made subject for the Non-delivery of the List of his Crew herein-before mentioned.

Official Logs to
be sent home in
case of Transfer
of Ship, and in
case of Loss.

287. If any Ship ceases by reason of Transfer of Ownership or Change of Employment to fall within the Definition of a Foreign-going or of a Home Trade Ship, the Master or Owner thereof shall if such Ship is then in the United Kingdom, within One Month, and if she is elsewhere, within Six Months, deliver or transmit to the Shipping Master at the Port to which the Ship belonged the Official Log Book (if any) duly made out to the Time at which she ceased to be a Foreign-going or Home Trade Ship, and in default shall for each Offence incur a Penalty not exceeding Ten Pounds ; and if any Ship is lost or abandoned, the Master or Owner thereof shall, if practicable, and as soon as possible, deliver or transmit to the Shipping Master at the Port to which the Ship belonged the Official Log Book (if any) duly made out to the Time of such Loss or Abandonment, and in default shall for each Offence incur a Penalty not exceeding Ten Pounds.

*East Indies
and Colonies.**East Indies and Colonies.*

Provisions of
Act, as applied
by East Indian
and Colonial
Governments
to their own
Ships, may be
enforced
throughout the
Empire.

East Indian and
Colonial Acts
to be subject to
Disallowance,
and require
Sanction as in
other Cases.

Conflict of
Laws.

288. If the Governor General of *India* in Council, or the respective Legislative Authorities in any *British* Possession abroad, by any Acts, Ordinances, or other appropriate legal Means, apply or adapt any of the Provisions in the Third Part of this Act contained to any *British* Ships registered at, trading with, or being at any Place within their respective Jurisdictions, and to the Owners, Masters, Mates, and Crews thereof, such Provisions, when so applied and adapted as aforesaid, and as long as they remain in force, shall in respect of the Ships and Persons to which the same are applied be enforced, and Penalties and Punishments for the Breach thereof shall be recovered and inflicted, throughout Her Majesty's Dominions, in the same Manner as if such Provisions had been hereby so adopted and applied, and such Penalties and Punishments had been hereby expressly imposed.

289. Every Act, Ordinance, or other Form of Law to be passed or promulgated by the Governor General of *India* in Council, or by any other Legislative Authority, in pursuance of this Act, shall respectively be subject to the same Right of Disallowance or Repeal, and require the same Sanction or other Acts and Formalities, and be subject to the same Conditions in all respects, as exist and are required in order to the Validity of any other Act, Ordinance, or other Form of Law passed by such Governor General in Council or other Legislative Authority respectively.

290. If in any Matter relating to any Ship or to any Person belonging to any Ship there appears to be a Conflict of Laws, then, if there is in the Third Part of this Act any Provision on the Subject which is hereby expressly made to extend to such Ship, the Case shall be governed by such Provision, and if there is no such Provision the Case shall be governed by the Law of the Place in which such Ship is registered.

PART IV.

SAFETY AND PREVENTION OF ACCIDENTS.

*Application.**Application.*

Application of
Part IV. of Act.

291. The Fourth Part of this Act shall apply to all *British* Ships ; and all Foreign Steam Ships carrying Passengers between Places in the United Kingdom shall be subject to all the Provisions contained in the Fourth Part of this Act, and likewise to the same Provisions with respect to the Certificates of the Masters and Mates thereof to which *British* Steam Ships are subject.

Boats

*Merchant Shipping (Part IV. Safety).**Boats for Sea-going Ships.**Boats for Sea-going Ships.*

292. The following Rules shall be observed with respect to Boats and Life Buoys ; (that is to say,)

(1.) No decked Ship (except Ships used solely as Steam Tugs and Ships engaged in the Whale Fishery) shall proceed to Sea from any Place in the United Kingdom, 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 the Boats the Number and Cubic Contents of which are specified in the Table marked S. in the Schedule hereto for the Class to which such Ship belongs :

Rules as to Boats and Life Buoys.

