

Harold Selwyn Smith

STATE LIBRARY OF N.S.W.
MITCHELL LIBRARY

DSM/

983.7/

S

Digitised under the State Library of
NSW's Digital Excellence Program.
Due to the nature of the original
material or digitisation process there
may be instances where the digital
copies are not exact matches of the
originals. If you have any questions or
would like to provide feedback,
please email
collections.library@sl.nsw.gov.au

61

9/11

A. Schoen Smith.
Esq.

Mossburn: 24. Aug: 1858.





W. Mitchell.

THE AUSTRALIAN
SHIPMASTER'S GUIDE ;

A HANDBOOK OF

Mercantile and Maritime Information,

RELATING TO

MERCHANT SHIPS AND SEAMEN

IN

VICTORIA.



BY

JOHN J. SHILLINGLAW,

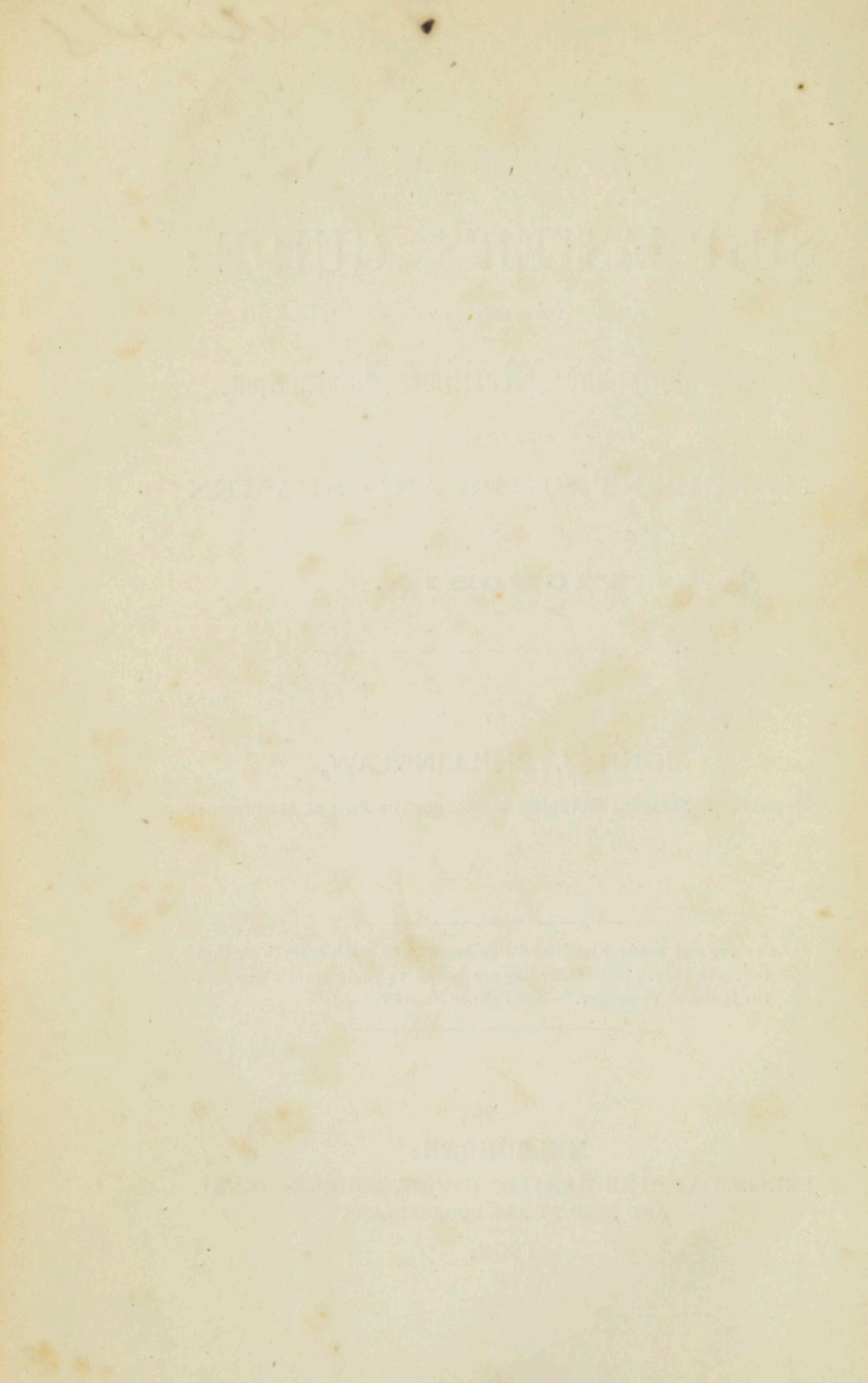
Registrar of Seamen; Shipping Master for the Port of Melbourne.

~~~~~  
"Laws are not made like lime-twigs or nets, to catch everything that toucheth them ; but rather like sea marks, to guide from shipwreck the ignorant passenger."—SIR PHILIP SIDNEY.  
~~~~~

MELBOURNE :

PRINTED AT "THE HERALD" OFFICE, BOURKE STREET.
AND SOLD BY ALL BOOKSELLERS.

1858.

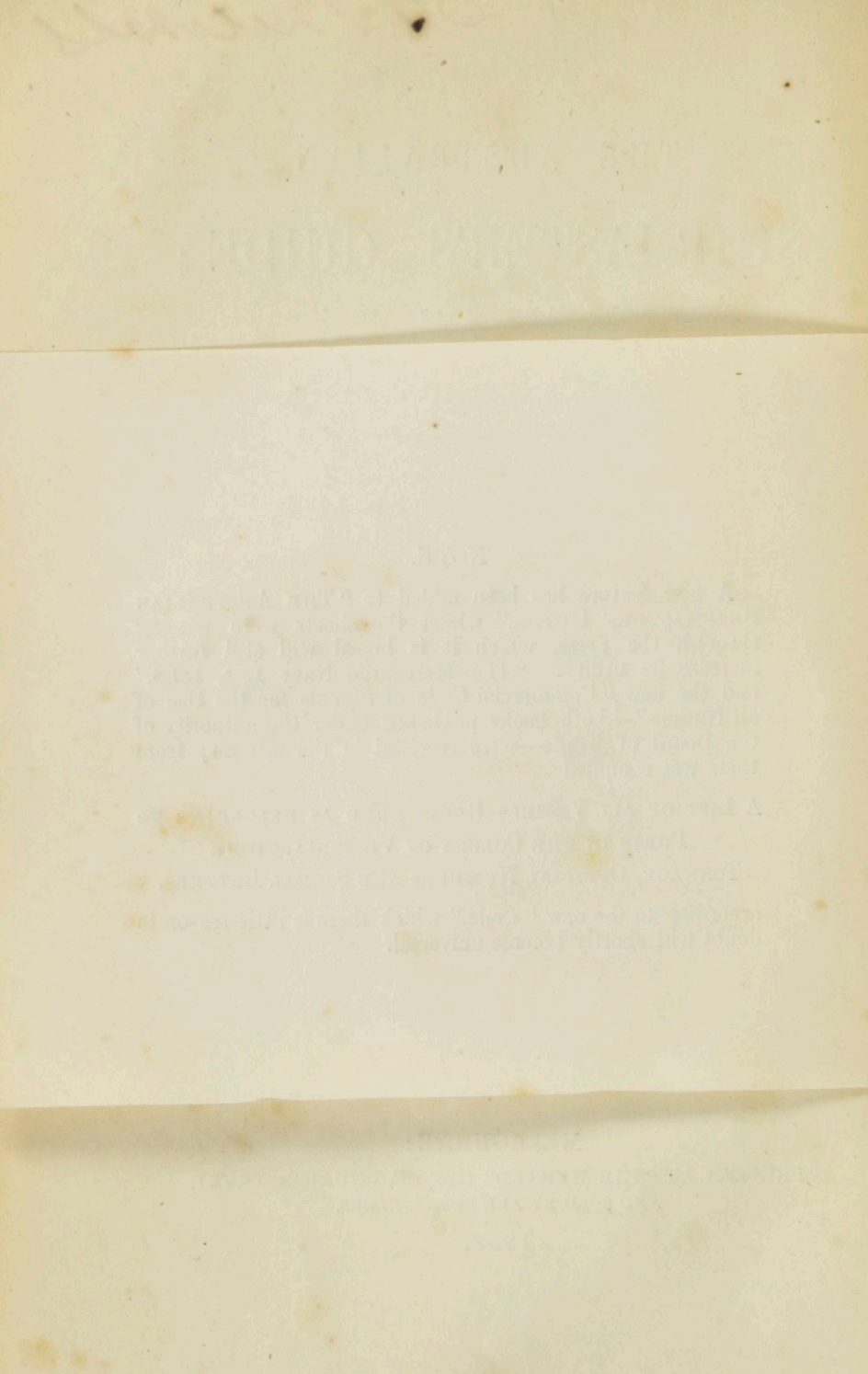


NOTE.

A new feature has been added to "THE AUSTRALIAN SHIPMASTERS' GUIDE," whilst the sheets were passing through the press, which it is hoped will still further increase its utility. "The Mercantile Navy List, 1858," and the new "Commercial Code of Signals for the Use of all Nations"—both books published under the authority of the Board of Trade—were received in the interim; from them was compiled

A LIST OF ALL VESSELS REGISTERED AS BELONGING TO
PORTS IN THE COLONY OF VICTORIA, THEIR
TONNAGE, OFFICIAL NUMBERS AND SIGNAL LETTERS,

according to the new "Code," which there is little reason to doubt will shortly become universal.



THE
Australian Shipmaster's Guide.

PREFACE.

FOR the last six years, during which my duties have brought me into daily communication with the officers and men of the Merchant Service in the Port of Melbourne, I have been impressed with the conviction that some such handbook as the present compilation could not fail to be of considerable utility, not only to the large and rapidly increasing body of Commanders and Mates of ships at present belonging to and constantly arriving in the Colony, but also—I believe I am right in thinking—to the mercantile community of Victoria generally.

Of the want of such a Book there can be no sort of doubt, when it is remembered what large interests are involved and how heavily Shipmasters and Shipowners have suffered, from ignorance of the Law affecting those interests. In the two years during which a Government Shipping Office has been established in the Port of Melbourne, there have been some twenty-five thousand seamen engaged and discharged in *British* ships alone exactly according to the forms used in

the United Kingdom. Many thousands of pounds have been paid to these men as wages and advances ; and a very large number of complaints and disputes, which must otherwise have gone for settlement to the Police Courts, have been decided by the simple machinery placed by the Merchant Shipping Act in the hands of the Shipping Master.

To members of the legal profession this compilation may be of no great utility, although I cannot but think it will be a matter of some convenience, even to them, to have in a small handy volume a collection of Acts and other maritime information which, if obtainable at all in a separate form, would be three times as expensive. For such it has not been published. They can with ease turn to the erudite and elaborate works of Lord Tenterden, Shee, Atkinson, Steele, Lee, Seymour, and others. It is simply intended as a "seamark to guide from shipwreck" a numerous and influential class, whose avocations do not permit them to devote much time to the study of these subjects, but to whom, nevertheless, the quaint language of Sir Philip Sidney strongly applies.

I am happy in being assured of the hearty support and approbation of very many of them in the present unpretending attempt to be useful.

INTRODUCTION.

CHAPTER I.

BEFORE submitting the following pages to the reader, a few prefatory remarks on the past and present state of the Marine Law regulating the commerce of Her Majesty's dominions may not be injudicious.

Few subjects have more worthily engaged the serious consideration of statesmen and legislators in the mother country than the necessity of fostering her Mercantile Marine and improving the condition of its members. Thus, as exigencies have from time to time arisen in our changing commercial policy, so have laws been enacted for these wise purposes, until at length the Statute Book of the Empire became overloaded with Acts having for their objects the amelioration of the seaman, his increased efficiency, and better discipline. Merely to enumerate the titles of these Acts would occupy a large space and serve no useful purpose. One lately repealed dates from the reign of Elizabeth, and many of them, although emanating from the Legislature of Great Britain, equally applied to her colonies.

The evil effects of this multiplicity of statutes in Great Britain was found to be of such serious moment that the highest authorities joined in advocating the construction of a new Code of Marine Law. A Committee of the House of

Lords reported that "no service more valuable could be rendered to the trade of the empire than an accurate revision of the vast and confused mass of commercial legislation." The attention of merchants and shipowners became thoroughly aroused to its importance. One of the most distinguished of their number writes, "We have now *eleven* separate Acts of Parliament in full force for the regulation of navigation, and to every one of these we must refer on almost any question which arises. Few will understand this arduous task; and fewer still, when they feel that after all their labor and research, the innumerable clauses repealing *so much* of other clauses beget such mystification, that to understand any portion thereof is all but hopeless."* "The property and transactions of merchants," remarks another authority,† "ought not to depend upon the subtleties and niceties of forced constructions, but upon plain and obvious rules about which there can be no mistake."

Such protests could have but one result. The Board of Trade took the subject in hand, and, after much deliberation, a "Bill to Amend and Consolidate the Acts Relating to Merchant Shipping" was introduced into the House of Commons on the 2nd of March, 1854, received the Royal assent on the 10th of August of the same year, and became law throughout the British Empire on the 1st of May, 1855, under the title of "THE MERCHANT SHIPPING ACT, 1854."

This "Library condensed into a Volume," which reflects the highest honor on Mr. Cardwell and those who assisted him in its preparation, contains 548 sections, and consolidates some 47 statutes, comprising upwards of a thousand clauses! Indeed one barrister, who published a valuable edition of the Act,‡ speaking perhaps with legal enthusiasm, says, "It is

* Wm. Schaw Lindsay, Esq., M.P.--"Navigation Laws," page 88.

† Mr. McCulloch—"Commercial Dictionary" (Maritime Law).

‡ The "Merchant Shipping Act, 1854," edited by W. Digby Seymour, Esq., M.P., Barrister-at-Law.

“ not too much to say of the Merchant Shipping Act
 “ what Lord Tenterden said of the French Marine Code,
 “ framed by the genius of her great Minister, Colbert, in
 “ 1681—‘It has been composed in the reign of a politic Prince,
 “ ‘ under the auspices of a wise and enlightened Minister, and
 “ ‘ in matter, method, and style is one of the most finished
 “ ‘ acts of legislation that ever was promulgated.’ ”

Although certain provisions of the Merchant Shipping Act apply to the whole of Her Majesty’s dominions, it has not yet been adopted in its entirety in any of the Australasian colonies. Until this takes place in Victoria, the law relating to merchant ships and seamen in this colony remains as before, scattered in various acts of the Legislature of New South Wales and Victoria to be found in Mr. Adamson’s collection.*

But the two handsome volumes which form that collection do not contain the very important provisions of the Imperial statute relative to registry, the new tonnage admeasurement, equitable rights in shipping, the limitation of the liability of shipowners, &c.; and even supposing they did, they are expensive, and therefore practically useless to a large body of persons who especially require a simple guide in transacting business as troublesome as it is important.

To such, it is hoped, this hand-book may prove serviceable. It contains the law in force in Victoria (and it may be said in Australasia) relating to

I. REGISTRY	- - -	Ownership. Measurement.
II. LIABILITY OF OWNERS	-	Limitation.
III. LEGAL PROCEDURE.		
IV. MISCELLANEOUS	- -	Lascars. Passenger Acts. Adoption of Act in Colonies.

* “Acts and Ordinances in Force in Victoria.” By Travers Adamson, Esq.,
2 vols. 1855.

V. COLONIAL SHIPS—MASTERS AND SEAMEN	- - - - -	} In Victoria.
VI. BRITISH SHIPS ARRIVING	- - - - -	
VII. FOREIGN SEAMEN	- - - - -	
VIII. PROTECTION OF SEAMEN	- - - - -	
IX. STEAM NAVIGATION	- - - - -	
X. PILOTAGE	- - - - -	
XI. PORT REGULATIONS	- - - - -	
XII. GENERAL	- - - - -	

The Shipping Master—office, Duties, and Powers.
 Colonial Foreign-going Ships.
 „ Home Trade „
 Manning.
 Engagement of Seamen.
 Discharge „ „
 Wages.
 Advance and Allotment.
 Official and Ship's Log Books.
 Apprentices.
 Provisions.
 Seaman's Hospital and Sailor's Home.
 Medicines, &c.
 Consuls and Naval Officers.

XIII. PUBLIC OFFICERS IN VICTORIA :

(With whom the Master will be brought in contact.)

	Harbour Masters.
	Emigration Officers.
	Water Police.
	Surveyors to Steam Board.
	„ „ Customs.
	Lloyd's Agent.
	Pilots.
	Licensed Shipping Agents.
APPENDIX - - - - -	Regulations as to Lights.
	„ „ Sick Seamen.
	„ „ Survey of Steamers.
	Bethel Ship.
	Vexatious Arrests Act.
	Water Police Act.

CHAPTER II.

REGISTRY.

THE second part of the Merchant Shipping Act comprises the law relating to the ownership, measurement, and registry of *British ships throughout the empire.*

The provisions of this part of the act are so clearly pointed out in the digest preceding it, and in the general index, that it is not thought necessary to refer particularly to them. The compulsory clauses requiring the master's attention before the navigation of a ship are:—

[S. 34.] Before registry paint name of ship and port of registry in white or yellow letters, of not less than four inches in length, on a dark ground, on a conspicuous part of the stern.

[S. 19.] Register every ship, except those under fifteen tons, trading on the coasts of Victoria, and under certain conditions.

[S. 25.] Carve on main beam the number of registered tons and that of certificate of registry.

[S. 46.] Master's name to be endorsed on register.

Registration is not compulsory, but by section 100 a non-registered ship is liable to payment of dues, and to penalties and punishment of offences committed on board, as if she were a British ship, whilst she is disentitled to any of the benefits belonging thereto.

Measurement of Tonnage.—Important alterations have been made in the old law greatly tending to improvement in the model and construction of ships. Rules are given for allowing the deduction of engine space in steamers, shelter for deck passengers, &c.

Great alteration is likewise made in the old law as to equitable rights in shipping, independent of the title appearing on the register; to ownership by a corporate body; change of owners to be indorsed on register; transfer of

mortgages, &c., &c.; but although these provisions are of the utmost importance to *Owners*, it is not thought advisable to do more than draw attention to them in this place, as not falling within the proposed objects of this guide to the master. The notes attached to Mr. Seymour's very valuable edition of the Merchant Shipping Act* on this section are strongly recommended to the attention of those who may desire further information on the subject. East Indian ships are registered within the territories of the Company under 3 & 4 Vic., ch. 56.

CHAPTER III.

LIABILITY OF OWNERS.

THE IX. part of the Merchant Shipping Act applies to the whole of Her Majesty's dominions, and relates to the Shipowner's Liability.

In this Part material alterations have likewise been made in the former law, which, regarding owners as common carriers, and, as such, insurers of the goods intrusted to them, rendered them responsible for loss or damage, unless occasioned by "storms, tempests, and the like acts of God, or by the King's enemies." No owner is *now* liable to make good any loss or damage which happens, without his actual default or privity to any goods on board, by reason of fire, or to any gold, silver, jewellery, or precious stones stolen, embezzled, or secreted, unless before shipment the nature of such goods was declared in the bills of lading, or otherwise, in writing, by the owner thereof to the master or owner of the ship (s. 503).

* Benning. London, 1855.

By section 516 nothing is to be construed to lessen the responsibility of masters and seamen, *as* masters and seamen, though being also owners or part owners; nor does the Act extend to any British ship, not being a recognized British ship, within the meaning of the Merchant Shipping Act.

There are six sections (507 *et seq.*) of very great importance, conferring powers on the Board of Trade to institute proceedings in case of loss of life or personal injury in the United Kingdom. They do not apply to the colonies at present, but are inserted as forming one of the most valuable features of the new law.

CHAPTER IV.

LEGAL PROCEDURE AND MISCELLANEOUS.

PART X. of the Merchant Shipping Act also applies to the whole of the Queen's dominions, and clearly defines the legal procedure to be taken under the Act.

Under Part XI. (s. 544), there is an important provision, permitting contracts to be made with natives in India, subject to certain conditions, binding them to go to Australia (either as seamen or passengers), and thence to the United Kingdom, as seamen in other ships. The provisions of the Passenger Acts are not to be affected by this act (s. 544).

Power is given to Colonial Legislatures, by act or ordinance (to be confirmed by the Queen in council), to repeal or alter any provisions of the Merchant Shipping Act affecting ships registered in the colonies; and it is understood that this consolidation of marine law in Victoria, by the adoption of the Imperial Statute, is under present consideration, and will be one of the many important measures to be submitted to the Houses of Legislature in an early session of Parliament.

CHAPTER V.

COLONIAL SHIPS, MASTERS, AND SEAMEN.

CERTAIN provisions of the old "General Merchant Seamen's Act" (7 & 8 Vic. c. 112) applied to these colonies in the same manner as the present "Merchant Shipping Act," which has repealed it. It was necessary, however, to frame a law for the direction of *colonial registered ships*, and an act was passed by the Sydney Legislature in September, 1849, for this purpose, which is generally known as the "New South Wales Merchant Seamen's Act."

This act was adopted in Victoria by the Constitution Act, 13 and 14 Vic., c. 59, sec. xxv., and will be found in the body of the book.

It has been thought advisable to add in the shape of foot-notes whatever is useful for reference in consulting any particular section. There are, however, several strict provisions contained in this act which are important, particularly to the master who arrives in Victoria for the first time. Attention is drawn to the following:—

Sec. II. The masters of *ships under eighty tons*, employed in the coasting trade of the colony, are not *required* to enter into the usual "ship's articles" or agreement with seamen. It must be remembered, however, that by *not* taking advantage of the simple machinery of the Act they are disentitled to any of its benefits, run the risk of getting an inferior class of men, and in cases of dispute relative to wages, &c., instead of a settlement before the shipping master, have to appeal to a court of law. *Above eighty tons*, under a penalty of £10, *all* vessels must have a written agreement, which must be dated and signed by the master before any seaman signs the same. *No interlineation, &c., is permitted.*
[SEE ENGAGEMENT.]

Whaling Ships have a different form of agreement, from the peculiar nature of their voyages, as the men are engaged by the *lay* or share. This also applies to crews of vessels seeking sandal wood, &c.