(2.) No Ship carrying more than Ten Passengers shall proceed to Sea from any Place in the United Kingdom, unless, in addition to the Boats herein-before required, she is also provided with a Life Boat furnished with all Requisites for Use, or unless One of her Boats herein-before required is rendered buoyant after the Manner of a Life Boat :

(3.) No such Ship as last aforesaid shall proceed to Sea unless she is also provided with Two Life Buoys :

And such Boats and Life Buoys shall be kept so as to be at all Times fit and ready for Use : Provided, that the Enactments with respect to Boats and Life Buoys herein contained shall not apply in any Case in which a Certificate has been duly obtained under the Tenth Section of the "Passengers Act, 1852."

15 & 16 Vict. c. 44. s. 10.

293. In any of the following Cases, (that is to say,)

(1.) If any Ship herein-before required to be provided with Boats or Life Buoys proceeds to Sea without being so provided therewith, or if any of such Boats or Life Buoys are lost or rendered unfit for Service in the course of the Voyage through the wilful Fault or Negligence of the Owner or Master ; or,

Penalties on Masters and Owners, &c. neglecting to provide Boats and Life Buoys.

(2.) If, in case of any of such Boats or Life Buoys being accidentally lost or injured in the course of the Voyage, the Master wilfully neglects to replace or repair the same on the first Opportunity ; or,

(3.) If such Boats and Life Buoys are 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 incur a Penalty not exceeding One hundred Pounds, and if the Master appears to be in fault he shall incur a Penalty not exceeding Fifty Pounds.

294. No Officer of Customs shall grant a Clearance or Transire for any Ship herein-before required to be provided with Boats or with Life Buoys unless the same is duly so provided ; and if any such Ship attempts to go to Sea without such Clearance or Transire any such Officer may detain her until she is so provided.

Ships not cleared.

*Lights and Fog Signals, and Meeting and Passing.**Rules as to Lights, Meeting and Passing.*

295. The following Rules shall be observed with regard to Lights and Fog Signals ; (that is to say,)

(1.) The Admiralty shall from Time to Time make Regulations requiring the Exhibition of such Lights, by such Classes of Ships, whether Steam or Sailing Ships, within such Places and under such Circumstances as they think fit, and may from Time to Time revoke, alter, or vary the same :

Regulations as to Lights and Fog Signals.

(2.) The Admiralty may, if they think fit, make Regulations requiring the Use of such Fog Signals, by such Classes of Ships, whether Steam or Sailing Ships, within such Places and under such Circumstances as they think fit, and may from Time to Time revoke, alter, or vary the same :

(3.) All Regulations made in pursuance of this Section shall be published in the *London Gazette*, and shall come into operation on a Day to be named in the Gazette in which they are published, and the Admiralty shall cause all such Regulations to be printed, and shall furnish a Copy thereof to any Owner or Master of a Ship who applies for the same, and Production of the Gazette containing such Regulations shall be sufficient Evidence of the due making and purport thereof :

(4.) All Owners and Masters shall be bound to take notice of the same, and shall, so long as the same continue in force, exhibit such Lights, and use such Fog Signals, at such Times, within such Places, in such Manner, and under such Circumstances as are enjoined by such Regulations, and shall not exhibit any other Lights or use any other Fog Signals, and in case of Default the Master, or the Owner of the Ship, if it appears that he was in fault, shall for each Occasion upon which such Regulations are infringed incur a Penalty not exceeding Twenty Pounds.

296. Whenever any Ship, whether a Steam or Sailing Ship, proceeding in one Direction, meets another Ship, whether a Steam or Sailing Ship, proceeding in another Direction, so that if both Ships were to continue their respective Courses they would pass so near as to involve any Risk of a Collision, the Helms of both Ships shall be put to Port so as to pass on the Port Side of each other ; and this Rule shall be obeyed by all Steam Ships and by all Sailing Ships whether on the Port or Starboard Tack, and whether close-hauled or not, unless the Circumstances of the Case are such as to render a Departure from the Rule necessary in order to avoid immediate Danger, and subject also to the Proviso that due Regard shall be had to the Dangers of Navigation, and, as regards Sailing Ships on the Starboard Tack close-hauled, to the keeping such Ships under Command.