The master must not carry to sea any seaman until he has first obtained from such seaman his former discharge, or the sanction of the proper officer, under a penalty of £10. This is a stringent provision, which does not exist in the English act, but is very necessary in the colonies, where it has been found to be the best possible check on desertion.

Sec. XXI, XXII. *Masters or owners of all vessels above ten tons* are to deliver lists of crews, containing certain particulars, on certain occasions and under certain penalties.

CHAPTER VI.

BRITISH SHIPS ARRIVING IN VICTORIA.

BRITISH ships arriving in a colony are regulated by what has been referred to as the "Merchant Shipping Act, 1854."

All ships arriving in a port in Victoria, and remaining forty-eight hours, are bound, under a penalty of £20, within that time, to deliver to the Shipping Master (or officer of customs duly appointed) the agreement with the crew, the indentures or assignments of the apprentices, &c., which are kept by the officer during the ship's stay in port. On her departure certain indorsements required by the Board of Trade Instructions are to be made on the agreement by the Shipping Master, who is bound to satisfy himself by inquiry of their truth. (M. S. Act, s. 279.) In the ports of Melbourne and Geelong, for convenience, the practice is likewise to deposit the official log book and certificates of competency of the master and mates.

The rules as to Engagement and Discharge, Wages, Desertion, &c., will be found under these several heads.

Men falling, or being sick while their ships are in port, are not entitled to the relief which, under section 211 of the Merchant Shipping Act, the Shipping Master is empowered to extend to British seamen found in distress in his port, but are to be cured as far as practicable by the means with which, under section 224, every ship must be provided. The Shipping Master may, however, take temporary charge of any such sick seamen if for the purpose of preventing infection, or otherwise, for the convenience of the ship. Expense of removal, advice, medicine, and subsistence must be paid by the master. If the man continue ill to the time of the vessel sailing, and he is unable to proceed, he may be treated as a person who is left behind, under a certificate of inability to complete his agreement.

Men injured in the service of the ship are, by section 228 of the Merchant Shipping Act, to be treated in the same manner as under the New South Wales Act. The Imperial Statute, however, *includes* the apprentice, who was excepted in the Colonial Act, and supplies an omission by making provision for the payment of burial expenses consequent on death.

[See Pilotage, Port Regulations, and the several subsections under "General Information."]

CHAPTER VII.

FOREIGN SEAMEN.

FOREIGN seamen employed in British ships are in all respects to be treated as British seamen ; but if shipwrecked,

or left behind in distress, they are not to be relieved or sent home at the expense of the British Government.

An "Act for the better control of seamen belonging to "foreign vessels" was passed by the Legislature of Victoria in 1854, and will be found in its proper place. It empowers Justices of the Peace, on information of an officer of the ship, to issue a warrant for the apprehension of a deserter; to commit him to prison, to put him forcibly on board, or to place him at the disposal of the Consul of the nation to which the ship belongs.

Certain offences and their punishments are set out. Vessels or places may be searched for deserters; and persons harbouring, secreting, or concealing them are subject to heavy penalties.

It must be remembered, however, that no such warrant can be issued and no offence punished except at the instance, or with the express assent of the Consul, unless it has been notified three several times in the *Government Gazette* that the nation which the Consul represents desires the enforcement of the Act against the crews of its vessels in Victoria.

CHAPTER VIII.

PROTECTION OF SEAMEN.

IN 1845 an act was passed by the British Parliament "for the protection of seamen," who for several years had been "subjected to grievous Impositions and great Injustice" at the hands of persons who undertook to procure them ships. This Statute is commonly called the "Crimping Act," and was found to afford so good a remedy "against the Arts of

such Persons," that in 1847 it was adopted in New South Wales, and by the Constitution Act is now in force in Victoria.

Under this act the present Shipping Agents hold a license from the Executive Council, at the pleasure of the Commissioner of Trade, to enable them to assist the Shipping Master in procuring seamen.

Several notes are appended to the act; but it is not necessary to refer more particularly in this place to this very useful law.

CHAPTER IX.

STEAM NAVIGATION.

THE control and management of all steam vessels trading to or from, or plying in any port, harbour, creek, or river of Victoria, is vested by an act of the Legislative Council of the colony in a Board of five members, who, on being satisfied by the sworn declarations of their engineer and shipwright surveyors of the fitness of such vessels, may grant their license to ply within certain defined limits.

This Act will be found in the Appendix. By the 48 section it will be seen that a copy of it must be kept on board every steamer, under a penalty of £5.

High-pressure engines require to be surveyed four times in every year; low-pressure engines twice in every year; the hull of the vessel twice in every year.

CHAPTER X.

PILOTAGE.

LICENSES are granted to competent persons to act as pilots for any port in Victoria, and all other matters of control and management relating to pilotage are vested in a Board, consisting of the Chief Port and Harbour Master—one member selected by a majority of the pilots, and three other persons appointed by the Governor in Council. This Board is constituted by the 17 Vic., No. 28; and a copy of the act, and the regulations framed under it for the guidance of the pilot service, will be found in the Appendix.

CHAPTER XI.

PORT REGULATIONS.

THESE regulations were framed by the Chief Harbour Master under the 16 Vic., No. 12. Great care is taken to place them on board every ship on her arrival. In Hobson's Bay this duty is intrusted to the Immigration Officer; but in the event of loss or otherwise a copy can be immediately obtained, on application at the office of the Harbour Master.

It is important that the master should make himself perfectly acquainted with these regulations, as the penalties for non-observance of any of them range from £5 to £100. The regulations will be found in the Appendix.

GENERAL INFORMATION.

CHAPTER XII.

THE SHIPPING MASTER—OFFICE, DUTIES, AND POWERS.

The Shipping Master is appointed under sec. 13 of the New South Wales Act. His duties, as laid down by the Merchant Shipping Act, sec. 124, are—

- To afford facilities for engaging seamen, by keeping registries of their names and characters;
- To superintend and facilitate their engagement and discharge in the manner set forth by the act;
- 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 ships and seamen as are by the act now, or may hereafter, under its powers be committed to him.

Among these general duties the Board of Trade instructions enumerate the following :—

The attestation and explanation of the agreement, the adjustment of disputes referred to him, and the record of the character of seamen discharged with his sanction. He is also required to assist owners of ships in convicting defaulters or deserters by adducing the necessary evidence; and in all cases of litigation to produce in court any material documents, duplicates, registered entries, &c., or other evidence which may be in his possession. He is empowered to inquire whether the provisions of the act, or any law relating to merchant seamen and navigation, are duly complied with,

and in cases where he has reason to suspect that this has been neglected he may exercise the following powers :—

He may require the owner, master, or any of the crew to produce any official log-book or other documents in their possession, the production by the master of a list of all persons on board his ship, and may take copies of any such log-book or documents ;

He may muster the crew of the ship ;

He may summon the master to appear and give any explanation required concerning the ship, her crew, or the documents referred to, and if upon requisition duly made any person refuses or neglects to produce any such document, &c., he is liable to a penalty of £20. (Sec. 13, Merchant Shipping Act.)

The act gives the Shipping Master power in certain of the above duties to administer oaths ; and as he is responsible for the correctness of the indorsements he is required to make on the agreement, he is bound to satisfy himself by inquiry of their truth, and to grant or withhold his sanction to the discharge of a seaman only on proper evidence. On this last point the testimony of the Registrar-General of Seamen in London is valuable :—“ The records of our police courts afford perpetual instances of frivolous and harassing complaints by seamen, and charges of imposition against their employers, stimulated for the most part with the view of extorting money for compromising ; but it will henceforth be presumed that when seamen refuse to refer a dispute to the Shipping Master, who has the power to decide it, but rather to carry it into a police court, it must be either a point of difficulty or serious nature, or that the parties are actuated by, or stimulated to, improper motives.”

Shipping Masters are appointed by the Government of Victoria at the ports of Melbourne and Geelong. At the ports of Portland, Port Fairy, Port Albert, and Warrnambool the principal officer of Customs performs the duties and exercises the

powers of the appointment. These officers are under the Department of Trade and Customs, and make their reports, returns, &c., to the Commissioner. In matters connected with the important duties which devolve on them under the Merchant Shipping Act, the returns, quarterly accounts, &c., are transmitted through the Registrar of Seamen in Melbourne to the Board of Trade in England. This last-named officer is, by means of the duplicate agreements, lists, and other papers to be transmitted to him, and by such other means as are in his power, to keep a register of all persons who serve in ships subject to the provisions of the colonial acts, their names, ages, places of birth, qualities, last ships, deaths, wages and effects, &c. In short, it is intended to establish in the office of the Minister of Trade in Victoria a General Register and Record Office of Seamen similar to the present highly useful department in London.

COLONIAL FOREIGN-GOING SHIPS are vessels which proceed from a port in Victoria to any port or place *not* within the limits of New South Wales, Victoria, South, or Western Australia, Tasmania, and New Zealand; and

COLONIAL HOME-TRADE SHIPS are vessels proceeding in the same manner to any port or place *within* those limits.

MANNING.—“Great complaints are very frequently heard “as to the inefficient manning of ships, and whilst the proper number of a crew is not considered a subject for compulsory legislation, it is considered fair that the seaman, on “being engaged, should know who and what the crew are “to be.”* This has been provided for in the Merchant Shipping Act by the introduction of a stipulation in the agreement that the number of *sailors* is to be distinctly

* Board of Trade Memorandum, p. 22. Thring and Farrer.

stated. The crews are also to have access to a copy of their agreement.

It may be useful here to notice the standard which is now recognised of what constitutes an *able* and what an *ordinary* seaman, as in questions of incompetency much difficulty often arises on this point.

AN ABLE SEAMAN must hand, reef, steer, heave the lead, and row, work upon rigging, and be at least competent to make a long and short splice, strop a block, pass seizings on lower rigging, and make the ordinary knots. He is also generally expected to sew a sail, but if competent in other respects this is not imperative. He is expected to do all the work necessary for reefing, furling, or setting sail, to take a bunt or earing, to send yards and masts up and down, to rig in and out booms, to know how to reeve all the running rigging.

AN ORDINARY SEAMAN is expected to hand, reef, and steer (under common circumstances, which includes boxing the compass), to be well acquainted with all the running and standing rigging of a ship, to be able to reeve studding sail gear, and set a top-gallant or royal studding-sail out of a top; to loose and furl a royal, and a top-gallant sail, or flying jib; and to send down or cross a royal yard. He is not expected to be a workman upon rigging, but he must make all the hitches, bends, and knots in common use.*

ENGAGEMENT OF SEAMEN.—The precautions necessary to be observed in the engagement of seamen have been partly noticed in chapter v., and under “the Shipping Master’s duties.” The master should put himself in communication with that officer, who will make all the necessary arrange-

* Dana’s “Seaman’s Manual”—a work no sailor should be without.

ments for procuring the seamen. At least six hours' notice should be given by the master of his intention to ship hands, and may be insisted on. The master is himself to attend at the time fixed, and sign first. The fees are to be paid before commencement, and the Shipping Master may refuse to proceed with the engagement unless they are so paid. The certificates of competency or service held by the master and mates (if any) must be produced. The agreement (which is in duplicate) is to be carefully explained to the men before signing, and they should be warned that a false statement of their own name or the name of their last ship will subject them to a forfeiture of £5, to be deducted from their wages. The practice is, to attach to the agreement they have just signed the parchment discharge and character from the *former* ship, which men hold who have been duly discharged in Victoria. This is given back to them on the completion of the voyage with an entry on the back, and is obviously better than giving the man a fresh discharge, which he may hand to a brother seaman, probably a deserter, or not fortunate enough to hold the necessary character to enable him to get a ship. Paper discharges were found to be worthless, and therefore the present discharge is on parchment, with a form on the back for a "register of service." Since this plan was adopted in Victoria, the Board of Trade in the United Kingdom have also adopted the form. The heavy penalty attached to shipping men without a discharge (or the special sanction of the Shipping Master), and a strict attention to character, has had an excellent effect in the Colonial marine, and thus the simple parchment "register of service," without requiring the cumbrous machinery of the late "register ticket" to work it, has been found most efficacious in checking the great desertion hitherto prevalent.

THE LICENSED SHIPPING AGENTS are officers under the entire control of the Shipping Master, who assist in procuring

seamen to be entered. All their work is done in his office, and their accounts and fees are verified by him; the master who desires their services should communicate his intention to the Shipping Master.

DISCHARGE OF SEAMEN.—This part of the master's duty must be performed before the Shipping Master under a penalty. Twenty-four hours' notice of such intention must be given that officer. Forms of "account of wages" will then be handed to the master, and these, *in the case of foreign-going ships, must be delivered to the men twenty-four hours before they are brought before the Shipping Master to be paid off, under a penalty of £5.* This is a rule strictly enforced. In the case of colonial home trade (or coasting) ships the "account of wages" is not compulsory, although it is desirable, and is, indeed, the general practice. No deduction of any kind will be allowed unless included in this account and proved by proper entries in the book kept for that purpose, and by entries in the official or ship's log-book. "The delivery of the account in proper time is of great importance, both for the protection of the seamen and for the better determining any disputes which may arise."

The master is to deliver to the Shipping Master the official log-book, and the list (Form C) duly filled up, within forty-eight hours after the ship's arrival, or upon the discharge of the crew, whichever first happens, and upon receipt and production of these, with the agreement, &c., the Shipping Master will give a certificate thereof (Form B B) for the purpose of clearance. He must also retain the log-book, to be sent to the Registrar of Seamen (with the Form C), as it is no longer to be returned as formerly to the master or owner.

Before commencing the business of discharge, the fees are to be paid as in the case of engagement.

From the master's statement, compared with the agree-

ment, the log-book, and the List C, the discharge, form, and character is to be filled in, and after being signed by the seaman, is to be handed to him. The man is then to sign the "release," which form of receipt is the only legal one, and is kept in the office. Great attention is paid to the "characters" given of seamen, and a man may at any time, on application, obtain from the Registrar a complete record of his recorded services and character.

"In considering the propriety of granting or withholding his sanction to the discharge, the officer will be guided by the rules of law by which the relations of masters and seamen are governed, and if questions of difficulty arise, they may be determined by an appeal to the courts of law. The Shipping Master may, if he thinks it necessary, administer oaths. If the officer is satisfied that the discharge ought to be granted, he will indorse upon the agreement a certificate in the required form. Masters and owners being subject to heavy penalties and liabilities if men are left behind without such certificate, and the burden of proving such certificate being thrown by the act upon them, it is important that the officer should be careful that it is properly granted or withheld, and that he should satisfy himself of the correctness of the statements it contains by proper evidence. The mere report of the master, unsupported by other testimony, ought in no case to be deemed sufficient."*

WAGES.—The well-known *dictum* of Lord Stowell, that "*Freight is the mother of wages*" has ceased to be a maxim of our law. "A seaman, like any other hired servant, is henceforth entitled to wages for the service he has actually rendered in proportion to its duration;" but in case of

* Sections 206, 207, 208, Merchant Shipping Act; and Instructions to Officers in British Possessions concerning their Duties with respect to Masters and Crews under this Act. Prepared by the Board of Trade.

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. (S. 183 M. S. Act.) The right to wages and provisions commences either at the time at which the seaman commences work, or at the time specified in the agreement for his commencement of work or presence on board, whichever first happens. (S. 181.) No seaman can by any agreement forfeit his lien upon a ship, or be deprived of any remedy for the recovery of his wages. All such stipulations are "wholly inoperative." (S. 182.)

Wages cease in case of termination of service, by wreck, or illness, and do not accrue during refusal to work or imprisonment. (S. 185, 186 M. S. Act.) By the Victorian Act the period within which wages are to be paid to colonial seamen differs from that laid down by the Merchant Shipping Act to regulate the case of British ships discharging men abroad. In this last instance the time fixed for payment of wages of foreign-going ships is three days after delivery of cargo, or five days after discharge. (S. 187.) In both acts, at the time of discharge, a fourth of the balance due is required to be paid on account.

If the seaman desires immediate payment of wages, a jurisdiction is given to a Stipendiary Magistrate, under the Colonial Act, to the extent of £30; or £50, under the Merchant Shipping Act. (S. 188.)

Masters have the same rights, liens, and remedies as to wages as seamen.

Should a seaman be discharged before the commencement of the voyage or before one month's wages are earned, *without fault on his part*, and without his consent, he is entitled to receive, in addition to any wages he may have earned, compensation for the damage caused him, not exceeding one month's pay (M. S. Act, s. 167).

In all cases, payment is to be made by the calendar month; and the day upon which the wages are to commence,

and also the day of discharge, are to be included in computing seamen's wages.

[Tables for this purpose will be found in the Appendix.]

ADVANCE AND ALLOTMENT.—The present system of advance notes is universally condemned as “holding out a temptation to fraud and leading to evils to the shipping interest almost incalculable.”* “They are vicious in principle and “injurious in operation,” says another writer who has daily cause to see the evil effects they produce on the character of seamen.† By the Merchant Shipping Act a great and salutary change has been made with respect to the advance note. The law does not now recognise it excepting so far as to admit of a stipulation in the agreement. The present Allotment note is a vast improvement on the Advance. The regulations respecting it are given in the Merchant Shipping Act, s. 168. Advance notes must now be recovered in the same manner as other debts. Under the “Seamen’s Protection Act,” s. vii., it will be seen that no advance note is to be given to any colonial seaman entering on board a ship until six hours after he has signed the agreement. It is hoped that Shipping Masters will use their influence to dissuade seamen from taking these notes. It will be thought almost incredible, that in the Port of Melbourne one dealer in slops alone, who cashes these Advance notes, in the course of eighteen months returned to the Shipping Master’s office notes to the value of £2,500, which were not worth the paper on which they were printed! No remark is needed to point out who is the real sufferer by such a system. *If all the Consuls for Foreign nations would consent to all the men shipped in their vessels passing through the Government office, as a check on the double-signing, how great would be the benefit to the poor sailor?* Most of the Consuls have

* His Honour Mr. Russell Gurney.

† E. W. Symons, Esq., Chief Clerk Thames Police Court.

willingly adopted this suggestion, and it is hoped that at no very distant period all will sanction such an excellent arrangement.

OFFICIAL LOG-BOOKS are required to be kept on board ships proceeding foreign from the United Kingdom, and the regulations respecting them are of course contained in the Merchant Shipping Act. An abstract of these regulations will be found in the first page of the log-book, giving ample directions as to the entries required to be made therein. Respecting these entries, heavy penalties lie on the master in default. In Victoria, the *ship's* log book answers the end of the official log; but it has been thought advisable to adopt a form of official log similar to the English one, which has been sanctioned by the Government, and is supplied by the Shipping Master.

APPRENTICES.—It is no longer imperative on the British shipowner to maintain apprentices for tonnage. They may now be carried or not, at his option. Statutory provisions on this subject have existed since the reign of Elizabeth, and part of the old law as to apprentices still applies to Victoria, as will be seen on reference to the act, although it seems to have been tacitly allowed to become obsolete. Great difference of opinion naturally exists on this point. The Registrar-General of Seamen, writing on it, says, “I am a strong
“ advocate for the system of apprenticeship, from the ob-
“ servation of many years, strengthened by the opinions of
“ practical men, which I have such ready means of eliciting.
“ The number of apprentices indentured between the years
“ 1835 and 1848, during which a compulsory law for their
“ maintenance existed, was upwards of 100,000—merging
“ annually into between 6000 and 7000 seamen, sufficient to
“ replace casualties and supply our increasing tonnage with-
“ out depressing wages by overloading the labour market.”

In four years the number of apprentices fell from 31,636 to 13,826. The question was truly a very grave one. The compulsory continuance of the system was, however, regarded by shipowners as "a violation of the first principles of commercial freedom," and it has been abolished. The law, as it now exists, applies only to parish boys who "consent" to enter the sea service, and others, bound to owners. The Shipping Master is to use every exertion in facilitating the binding of apprentices, and it is hoped that colonial shipowners will not discourage this, the best plan ever conceived for making a "thorough sailor."

PROVISIONS.—The scale of provisions for each seaman must be inserted in the agreement which he signs. His right to them commences when he commences work, or when he first joins, whichever happens first. Any three or more of the crew of a British ship may complain to any Shipping Master or chief officer of Customs that the provisions or water are of bad quality, unfit for use, or deficient in quantity. Upon this the officer will, unless he is satisfied that it is frivolous or vexatious, have the provisions or water examined. If by the result he is satisfied that the complaint is well founded, he will cause a notice in writing to be given to the master specifying the particulars, and requiring the master to provide proper provisions or water, or to make up the quantity, as the case may require, and giving him notice that if he fails to do so he will be liable to a penalty of £20. If, on the other hand, the result of the examination shows there was no reasonable ground for the complaint, each of the parties complaining will be liable to forfeit to the owner one week's wages, and of this the officer should apprise the complainants when the complaint is first made. The result is to be carefully entered in the log-book, and "great care and accuracy in framing this report is highly necessary." (Merchant Shipping Act, secs. 221, 222.)

SEAMAN'S HOSPITAL.—No hospital specially appropriated to seamen exists in the port of Melbourne, but a ward of the general hospital has been set apart for sick seamen, and admission can be obtained under the regulations of the notice in the appendix. This has hitherto been a great want in the port, and the sick seaman is largely indebted to the Commissioner of Trade for his exertions in the matter. The practice in Melbourne is to invite every seaman discharged to give his mite to a fund which the Shipping Master divides among the Melbourne Hospital and certain other charitable institutions, which have met his suggestion in a just and liberal spirit; and if at any time a sailor falls into distress or illness, when he is not entitled to relief at the expense of his ship, should the simple reference to his discharge or the books of the office show he has at any time contributed, he is at once taken care of, and receives the fullest benefit of his former consideration for his brother blue-jackets. Other excellent arrangements have been made by the Committee of the Hospital as to the sick seamen left in charge of the Shipping Master at the expense of the ship, not necessary to be particularized here. (See British ships arriving.)

SAILOR'S HOME.—That noble institution—a Sailor's Home and Savings Bank—has yet to be properly founded. The rapid triumph and complete success of these establishments in the United Kingdom leaves little doubt, however, that this will not long remain, as it now is, a reproach. It is believed that the sanction of Parliament will be speedily given to these undertakings; and it is known, from a modest attempt which has been made in connection with the shipping office, that success is certain.