Rule as to Ships meeting each other.

Merchant Shipping (Part IV. Safety).

Rule for Steamers in narrow Channels.

If Collision ensues from Breach of the above Rules, Owner not to be entitled to recover.

Breaches of such Rules to imply wilful Default.

Build and Equipment of Steam Ships.

Iron Steamers to be divided by Water-tight Partitions.

Officers of Customs not to grant Certificates except so divided.

Equipment of Steam Ships. Safety Valve.

Compasses to be adjusted.

Fire Hose.

Signals.

Shelter for Deck Passengers.

297. Every Steam Ship, when navigating any narrow Channel, shall, whenever it is safe and practicable, keep to that Side of the Fair-way or Mid-channel which lies on the Starboard Side of such Steam Ship.

298. If in any Case of Collision it appears to the Court before which the Case is tried that such Collision was occasioned by the Non-observance of any Rule for the Exhibition of Lights or the Use of Fog Signals issued in pursuance of the Powers herein-before contained, or of the foregoing Rule as to the passing of Steam and Sailing Ships, or of the foregoing Rule as to a Steam Ship keeping to that Side of a narrow Channel which lies on the Starboard Side, the Owner of the Ship by which such Rule has been infringed shall not be entitled to recover any Recompence whatever for any Damage sustained by such Ship in such Collision, unless it is shown to the Satisfaction of the Court that the Circumstances of the Case made a Departure from the Rule necessary.

299. In case any Damage to Person or Property arises from the Non-observance by any Ship of any of the said Rules, such Damage shall be deemed to have been occasioned by the wilful Default of the Person in charge of the Deck of such 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 Rule necessary.

Build and Equipment of Steam Ships.

300. The following Rules shall be observed with respect to the Build of Iron Steam Ships ; (that is to say,)

- (1.) Every Steam Ship built of Iron, of One hundred Tons or upwards, the building of which commenced after the Twenty-eighth Day of *August* One thousand eight hundred and forty-six, and every Steam Ship built of Iron of less Burden than One hundred Tons the building of which commenced after the Seventh Day of *August* One thousand eight hundred and fifty-one, (except Ships used solely as Steam Tugs,) shall be divided by substantial transverse Water-tight Partitions, so that the Fore Part of the Ship shall be separated from the Engine Room by one of such Partitions, and so that the After Part of such Ship shall be separated from the Engine Room by another of such Partitions :
- (2.) Every Steam Ship built of Iron the building of which commences after the passing of this Act, shall be divided by such Partitions as aforesaid into not less than Three equal Parts, or as nearly so as Circumstances permit :
- (3.) In such last-mentioned Ships each such Partition as aforesaid shall be of equal Strength with the Side Plates of the Ship with which it is in contact :
- (4.) Every Screw Steam Ship built of Iron, the building of which commences after the passing of this Act, shall, in addition to the above Partitions, be fitted with a small Water-tight Compartment inclosing the After-extremity of the Shaft :

And no Officer of Customs or other Person shall grant a Clearance or Transire for any Iron Steam Ship required to be divided or fitted as aforesaid, unless the same is so divided and fitted ; and if any such Ship attempts to ply or go to Sea without such Clearance or Transire, any such Officer may detain her until she is so divided and fitted ; and if any Steam Ship herein-before required to be so divided or fitted plies or goes to Sea without being so divided or fitted, the Owner shall incur a Penalty not exceeding One hundred Pounds.

301. Steam Ships shall be provided as follows ; (that is to say,)

- (1.) Every Steam Ship of which a Survey is hereby required shall be provided with a Safety Valve upon each Boiler, so constructed as to be out of the Control of the Engineer when the Steam is up, and, if such Valve is in addition to the ordinary Valve, it shall be so constructed as to have an Area not less and a Pressure not greater than the Area of and Pressure on that Valve :
- (2.) Every Sea-going Steam Ship employed to carry Passengers shall have her Compasses properly adjusted from Time to Time ; such Adjustment, in the Case of Ships surveyed as herein-after mentioned, to be made to the Satisfaction of the Shipwright Surveyor, and according to such Regulations as may be issued by the Board of Trade :
- (3.) Every Sea-going Steam Ship (unless used solely as a Steam Tug) shall be provided with a Hose adapted for the Purpose of extinguishing Fire in any Part of the Ship and capable of being connected with the Engines of the Ship :
- (4.) Every Sea-going Steam Ship employed to carry Passengers shall be provided with the following Means of making Signals of Distress ; (that is to say,) Twelve Blue Lights or Twelve Port Fires, and One Cannon with Ammunition for at least Twelve Charges, or, in the Discretion of the Master or Owner of such Ship, with such other Means of making Signals (if any) as may have previously been approved by the Board of Trade :
- (5.) Every Home Trade Steam Ship employed to carry Passengers by Sea 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, may require :

And

Merchant Shipping (Part IV. Safety).

And if any Steam Ship as aforesaid plies or goes to Sea from any Port in the United Kingdom without being so provided as herein-before required, then for each Default in any of the above Requisites the Owner shall (if he appears to be in fault) incur a Penalty not exceeding One hundred Pounds, and the Master shall (if he appears to be in fault) incur a Penalty not exceeding Fifty Pounds.

*Build and
Equipment of
Steam Ships.*

302. If any Person places an undue Weight on the Safety Valve of any Steam Ship, or, in the Case of Steam Ships surveyed as herein-after mentioned, increases such Weight beyond the Limits fixed by such Engineer Surveyor as herein-after mentioned, he shall, in addition to any other Liabilities he may incur by so doing, incur a Penalty not exceeding One hundred Pounds.

Penalty for im-
proper Weight
on Safety Valve.

Survey of Passenger Steamers.

303. For the Purpose of the Enactments herein contained with respect to Surveys and Certificates of Passenger Steam Ships, the Word "Passengers" shall be held to include any Persons carried in a Steam Ship, other than the Master and Crew and the Owner, his Family and Servants; and the Expression "Passenger Steamer" shall be held to include every *British* Steam Ship carrying Passengers to, from, or between any Place or Places in the United Kingdom, excepting Steam Ferry Boats working in Chains, commonly called Steam Bridges.

*Survey of
Passenger
Steamers.*

Definition of
Passenger
Steamer.

304. Every Passenger Steamer shall be surveyed twice at the least in each Year in manner herein-
*Once in each
year - 35th 36
1854*

*Passenger
Steamers to be
surveyed.*
*Campania
18th Feb
1854*

305. The Board of Trade may from Time to Time appoint such Number of fit and proper Persons to be Shipwright Surveyors and Engineer Surveyors for the Purposes of this Act at such Ports or Places as it thinks proper, and may also appoint a Surveyor General for the United Kingdom, and may from Time to Time remove such Surveyors or any of them, and may from Time to Time fix and alter the Rates of Remuneration to be received by such Surveyors.

Board of Trade
to appoint Sur-
veyors, and fix
their Remuner-
ation.

306. It shall be lawful for the said Surveyors in the Execution of their Duties to go on board any Steam Ship at all reasonable Times, and to 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 or Mate to which the Provisions of this Act or any of the Regulations to be made by virtue thereof apply, not unnecessarily detaining or delaying the Ship from proceeding on any Voyage, and, if in consequence of any Accident to any such Ship or for any other Reason they consider it necessary so to do, to require the Ship to be taken into Dock for the Purpose of surveying the Hull thereof; and any Person who hinders any such Surveyor from going on board any such Steam Ship, or otherwise impedes him in the Execution of his Duty under this Act, shall incur a Penalty not exceeding Five Pounds.

Surveyors to
have Power to
inspect.

307. The said Surveyors shall execute their Duties under the Direction of the Board of Trade, and such Board shall make Regulations as to the Manner in which the Surveys herein-after mentioned shall be made, and as to the Notice to be given to the Surveyors when Surveys are required, and as to the Amount and Payment of any travelling or other Expenses incurred by such Surveyors in the Execution of their Duties, and may thereby determine the Persons by whom and the Conditions under which such Payment shall be made.

Board of Trade
to regulate
Mode of making
Surveys.