MEDICINES, &c.—The regulations as to medicines, lime juice, molasses, and vinegar will be found in the act. Scales

are given in the appendix. The colonial home trade (or coasting) ship is exempt from these provisions.

CONSULS AND NAVAL OFFICERS.—The authority of the Consul is greatly extended by the Merchant Shipping Act, and his duties very much increased. He is now constituted a Shipping Master, and performs all the duties of that officer. In ports where there is no Consular officer the authority is exercised by the Governor, or some officer appointed by him, or by the collectors or comptrollers of Customs, or two resident British merchants. The commissioned naval officer exercises the same powers as the Consul, and some others which come more specially within his sphere of duty.

ACTS OF PARLIAMENT.

I. AND II.—REGISTRY AND OWNERSHIP THROUGH-
OUT HER MAJESTY'S DOMINIONS.

MERCHANT SHIPPING ACT,

1854,

Passed by British Legislature, 10th Aug., 1854.

PARTS II. AND IX.

[*The original numbers of the sections are retained.
Those sections which do not apply to the Aus-
tralian Colonies are omitted.*]

ACTS OF PARLIAMENT

IN THE FIRST AND SECOND YEARS OF THE REIGN OF HER MAJESTY QUEEN VICTORIA

MERCHANT SHIPPING ACT,

1854.

Printed by J. G. & J. S. B. G. 1854.

PRINTED BY RICHARD CLAY AND CO.,

[The original number of the volume in which this Act is printed is 1854, and the number of the page is 1854.]



ANNO DECIMO SEPTIMO & DECIMO OCTAVO

VICTORIÆ REGINÆ.

CHAPTER 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.

1. This Act may be cited for all Purposes as "The Merchant Shipping Act, 1854."

PART II.

BRITISH SHIPS: THEIR OWNERSHIP, MEASUREMENT,
AND REGISTRY.

APPLICATION.

Application of Part II. of Act.

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

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*.*British Ships, with Certain Exceptions, must be Registered.*

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.) Newfoundland, &c.

And no Ship hereby required to be registered shall, unless registered, be recognized as a *British Ship*; and no Officer of Customs shall grant a Clearance or Transire to any Ship

hereby required to be registered for the Purpose of enabling her to proceed to Sea as a *British Ship*, unless the Master of such Ship, upon being required so to do, produces to him such Certificate of Registry as is herein-after mentioned; and if such Ship attempts to proceed to Sea as a *British Ship* without a Clearance or Transire, such Officer may detain such Ship until such Certificate is produced to him.

MEASUREMENT OF TONNAGE.

Tonnage Deck, Feet, Decimals.

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.

RULE I.

For Ships to be Registered, and other Ships of which the Hold is Clear.

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:

Lengths.

- (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:

TABLE.

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

- Class 2. Ships of which the Tonnage Deck is according to the above Measurement above 50 Feet long and not exceeding 120, into 6 equal Parts :
- ” 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 cases 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 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.

RULE II.

For Ships not Requiring Registry with Cargo on Board.

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.:

Length, Breadth, and Girting of the Ship.

- (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.

Poop and other Closed-in Spaces on Upper Deck.

- (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.

RULE III.

Allowance for Engine Room in Steamers.

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,)

To be Rateable in Ordinary 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 :

May be Measured where the Space is Unusually Large or Small.

(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,)

Mode of Measurement.

- (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:

In Case of Separate Compartments.

- (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:

Shaft Trunk of Screw Steamer.

- (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:

Alteration of Engine Room.

- (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 Re-measurement:

Penalty for Carrying Goods in such Space.

- (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,

RULE IV.

Open Ships, how Measured.

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.

Tonnage and Number of Certificate to be Carved on Main Beam.

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.

Tonnage when once Ascertained to be ever after Deemed the Tonnage.

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.

Remeasurement of Ships already Registered may be Made, but not to be Compulsory.

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.

Power to Remeasure Engine Rooms Improperly Extended.

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.

Officers may be Appointed and Regulations Made for Measurement of Ships.

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,)

Registrars of British Ships.

- (1.) At any Port or other Place in the United Kingdom or *Isle of Man* approved by the Commissioners of Customs for the Registry of Ships, the Collector, Comptroller, or other principal Officer of Customs for the Time being:

- (2.) [*Guernsey and Jersey.*]
- (3.) [*Malta, Gibraltar, and Heligoland.*]
- (4.) [*East India Company's Territories.*]
- (5.) [*Calcutta, Madras, and Bombay.*]
- (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.

Substitution of Governor Abroad for Commissioners of Customs, and of Consul for Justice.

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.

Registrar to Keep Register Books.

32. Every Registrar shall keep a Book, to be called "The Register Book," and enter therein the particulars hereinafter required to be registered.

Port of Registry of British Ships.

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.

Name of Ship.

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

- (1.) Before Registry the Name of each Ship and of the Port to which she belongs shall be painted on a conspicuous Part of her Stern on a dark Ground in White or Yellow Letters of a Length not less than Four inches:
- (2.) No Change shall be made in the Name of any Registered Ship:

- (3.) No Concealment, Absence, or avoidable Obliteration of the above Names shall be permitted, except for the purpose of escaping Capture by an Enemy :
- (4.) The Ship shall not be described by or with the Knowledge of the Owner or Master by any Name other than the One by which she is registered.

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

APPLICATION FOR REGISTRY, BY WHOM TO BE MADE.

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 authorised Agent, and in the Case of Bodies Corporate by their duly authorised Agent; the Authority of such Agent, if appointed by Individuals, to be testified by some Writing under the Hands of the Appointers, and if appointed by a Body Corporate, by some Instrument under the Common Seal of such Body Corporate.

Survey of Ship.

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.

Rules as to Entries in Register Book.

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:
- (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.

Declaration of Ownership by Individual Owner.

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),

- (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 Corporate.

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 on Builder for False Certificate.

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 OF REGISTRY.

Certificate of Registry to be Granted.

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,)

- (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.

Change of Owners to be Indorsed on Certificate of Registry.

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 Master 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.

Power to Grant New Certificate.

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.

Provision in Case of Loss, &c., of 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.

Provisional Certificate to be Delivered up.

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.

Custody of Certificate—Delivery of Certificate may be Required—Penalty for Detention.

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 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.

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 Transferee.

56. No Individual shall be entitled to be registered as Transferee of a Ship or any Share therein until he has made a Declaration in the Form marked F. in the Schedule hereto, stating his Qualification to be registered as Owner of a Share in a *British* Ship, and containing a Denial similar to the Denial herein-before required to be contained in a Declaration of Ownership by an original Owner; and no Body Corporate shall be entitled to be registered as Transferee of a Ship or any Share therein until the Secretary or other duly appointed public Officer of such Body Corporate has made a Declaration in the Form marked G, in the Schedule hereto, stating the name of such Body Corporate,

and such circumstances of its Constitution and Business as may prove it to be qualified to own a *British Ship*, and containing a Denial similar to the Denial hereinbefore required to be contained in a Declaration of Ownership made on behalf of a Body Corporate: In the Case of an Individual, the above Declaration shall be made, if he reside within Five Miles of the Custom House of the Port of Registry, in the Presence of the Registrar, but if beyond that Distance in the Presence of any Registrar or of any Justice of the Peace; in the Case of a Body Corporate the Declaration shall be made in the Presence of the Registrar of the Port of Registry.

Registration of Transfer.

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 hereinbefore required to be made by a Transferree; and the Registrar shall thereupon enter in the Register Book the Name of the Transferree 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.

Transmission of Shares by Death, Bankruptcy, or Marriage.

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 hereinbefore required to be contained in the Declaration of a Transferree, 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.

Proof of Transmission by Bankruptcy, Marriage, Will, or Intestacy.

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.

Registration of Transmitted Share.

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 hereinbefore contained relating to the Number of Persons entitled to be registered as Owners.

Registrar to Retain certain Evidence.

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.

Unqualified Owner entitled by Transmission may apply to Court for Sale of Ship.

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.

Order to be made by Court.

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.

Limit of Time for Application.

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 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 hereinafter directed with respect to Interests acquired by unqualified Owners in Ships using a *British* Flag and assuming the *British* Character.

Power of Courts to prohibit Transfers.

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.

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, hereinafter 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.

Mortgages to be registered in Order of Time of Production.

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.

Entry of Discharge of Mortgage.

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.

Priority of Mortgages.

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.

Mortgagee not to be deemed Owner.

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.

Mortgagee to have power of Sale.

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.

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

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 Dis-

position and be reputed Owner of such Ship or Share thereof; and such Mortgage shall be preferred to any Right, Claim or Interest in such Ship or any Share thereof which may belong to the Assignees of such Bankrupt.

Transfer of Mortgages.

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 Transferee as Mortgagee of the Ship or Shares therein mentioned, and shall by Memorandum under his Hand record on the Instrument of Transfer that the same has been recorded by him, stating the Date and Hour of such Record.

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

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 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.

Entry of Transmitted Mortgage.

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.

Powers of Mortgage and Sale may be conferred by Certificate.

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.

Requisites for Certificates of Mortgage and Sale.

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.

Restrictions on Certificates of Mortgage and Sale.

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.

Forms of Certificates of Mortgage and Sale.

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.

Rules as to Certificates of Mortgage.

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 indorsed thereon by a Registrar or *British* Consular Officer :
- (3.) No Mortgage *bona 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 *bono 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 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.

Rules as to Certificates of Sale.

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 *bona 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 *bona 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 con-

tained 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.

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.

Revocation of Certificates of Mortgage and Sale.

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

REGISTRY ANEW, AND TRANSFER OF REGISTRY.

Alteration in Ship to be Registered.

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.

On Alteration Registry anew may be Required.

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 hereinbefore directed on the first Registry of a Ship, and if he is not such Registrar as lastly hereinbefore 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 hereinbefore 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.

Grant of Provisional Certificate in respect of Alteration.

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.

Consequence of Omission to Register anew.

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.

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

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.

Registry may be transferred from Port to Port

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 any Justice of the Peace.

Manner of Transfer of Registry.

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.

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.

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 Registrars 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 authorised 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 authorised 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 be deemed 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 of 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 Infancy 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 of any such pecuniary Penalties against both or either of the aforesaid Parties, with or without joining the other of them.

FORGERY.

Punishment for 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.

NATIONAL CHARACTER.

National Character of Ship to be declared before Clearance.

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.

Penalties.

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

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:

For Concealment of British or Assumption of Foreign Character.

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

For acquiring Ownership if unqualified.

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

For false Declaration of Ownership.

- (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 :

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.

Officer not liable for any Seizure made on reasonable Grounds.

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.

Penalty for carrying improper Colours.

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 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.

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

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.

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 Register, when such Certificate is produced.

SAVING CLAUSE.

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

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 IX.

LIABILITY OF SHIPOWNERS.

APPLICATION.

Application of Part IX. of Act.

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

LIMITATION OF LIABILITY.

Owner not liable in respect of certain Articles.

503. No Owner of any Sea-going Ship or Share therein shall be liable to make good any Loss or Damage that may happen without his actual Fault or Privity of or to any of the following Things, (that is to say,)

- (1.) Of or to any Goods, Merchandise, or other Things whatsoever taken in or put on board any such Ship, by reason of any Fire happening on board such Ship.
- (2.) Of or to any Gold, Silver, Diamonds, Watches, Jewels, or Precious Stones taken in or put on board any such Ship, by reason of any Robbery, Embezzlement, making away with or secreting thereof, unless the Owner or Shipper thereof has, at the Time of Shipping the same, inserted in his Bills of Lading or otherwise declared in Writing to the Master or Owner of such Ship the true Nature and Value of such Articles,

To any Extent whatever.