308. Every Surveyor who demands or receives directly or indirectly from the Owner or Master of any Ship surveyed by him under the Provisions of this Act any Fee or Remuneration whatsoever for or in respect of such Survey, otherwise than as the Officer and by the Direction of the Board of Trade, shall incur a Penalty not exceeding Fifty Pounds.

Penalty on
Surveyors re-
ceiving Fees
unlawfully.

309. The Owner of every Passenger Steamer shall cause the same to be surveyed at the Times herein-after directed by One of the said Shipwright Surveyors and by One of the said Engineer Surveyors so appointed as aforesaid; such Shipwright Surveyor being, in the Case of Iron Steamers, a Person who is in the Judgment of the Board of Trade properly qualified to survey such Ships; and such Surveyors shall thereupon, if satisfied that they can with Propriety do so, give to such Owner Declarations as follows:

Owners to have
Surveys made
by Shipwright
and Engineer
Surveyors, and
Surveyors to
give Declara-
tions.

The Declaration of the Shipwright Surveyor shall contain Statements of the following Particulars; (that is to say,)

- (1.) That the Hull of the Ship is sufficient for the Service intended and in good Condition :
- (2.) That the Partitions, Boats, Life Buoys, Lights, Signals, Compasses, and Shelter for Deck Passengers, and the Certificates of the Master and Mate or Mates, are such, and in such Condition, as required by this Act :
- (3.) The Time (if less than Six Months) for which the said Hull and Equipments will be sufficient :
- (4.) The Limits (if any) beyond which, as regards the Hull and Equipments, the Ship is in the Surveyor's Judgment not fit to ply :
- (5.) The Number of Passengers which the Ship 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; such 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 :

And

Merchant Shipping (Part IV. Safety).

*Survey of
Passenger
Steamers.*

And the Declaration of the Engineer Surveyor shall contain Statements of the following Particulars; (that is to say,)

- (1.) That the Machinery of the Ship is sufficient for the Service intended, and in good Condition :
- (2.) The Time (if less than Six Months) for which such Machinery will be sufficient :
- (3.) That the Safety Valves and Fire Hose are such and in such Condition as are required by this Act :
- (4.) The Limits of the Weight to be placed on the Safety Valves :
- (5.) The Limits (if any) beyond which, as regards the Machinery, the Ship is in the Surveyor's Judgment not fit to ply :

And such Declarations shall be in such Form as the Board of Trade directs.

*Transmission
of Declarations
to Board of
Trade.
Penalty for
Delay.*

310. The said Owner shall transmit such Declarations to the Board of Trade within Fourteen Days after the Dates of the Receipt thereof respectively; and in default shall forfeit a Sum not exceeding Ten Shillings for every Day that the sending of such Declarations is delayed; and such Sum shall be paid upon the Delivery of the Certificate herein-after mentioned, in addition to the Fee payable for the same, and shall be applied in the same Manner as such Fees.

*Times appoint-
ed for Surveys
and Trans-
mission of
Declarations.*

311. In all Cases where it is possible, the said half-yearly Surveys shall be made in the Months of *April* and of *October*, and the Declarations shall be transmitted on or before the Thirtieth Day of *April* and the Thirty-first Day of *October* respectively; but if the Owner of any Passenger Steamer is unable to have the same surveyed in the Month of *April* or *October* (as the Case may be), either by reason of such Ship being absent from the United Kingdom during the whole of those Periods respectively, or by reason of such Ship or the Machinery thereof being under Construction or Repair, or of such Ship being laid up in Dock, or for any other Reason satisfactory to the Board of Trade, then he shall have the same surveyed as aforesaid as soon thereafter as possible, and shall transmit such Declarations to the Board of Trade within Fourteen Days after the Receipt thereof, together with a Statement of the Reasons which have prevented the Survey of such Ship at the Time herein-before prescribed, and shall, in case of Delay in transmitting the Declarations, be liable to a Forfeiture similar to that mentioned in the last preceding Section.