Measure of Owner's Liability.

504. No Owner of any Sea-going Ship or Share therein shall, in Cases where all or any of the following Events occur without his actual Fault or Privity, (that is to say,)

- (1.) Where any Loss of Life or personal Injury is caused to any Person being carried in such Ship ;
- (2.) Where any Damage or Loss is caused to any Goods, Merchandise, or other Things whatsoever on board any such Ship ;
- (3.) Where any Loss of Life or personal Injury is by reason of the improper Navigation of such Sea-going Ship as aforesaid caused to any Person carried in any other Ship or Boat ;
- (4.) Where any Loss or Damage is by reason of any such improper Navigation of such Sea-going Ship as aforesaid caused to any other Ship or Boat, or to any Goods, Merchandise, or other Things whatsoever, on board any other Ship or Boat ;

Be answerable in Damages to an Extent beyond the Value of his Ship and the Freight due or to grow due in respect of such Ship during the Voyage which at the Time of the happening of any such Events as aforesaid is in prosecution or contracted for, subject to the following Proviso, (that is to say,) that in no Case where any such Liability as aforesaid is incurred in respect of Loss of Life or personal Injury to any Passenger, shall the Value of any such Ship and the

Freight thereof be taken to be less than Fifteen Pounds *per* registered Ton.

Value of Carriage of Goods and Passage Money to be considered as Freight.

505. For the Purposes of the Ninth Part of this Act, the Freight shall be deemed to include the Value of the Carriage of any Goods or Merchandise belonging to the Owners of the Ship, Passage Money, and also the Hire due or to grow due under or by Virtue of any Contract, except only such Hire, in the Case of a Ship hired for Time, as may not begin to be earned until the Expiration of Six Months after such Loss or Damage.

Provision for separate Losses.

506. The Owner of every Sea-going Ship or Share therein shall be liable in respect of every such Loss of Life, personal Injury, Loss of or Damage to Goods as aforesaid arising on distinct Occasions to the same Extent as if no other Loss, Injury, or Damage had arisen.

MODE OF PROCEDURE.

In case of Loss of Life or personal Injury, Board of Trade may direct Proceedings.

507. Whenever any such Liability as aforesaid has been or is alleged to have been incurred in respect of Loss of Life or personal Injury, the Board of Trade may, in its Discretion, after giving not less than Three Days' Notice by Post or otherwise to the Party to be made Defendant or Defender, by Warrant sealed with the Seal of such Board or signed by One of its Secretaries or Assistant Secretaries, require the Sheriff having Jurisdiction over any Place in the United Kingdom to summon a Jury at a Time and Place to be specified in such Warrant for the Purpose of determining the following Question, (that is to say,)

The Number, Names, and Descriptions of all Persons killed or injured by reason of any wrongful Act, Neglect, or Default.

And upon the Receipt of such Warrant the Sheriff shall summon a Jury of Twenty-four indifferent Persons, duly qualified to act as Common Jurymen in the Superior Courts, to meet at such Time and Place as aforesaid.

Either Party may require Question to be tried by a Special Jury.

508. If either Party to the Inquiry desire any such Question as aforesaid to be tried before a Special Jury, such Question shall be so tried, provided that Notice of such Desire, if coming from the other Party, is given to the Board of Trade before it has issued its Warrant to the Sheriff; and for that Purpose the Board of Trade shall, by its Warrant to the Sheriff, require him to nominate a Special Jury for such Trial; and thereupon the Sheriff shall, as soon as conveniently may be after the Receipt by him of such Warrant, summon both the Parties to appear before him by themselves or their Attornies or Agents at some convenient Time and Place appointed by him for the Purpose of Nominating a Special Jury; and at the Place and Time so appointed the Sheriff shall proceed to nominate and strike a Special Jury in the Manner in which such Juries are required by the Laws for the Time being in force to be nominated or struck by the proper Officers of the Superior Courts; and the Sheriff shall appoint a Day, and shall on the Day so appointed proceed to reduce the said Special Jury to the Number of Twenty, in the Manner used and accustomed by the proper Officers of the Superior Courts.

Provisions for Conduct of Proceedings.

509. The following Provisions shall be applicable to the Conduct of Proceedings by the Board of Trade; (that is to say,)

- (1.) The Sheriff shall preside at such Inquiry, and the Board of Trade shall be deemed in *England* and *Ireland* to be the Plaintiff, and in *Scotland* the Pursuer, both of which Terms are hereinafter included in the Term Plaintiff, with Power to appoint any Agent to act on its Behalf, and shall have all such Rights and Privileges as the Plaintiff is entitled to in Actions at Law; and the Owner or Owners of the Ship or Ships by whom such Liability as last aforesaid is alleged to have been incurred shall be deemed in *England* and *Ireland* to be the Defendant, and in *Scotland* the Defender, both of which Terms are hereinafter included in the Term Defendant:
- (2.) Not less than Ten Days' Notice of the Time and Place of the Inquiry shall be served by the Board of Trade on the Defendant:
- (3.) Service on the Master of any Ship shall be deemed good Service on the Owner thereof, and the Master shall, in respect of the Proceedings on such Inquiry, be deemed the Agent

and Representative of the Owner, with Power to appear for him on such Inquiry, and to do all Matters and Things which he might himself have done :

- (4.) If the Defendant does not appear at the Time of such Inquiry, the same shall be proceeded with as if he had appeared, upon due Proof of Service of Notice having been made on him in pursuance of this Act :
- (5.) The empannelling of the Jury and the summoning and Attendance of Witnesses shall be conducted and enforced in *England* and *Ireland* in manner provided by the Lands Clauses Consolidation Act, 1845, in Cases of disputed Compensation as to Land, and in *Scotland* in manner provided by the Lands Clauses Consolidation (*Scotland*) Act, 1845, in like Cases, or as near thereto as Circumstances permit; and all Provisions in the said Acts having reference to Cases where any Question of disputed Compensation requires to be determined by the Verdict of a Jury shall, with the requisite Alterations, be considered as incorporated with this Act, and to have reference to Cases where the Question of the Liability of any Owner in respect of any such Accident as aforesaid requires to be determined by the Verdict of a Jury :
- (6.) In *England* and *Ireland* the Sheriff shall, if the Board of Trade so requires, or if the Defendant so requires, and the Board of Trade consents thereto, appoint as Assessor a Barrister-at-Law of competent Knowledge and Standing :
- (7.) The Costs incurred by all Parties in and Incidental to any such Inquiry as aforesaid shall in *England* and *Ireland* be taxed by the Master of One of Her Majesty's Superior Courts of Common Law as between Attorney and Client, and in *Scotland* by the Auditor of the Court of Session as between Agent and Client; and shall, if the Verdict in any Inquiry is in favour of the Plaintiff, be paid by the Defendant, but if such Verdict is in favour of the Defendant, be paid by the Board of Trade out of the Mercantile Marine Fund :
- (8.) The Payment of all Damages and Costs in any such Inquiry as aforesaid shall, upon Application made to such Superior Court as aforesaid by the Party entitled thereto, be enforced by Rule or Order of such Court or a Judge thereof, or otherwise as such Court or Judge thinks fit :
- (9.) The Board of Trade may make any Compromise it thinks fit as to the Damages payable in respect of personal Injury, or of the Death of any person; and any Damages received in pursuance of such Compromise shall, so far as the same extend, be applied in the same Manner and be subject to the same Rules as if the same were Damages recovered on an Inquiry instituted by the Board of Trade.

Rules as to Damages and Application thereof.

510. The following Rules shall be observed as to the

Damages recovered in any such Inquiry, and the Application thereof; (that is to say,)

- (1.) The Damages payable in each Case of Death or Injury shall be assessed at Thirty Pounds :
- (2.) The Damages found due on any such Inquiry as aforesaid shall be the first Charge on the aggregate Amount for which the Owner is liable, and shall be paid thereout in Priority to all other Claims :
- (3.) All such Damages as aforesaid shall be paid to Her Majesty's Paymaster General, and shall be distributed and dealt with by him in such Manner as the Board of Trade directs; and in directing such Distribution the Board of Trade shall have Power in the first place to deduct and retain any Costs incidental thereto; and in the next place, as regards the Sums paid in respect of Injuries, shall direct Payment to each Person injured of such Compensation, not exceeding in any Case the statutory Amount, as the said Board thinks fit; and as regards the Sums paid in respect of Deaths shall direct Payment thereof for the Benefit of the Husband, Wife, Parent, and Child of the Deceased, or any of them, in such Shares, upon such Evidence, and in such Manner as the said Board thinks fit :
- (4.) The Board of Trade shall refund to the Owner any surplus remaining under its Control after making such Distribution as aforesaid, and the Sum so refunded shall form Part of the Residue herein-after mentioned :
- (5.) The Board of Trade shall not, nor shall any Person acting under it, be liable to any Action, Suit, Account, Claim, or Demand whatsoever for or in respect of any Act or Matter done or omitted to be done, in the Distribution of such Damages as aforesaid :
- (6.) If the Amount paid to Her Majesty's Paymaster General in Manner aforesaid is insufficient to meet the Demands upon it, the several Claims thereon shall abate proportionally.

Any Person who is dissatisfied with the Amount of statutory Damage may bring an Action on his own Account.

511. After the Completion of such Inquiry as aforesaid, if any Person injured estimates the Damages payable in respect of such Injury, or if the Executor or Administrator of any deceased Person estimates the Damages payable in respect of his Death, at a greater Sum than such statutory Amount, or, in case of a Compromise having been made by the Board of Trade, than the Amount accepted by such Board by way of Compensation for such Injury or Death as aforesaid, the Person so estimating the same shall, upon repaying or obtaining the Repayment by the Board of Trade

to the Owner of the Amount paid by him to the Board of Trade in respect of such Injury or Death, be at liberty to bring an Action for the Recovery of Damages in the same Manner as if no Power of instituting an Inquiry had hereinbefore been given to the Board of Trade, subject to the following Proviso; (that is to say,) that any Damages recoverable by such Person shall be payable only out of the Residue, if any, of the aggregate Amount for which the Owner is liable, after deducting all Sums paid to Her Majesty's Paymaster General in manner aforesaid; and if the Damages recovered in such Action do not exceed double the statutory Amount, such Person shall Pay to the Defendant in such Action all the Costs thereof, such Costs to be taxed in *England* and *Ireland* as between Attorney and Client, and in *Scotland* as between Agent and Client.

If Board of Trade decline to institute Proceedings, Individuals may bring Actions.

512. In Cases where Loss of Life or Personal Injury has occurred by any Accident in respect of which the Owner of any such Ship as aforesaid is or is alleged to be liable in Damages, no Person shall be entitled to bring any Action, or institute any Suit or other legal Proceeding in the United Kingdom, until the Completion of the Inquiry (if any) instituted by the Board of Trade, or until the Board of Trade has refused to institute the same; and the Board of Trade shall, for the Purpose of entitling any Person to bring an Action or institute a Suit or other legal Proceeding, be deemed to have refused to institute such Inquiry whenever Notice has been served on it by any Person of his Desire to bring such Action or institute such Suit or other legal Proceeding, and no Inquiry is instituted by the Board of Trade in respect of the Subject Matter of such intended Action, Suit, or Proceeding for the Space of One Month after the Service of such Notice.

Proceedings by Board of Trade after Refusal.

513. Whenever the Board of Trade, having refused in manner aforesaid to institute any Inquiry, afterwards determines to institute the same, the Damages and Costs (if any) recovered on such Inquiry shall be payable rateably with and not in priority to the Costs and Damages recovered in any other Action, Suit, or legal Proceeding.

Proceedings in case of several Claims being made on Owner of Ship.

514. In Cases where any Liability has been or is alleged to have been incurred by any Owner in respect of Loss of Life, personal Injury, or Loss of or Damage to Ships, Boats, or Goods, and several Claims are made or apprehended in respect of such Liability, then, subject to the Right hereinbefore given to the Board of Trade of recovering Damages in the United Kingdom in respect of Loss of Life or personal Injury, it shall be lawful in *England* or *Ireland*, for the High Court of Chancery, and in *Scotland* for the Court of Session, and in any *British* Possession for any competent Court, to entertain Proceedings at the Suit of any Owner for the Purpose of determining the Amount of such Liability subject as aforesaid, and for the distribution of such Amount rateably amongst the several Claimants, with Power for any such Court to stop all Actions and Suits pending in any other Court in relation to the same Subject Matter; and any Proceeding entertained by such Court of Chancery or Court of Session, or other competent Court, may be conducted in such Manner and subject to such Regulations as to making any Persons interested Parties to the same, and as to the Exclusion of any Claimants who do not come in within a certain Time, and as to requiring Security from the Owner, and as to Payment of Costs, as the Court thinks just.

Money paid for Damage, how to be accounted for between Part Owners.

515. All Sums of Money paid for on account of any Loss or Damage in respect whereof the Liability of the Owners of any Ship is limited by the Ninth Part of this Act, and all Costs incurred in relation thereto, may be brought into account among the Part Owners of the same Ship in the same Manner as Money disbursed for the Use thereof.

SAVING CLAUSE.

516. Nothing in the Ninth Part of this Act contained shall be construed—

To lessen or take away any Liability to which any Master or Seaman, being also Owner or Part Owner of the Ship to which he belongs, is subject in his Capacity of Master or Seaman; or

To extend to any *British Ship* not being a recognized *British Ship* within the Meaning of this Act.

SCHEDULE.

The Forms A to O, referred to in Sections 36, 38, 39, 44, 53, 56, 58, 66, 74, 79, and 83, are Omitted as being easily Obtainable from the various Registrars of Shipping.



MERCHANT SHIPPING ACT.

PART X. LEGAL PROCEDURE.



APPLICATION.

Application of Part X. of the Act.

517. The tenth part of this Act shall in all cases, where no particular country is mentioned, apply to the whole of Her Majesty's dominions.

LEGAL PROCEDURE (GENERAL).

Punishment of Offences, and Recovery of Penalties.

518. In all places within Her Majesty's dominions, except Scotland, the offences hereinafter mentioned shall be punished and penalties recovered in manner following; (that is to say,)

- (1.) Every offence by this Act declared to be a misdemeanour shall be punishable by fine or imprisonment, with or without hard labour; and the court before which such offence is tried may in England make the same allowances and order payment of the same costs and expenses as if such misdemeanour had been enumerated in the act passed in the seventh year of his late Majesty King George the Fourth, chapter sixty-four, or any other act that may be passed for the like purpose; and may in any other part of her Majesty's dominions make such allowances and order payment of such costs and expenses (if any) as are payable or allowable upon the trial of any misdemeanour under any existing act or ordinance, or as may be payable or allowable under any act or law for the time being in force therein :
- (2.) Every offence declared by this Act to be a misdemeanour shall also be deemed to be an offence hereby made punishable by imprisonment for any period not exceeding six months, with or without hard labour, or by a penalty not exceeding one hundred pounds, and may be prosecuted accordingly in a summary manner instead of being prosecuted as a misdemeanour :
- (3.) [Refers to Punishment of offences in England and Ireland.]

(4.) [Refers to summary convictions in England.]

(5.) All offences under this Act shall in any British possession be punishable in any court or by any justice of the peace or magistrate in which or by whom offences of a like character are ordinarily punishable, or in such other manner, or by such other courts, justices, or magistrates, as may from time to time be determined by any act or ordinance duly made in such possession in such manner as acts and ordinances in such possession are required to be made in order to have the force of law.

Stipendiary Magistrate to have same Power as Two Justices.

519. Any stipendiary magistrate shall have full power to do alone whatever two justices of the peace are by this Act authorised to do.

Offence where Deemed to have been Committed.

520. For the purpose of giving jurisdiction under this Act, every offence shall be deemed to have been committed, and every cause of complaint to have arisen either in the place in which the same actually was committed or arose, or in any place in which the offender or person complained against may be.

Jurisdiction over Ships lying off the Coasts.

521. In all cases where any district within which any court or justice of the peace or other magistrate has jurisdiction either under this Act or under any other act or at common law, for any purpose whatever, is situate on the coast of any sea, or abutting on or projecting into any bay, channel, lake, river, or other navigable water, every such court, justice of the peace, or magistrate shall have jurisdiction over any ship or boat being on or lying or passing off such coast, or being in or near such bay, channel, lake, river, or navigable water as aforesaid, and over all persons on board such ship or boat or for the time being belonging thereto, in the same manner as if such ship, boat, or persons were within the limits of the original jurisdiction of such court, justice, or magistrate.

Service to be Good if made Personally, or on board Ship.

522. Service of any summons or other matter in any legal proceeding under this Act shall be good service, if made personally on the person to be served, or at his last place of abode, or if made by leaving such summons for him on board any ship to which he may belong with the person being or appearing to be in command or charge of such ship.

Sums Ordered to be Paid Leviable by Distress on Ship.

523. In all cases where any court, justice, or justices of the peace, or other magistrate, has or have power to make an order directing payment to be made of any seaman's wages, penalties, or other sums of money, then, if the party so directed to pay the same is the master or owner of a ship, and the same is not paid at the time and in manner prescribed in the order, the court, justice or justices, or other magistrate who made the order, may, in addition to any other powers they or he may have for the purpose of compelling payment, direct the amount remaining unpaid to be levied by distress or pouncing and sale of the said ship, her tackle, furniture, and apparel.

Application of Penalties.

524. Any court, justice, or magistrate imposing any penalty under this Act, for which no specific application is herein provided, may, if it or he thinks fit, direct the whole or any part thereof to be applied in compensating any person for any wrong; or damage which he may have sustained by the act or default in respect of which such penalty is imposed, or to be applied in or towards payment of the expenses of the proceedings; and, subject to such directions or specific application as aforesaid, all penalties recovered in the United Kingdom 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 all penalties recovered in any British possession shall be paid over into the public treasury of such possession, and form part of the public revenue thereof.

Limitation of Time in Summary Proceedings.

525. The time for instituting summary proceedings under this Act shall be limited as follows: (that is to say,)

- (1.) [Refers to the United Kingdom:]
- (2.) No conviction for any offence shall be made under this Act in any proceeding instituted in any British possession, unless such proceeding is commenced within six months after the commission of the offence; or if both or either of the parties to the proceeding happen during such time not to be within the jurisdiction of any court capable of dealing with the case, unless the same is commenced within two months after they both first happen to arrive or to be at one time within such jurisdiction:
- (3.) [Refers to payment of money in summary proceedings in United Kingdom:]

- (4.) No order for the payment of money shall be made under this Act in any summary proceeding instituted in any British possession, unless such proceeding is commenced within six months after the cause of complaint arises; or, if both or either of the parties to the proceeding happen during such time not to be within the jurisdiction of any court capable of dealing with the case, unless the same is commenced within six months after they both first happen to arrive or be at one time within such jurisdiction :

And no provision contained in any other act or acts, ordinance or ordinances, for limiting the time within which summary proceedings may be instituted shall affect any summary proceeding under this Act.

Document Proved without Calling Attesting Witness.

526. Any document required by this Act to be executed in the presence of or to be attested by any witness or witnesses, may be proved by the evidence of any person who is able to bear witness to the requisite facts, without calling the attesting witness or witnesses or any of them.

Power of Judge of Court of Record or Admiralty to Arrest Foreign Ship that has Occasioned Damage.

527. Whenever any injury has, in any part of the world, been caused to any property belonging to Her Majesty or to any of Her Majesty's subjects by any foreign ship, if at any time thereafter such ship is found in any port or river of the United Kingdom, or within three miles of the coast thereof, it shall be lawful for the judge of any Court of Record in the United Kingdom, or for the judge of the High Court of Admiralty, or in Scotland the Court of Session, or the sheriff of the county within whose jurisdiction such ship may be, upon its being shown to him by any person applying summarily that such injury was probably caused by the misconduct or want of skill of the master or mariners of such ship, to issue an order directed to any officer of customs or other officer named by such judge, requiring him to detain such ship until such time as the owner, master, or consignee thereof has made satisfaction in respect of such injury, or has given security, to be approved by the judge, to abide the event of any action, suit, or other legal proceeding that may be instituted in respect of such injury, and to pay all costs and damages that may be awarded thereon; and any officer of customs, or other officer to whom such order is directed, shall detain such ship accordingly.

Power in certain Cases to Detain Ship before Application made to Judge.

528. In any case where it appears that before any application can be made under the foregoing section such foreign ship will have departed beyond the limits therein mentioned, 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 detain such ship until such time as will allow such application to be made and the result thereof to be communicated to him; and no such officer shall be liable for any costs or damages in respect of such detention unless the same is proved to have been made without reasonable grounds.

Who to be Defendant to Suit in such Cases.

529. In any action, suit, or other proceeding in relation to such injury, the person so giving security as aforesaid shall be made defendant or defender, and shall be stated to be the owner of the ship that has occasioned such damage; and the production of the order of the judge made in relation to such security shall be conclusive evidence of the liability of such defendant or defender to such action, suit, or other proceeding.



MERCHANT SHIPPING ACT.

PART XI.

MISCELLANEOUS.

Contracts may be made with natives in India, under certain conditions, binding them to go to Australia, and thence to serve in other ships to the United Kingdom.

544. It shall be lawful for any master or owner of a ship, or his agent, to enter into contracts with Lascars or natives of the territories of the East India Company, binding them to proceed to any port or ports in the Australian colonies either as seamen or as passengers, and there to engage themselves as seamen in any ship which may happen to be there and to be bound to the United Kingdom or to any other part of her Majesty's dominions; provided that every such contract shall be in such form, and shall contain such provisions, and shall be executed in such manner, and under such conditions for securing the return of such Lascars or natives to their own country, and for other purposes, as the governor-general of India in council, or the governors of the respective presidencies in which the contract is made, in council, may direct; and if any Lascar or other person who has bound himself by any such contract is, on arriving in any of the said colonies, required to enter into an agreement to serve as a seaman in any ship bound for the United Kingdom or to any other part of her Majesty's dominions, and if it is certified by some officer appointed for that purpose by the governor of the said colony that such agreement is a proper agreement in all respects for such Lascar or other person to enter into, and is in accordance with the original contract, and that the ship to which such agreement relates is a proper ship for such Lascar or other person to serve in, and is properly supplied with provisions, and that there is not in the opinion of such officer any objection to the full performance of the said contract, such Lascar or other person shall be bound to enter into the

said agreement, and to serve as a seaman in the ship to which it relates, and shall thereupon be deemed to be for all purposes one of the crew of the ship; and if he refuses to enter into such agreement he shall, notwithstanding such refusal, be liable to the same consequences, and be dealt with in all respects in the same manner, as if he had voluntarily entered into the same; and for every Lascar or other person in respect of whom such certificate is applied for, the person applying for the same shall pay to such officer as aforesaid such fee as the governor of the colony may appoint.