*Board of Trade
to issue Certifi-
cates.*

312. Upon the Receipt of such Declarations the Board of Trade shall, if satisfied that the Provisions of the Fourth Part of this Act have been complied with, cause a Certificate in Duplicate to be prepared and issued to the Effect that the Provisions of the Law with respect to the Survey of the Ship, and the Transmission of Declarations in respect thereof have been complied with; and such Certificate shall state the Limits (if any) beyond which, according to the Declaration of the Surveyors, such Ship is not fit to ply, and shall also contain a Statement of the Number of Passengers which, according to the Declaration of the Shipwright Surveyor, such Ship is 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, such Number to be subject to such Conditions and Variations according to the Time of Year, the Nature of the Voyage, the Cargo carried, and other Circumstances, as the Case requires.

*Issue and
Transmission
of Certificates.*

313. The Board of Trade shall transmit such duplicate Certificate to the Shipping Master or to some other public Officer at such Port as the Owner may mention for the Purpose or at the Port where the Owner or his Agent resides or where the Ship was surveyed and is for the Time being lying, and shall cause Notice of such Transmission to be given by Post or otherwise to the Master or Owner or his Agent; and the said Shipping Master or Officer shall deliver such duplicate Certificate to the said Owner, Master, or Agent on his applying and paying the Fees and other Sums (if any) herein mentioned as payable in that Behalf; and in proving the due Issue and Transmission to the Owner, Agent, or Master of such Certificate, it shall be sufficient to show that the same has been duly received by such Shipping Master or Public Officer as aforesaid, and that due Notice of the Transmission thereof to such Shipping Master or Officer has been given to such Owner, Master, or Agent.

*Fees to be paid
for Certificates.*

314. The Owner of every Passenger Steamer requiring a Certificate under the Fourth Part of this Act shall pay for every Certificate granted by the Board of Trade such Fees as such Board directs, not exceeding the Fees mentioned in the Table marked T. in the Schedule hereto.

*How long
Certificates to
continue in
force.*

315. No Certificate shall be held to be in force for the Purposes of the Fourth Part of this Act beyond the Date fixed by the Board of Trade for the Expiration thereof; and no Certificate shall be in force after Notice is given by the Board of Trade to the Owner, Agent, or Master of the Ship to which the same relates, that such Board has cancelled or revoked the same: Provided, that if any Passenger Steamer is absent from the United Kingdom at the Time when her Certificate expires, no Penalty shall be incurred for the Want of a Certificate until she first begins to ply with Passengers after her next subsequent Return to the United Kingdom; and the Board of Trade may require any Certificate which has expired, or has been revoked or cancelled, to be delivered up as it directs; and any Owner or Master who, without reasonable Cause, neglects or refuses to comply with such Requirement, shall incur a Penalty not exceeding Ten Pounds.

316. The

Merchant Shipping (Part IV. Safety).

316. The Board of Trade may revoke and cancel such Certificates in any Case in which it has Reason to believe,—

- (1.) That the Declarations of the Sufficiency and good Condition of the Hull, Equipments, and Machinery of any Passenger Steamer, or either of them, have been fraudulently or erroneously made; or,
- (2.) That such Certificate has otherwise been issued upon false or erroneous Information; or,
- (3.) That since the making of such Declarations the Hull, Equipments, or Machinery of such Ship have sustained any Injury, or are otherwise insufficient:

And in every such Case the Board of Trade may, if it thinks fit, require the Owner to have the Hull, Equipments, or Machinery of such Ship again surveyed, and to transmit a further Declaration or Declarations of the Sufficiency and good Condition thereof, before re-issuing any Certificate or granting a fresh one in lieu thereof.

317. The Owner or Master of every Passenger Steamer shall forthwith on the transmission of any such Certificate as aforesaid to him or his Agent cause one of the Duplicates thereof so transmitted to be put up in some conspicuous Part of the Ship, so as to be visible to all Persons on board the same, and shall cause it to be continued so put up so long as such Certificate remains in force and such Ship is in use; and in default such Owner or Master shall for every Offence incur a Penalty not exceeding Ten Pounds.

318. It shall not be lawful for any Passenger Steamer to proceed to Sea or upon any Voyage or Excursion with any Passengers on board, unless the Owner thereof has transmitted to the Board of Trade the Declarations herein-before required, nor unless the Owner or Master thereof has received from such Board such a Certificate as herein-before provided for, such Certificate being a Certificate applicable to the Voyage or Excursion on which such Ship is about to proceed; and no Officer of Customs shall grant any Clearance or Transire for any Passenger Steamer unless upon the Production of such Certificate as aforesaid (being a Certificate then in force and applicable as aforesaid); and if any Passenger Steamer attempts to ply or go to Sea without such Production, any such Officer may detain her until such Certificate is produced; and if any Passenger Steamer plies or goes to Sea with any Passengers on board, without having One of the Duplicates of such Certificate as aforesaid (being a Certificate then in force, and applicable as aforesaid), so put up as aforesaid in some conspicuous Part of the Ship, the Owner thereof shall for such Offence incur a Penalty not exceeding One hundred Pounds, and the Master of such Ship shall also incur a further Penalty not exceeding Twenty Pounds.

319. If the Owner or Master or other Person in charge of any Passenger Steamer receives on board thereof or on or in any Part thereof, or if such Ship has on board thereof or on or in any Part thereof, any Number of Passengers which, having regard to the Time, Occasion, and Circumstances of the Case, is greater than the Number of Passengers allowed by the Certificate, the Owner or Master shall incur a Penalty not exceeding Twenty Pounds, and also an additional Penalty not exceeding Five Shillings for every Passenger over and above the Number allowed by the Certificate, or, if the Fare of any of the Passengers on board exceeds Five Shillings, not exceeding double the Amount of the Fares of all the Passengers who are over and above the Number so allowed as aforesaid, such Fares to be estimated at the highest Rate of Fare payable by any Passenger on board.

320. Every Person who knowingly and wilfully makes or assists in making or procures to be made a false or fraudulent Declaration or Certificate with respect to any Passenger Steamer requiring a Certificate under the Fourth Part of this Act, or who forges, assists in forging, or procures to be forged, fraudulently alters, assists in fraudulently altering, or procures to be fraudulently altered, any Declaration or Certificate required by the Fourth Part of this Act, or any Words or Figures in any such Declaration or Certificate, or any Signature thereto, shall be deemed guilty of a Misdemeanor.

321. The said Surveyors shall from Time to Time make such Returns to the Board of Trade as it requires with respect to the Build, Dimensions, Draught, Burden, Rate of Sailing, Room for Fuel, and the Nature and Particulars of Machinery and Equipments of the Ships surveyed by them; and every Owner, Master, and Engineer of any such Ship shall, on Demand, give to such Surveyors all such Information and Assistance within his Power as they require for the Purpose of such Returns; and every such Owner, Master, or Engineer who, on being applied to for that Purpose, wilfully refuses or neglects to give such Information or Assistance, shall be liable to a Penalty not exceeding Five Pounds.

Misconduct by Passengers in Steamers.

322. The following Offenders, that is to say,

- (1.) Any Person who, after having been refused Admission into any Steamer by the Owner or Person in charge thereof or by any Person in the Employ of the Owner thereof, on account of such Steamer being full, and after having had the full Amount of his Fare (if he has paid the same) returned or tendered to him, nevertheless persists in attempting to enter the same; and
- (2.) Any Person, having got on board any Steamer, who, upon being requested on the like Account by the Owner or Person in charge thereof or by any Person in the Employ of the Owner to leave such Steamer before the same has quitted the Place at which such Person got on board, and upon

*Survey of
Passenger
Steamers.*

Board of Trade may cancel Certificates, and require fresh Declarations.

Copy of Certificate to be placed in conspicuous Part of Ship.

Ship not to proceed on her Voyage without Certificate.

Penalty for carrying Passengers in Excess of Numbers specified in Certificate.

Forgery of Declaration or Certificate a Misdemeanor.

Surveyors to make Returns of the Build, &c. of Steam Ships, and Owners and Masters to give Information for that Purpose.

*Misconduct by
Passengers in
Steamers.*

Penalties on Persons forcing way on board; or refusing to quit the Ship.