*Act not to affect Passenger Acts, 15 and 16 Vict. c. 44.
16 and 17 Vict. c. 84.*

545. Nothing in this Act contained shall be taken to repeal or alter any of the provisions of the "Passengers Act, 1852," or of the act of the seventeenth year of Her present Majesty, chapter eighty-four.

546. [Refers to Corporations, &c., granting sites for sailors' homes in United Kingdom.]

Power of Colonial Legislatures to alter Provisions of Act.

547. The legislative authority of any British possession shall have power, by any act or ordinance, confirmed by Her Majesty in Council, to repeal, wholly or in part, any provisions of this Act relating to ships registered in such possession; but no such act or ordinance shall take effect until such approval has been proclaimed in such possession, or until such time thereafter as may be fixed by such act or ordinance for the purpose.

548. [Refers to expenses incurred by commissioners of customs being paid out of the consolidated customs.]



V. & VI.

COLONIAL SHIPS—MASTERS—AND SEAMEN.

13 Vic. No. 28.—An Act to amend and consolidate the Laws relating to Seamen in the Merchant Service of the Colony of New South Wales, and for keeping a Register of Seamen belonging to Ships registered in the said Colony (2nd October, 1849).

7 and 8 Vict., c. 112—2 Wm. IV., No. 10; and 17 s. of 12 Vict., No. 21, repealed.

1. Whereas the provisions of an Act of Parliament passed in the seventh and eighth years of the reign of Her present Majesty Queen Victoria, intituled, *An Act to amend and consolidate the Laws relating to Merchant Seamen and for keeping a Register of Seamen*, do not apply to ships belonging to the Colony of New South Wales, or to the crews of such ships while such ships shall be within the precincts of the said Colony: And whereas the provisions of the said Act do not extend to such ships or crews, even when such ships are without the precincts of the said Colony, so far as the same relate to agreements, register tickets,* and apprentices: And whereas it is expedient to amend and consolidate the laws relating to crews of vessels registered in the said Colony: Be it therefore enacted by His Excellency the Governor of New South Wales, with the advice and consent of the Legislative Council thereof, That from and after the passing of this Act, an Act of the said Governor and Council, passed in the second year of the reign of His late Majesty King William the Fourth, intituled, *An Act for the better regulation and government of Seamen in the Merchant Service in the Colony of New South Wales, and for the protection of Masters and Ships from vexatious suits in the said Colony*; and also so much of an Act of the said

* The register ticket is now entirely abolished.

Governor and Council, passed in the seventh year of the reign of Her said Majesty, intituled, *An Act to amend an Act for the further and better regulation and government of Seamen within the Colony of New South Wales and its dependencies, and for the establishment of a Water Police*, as is contained in the seventeenth section thereof, shall be, and the same are hereby repealed: Provided always, that all offences which shall have been committed, and all penalties and forfeitures which shall have been incurred previously to the commencement of this Act, shall and may be punishable and recoverable under the said recited Acts respectively, in the same manner as if this Act had not been passed.

Written Agreement and Certificate of previous Discharge.

2. And be it enacted, That it shall not be lawful for any Master* of any ship or vessel,† of whatever tonnage or description, belonging to any subject of Her Majesty, and registered in the Colony of New South Wales, proceeding to parts beyond the seas, or of any ship registered in New South Wales, of the burden of eighty tons or upwards, employed in the coasting trade of the said Colony, to carry to sea any seaman,‡ or other person to act in the capacity of seaman, as one of his crew or complement (apprentices excepted), unless the master of such ship or vessel shall have first made and entered into an agreement in writing with such seaman, specifying what wages such seaman is to be paid, the quantity of provisions he is to receive, the capacity in which he is to act or serve, and the nature of the voyage in which the ship is to be employed, so that such seaman may have some means of judging of the period for which he is likely to be engaged; and such agreement shall be properly dated, and shall be signed by such master in the first instance, and by the seamen respectively, at the port or place where they shall be shipped; and such agreement shall be in the manner and form of the schedule to this Act annexed marked A, provided the vessel is intended to be engaged as a trader or on coasting voyages; but should the vessel be intended to be employed in a whaling, sealing, or

* "Master" includes every person (except a pilot) having command of any ship.

† "Ship" includes every description of vessel used in navigation not propelled by oars.

‡ "Seaman" includes every person (except masters, pilots, and apprentices) duly indentured and registered, employed or engaged in any capacity on board any ship.

other voyage, in which the crew are to participate in the profits of the voyage, and are to receive a proportion, or *lay*, in the room of monthly wages, such agreement shall be in the form of the schedule to this Act annexed marked B ; and the master shall cause the said agreement to be read over and distinctly explained to every such seaman, in the presence of a witness, before such seaman shall execute the same, and such witness shall duly attest the same ; and it shall not be lawful for the master of any ship to carry to sea any seaman until he shall have first obtained from such seaman a certificate of his discharge from his former vessel, countersigned by the principal executive officer of the Water Police, or a permission in writing from such officer to employ himself, which certificate or permission the said master is hereby required to return to the Water Police Office ; and at the termination of the service for which such seaman shall have agreed, the said master is hereby required to grant him a fresh discharge.

Omission of Agreement or of Discharge.

3. And be it enacted, That if any master or owner of any such ship shall carry out to sea any seaman (apprentices excepted), without having first entered into the required agreement with such seaman, or if any such master shall not obtain from any seaman his certificate of discharge, according to the provisions of this Act, such master shall, in every such case, forfeit and pay a sum not exceeding ten pounds, for or in respect of every such seaman ; and if any master or owner shall neglect to cause such agreement to be read over and explained to such seaman before the signing or execution thereof by such seaman, the said master or owner shall, for each neglect, forfeit and pay a sum not exceeding five pounds for every such seaman ; and if any master or owner shall refuse to give such seaman, when entitled to receive the same, a certificate of discharge from his service, when such period of service shall have terminated, such master shall forfeit and pay for every such offence a sum not exceeding five pounds.

Operation of Agreement—Certified Copy Evidence—Production of Agreement.

4. And be it enacted, That no seaman of any such ship, by reason of any agreement, shall forfeit his lien upon the ship, nor be deprived of any remedy for the recovery of his wages to which he would otherwise be entitled against any

person or persons whatever; and no agreement contrary to or inconsistent with this Act, nor any clause, contract, or engagement whereby any such seaman shall consent or promise to forego or give up any right or claim to wages in the case of freight earned by a ship subsequently lost, or any right or claim to salvage or reward for salvage services, or such proportion of salvage or reward for salvage services as shall or may be due to him by decree or award, or otherwise, shall be valid or binding on such seaman; and every copy of an agreement so certified and delivered as aforesaid shall in all cases be received and taken as evidence of the contents of the agreement for and on behalf of the seaman; and no seaman shall in any case be required to produce such agreement, or such copy as aforesaid, or to give notice for the production thereof; but in case the agreement shall not be produced and proved, he shall be at liberty to prove the contents or purport thereof, or to establish his claim by other evidence according to the nature of the case.

Proof of Agreement.

5. And be it enacted, That in prosecuting any offence, or suing for any penalty under this Act, it shall not be necessary for the purpose of proving the execution of any agreement to call any subscribing or attesting witness or witnesses thereto, or to account for the absence, or to prove the handwriting of any such subscribing or attesting witness or witnesses, but that every such agreement may be proved in the like manner as if there were no subscribing or attesting witness or witnesses thereto.

Misconduct of Seaman.

6. And be it enacted, That in case any seaman of or belonging to any such ship, whether before the commencement or during the progress of any voyage, shall at any time neglect or refuse to join the ship on board of which he shall have engaged to serve, or shall refuse to proceed to sea in such ship, or shall refuse to perform the necessary duty for which he shall have engaged, or shall refuse to obey any lawful command of any master or officer of the vessel in which he shall have engaged, or shall be insubordinate, or shall absent himself without leave, or shall desert,* it shall be lawful for any Justice of the Peace where or near to the place where such ship shall happen to be, or where such sea-

* See Water Police Act (in Appendix), sec. v., which gives power to the Justice to commit to gaol for a term not exceeding *four* months.

man shall be found, and such Justice is hereby required upon complaint being made on oath by the master, mate, or owner, or the agent of the owner, to issue his warrant and cause such seaman to be apprehended and brought before him; and in case such seaman shall not give a reason, to the satisfaction of such Justice, for his neglect, refusal, insubordination, or absence, as the case may be, or in case of desertion, it shall be lawful for any Justice, upon due proof of such neglect, refusal, insubordination, absence, disobedience of orders, or desertion, to commit such seaman to the nearest gaol or house of correction, there to be imprisoned, with or without hard labour, at the discretion of such Justice, for a period not exceeding thirty days; or it shall be lawful for such Justice, if he shall so think fit, at the request of the master, mate, or owner, or the agent of the owner, instead of committing such seaman to the gaol or house of correction as aforesaid, to cause him to be conveyed on board the said ship, or to be delivered to the said master, mate, or owner, or the agent of the owner, for the purpose of proceeding on the voyage, and also to award to the master or owner such costs as may be incurred in the apprehension of such seaman as to such Justice shall seem reasonable, not exceeding in any case the sum of forty shillings, and which sum shall be chargeable against, and may be deducted from, the wages of such seaman.

Absence from or Refusal to do duty—Entry in Log.

7. And be it enacted, That if any seaman of and belonging to any such ship, during the time or period specified for his service, shall wilfully and without leave absent himself from the ship or otherwise from his duty, he shall (in all cases not of desertion, or not treated as such by the master) forfeit out of his wages the amount of two days' pay, and for every twenty-four hours of such absence the amount of six days' pay, or, at the option of the master, the amount of such expenses as shall have been necessarily incurred in hiring a substitute; and in case any seaman, while he shall belong to the ship, shall, without sufficient cause, neglect or refuse to perform such his duty as shall be reasonably required of him by the master, or other person in command of the ship, he shall be subject to a like forfeiture in respect of every such offence, and of every twenty-four hours' continuance thereof; and in case any such seaman, after the ship's arrival at her port of delivery, and before her cargo shall be discharged, shall quit the ship without a previous

discharge or leave from the master, he shall forfeit one month's pay out of his wages:* Provided always, that no such forfeiture shall be incurred unless the fact of the seaman's absence, neglect, or refusal, shall be duly entered in the ship's log book, the truth of which entry it shall be incumbent on the owner, or master, in all cases of disputes, to substantiate by the evidence of the mate, or some other credible witness.

Scale of Forfeiture on uncertain Voyage.

8. And be it enacted, That in all cases where any such seaman shall have contracted 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 forfeitures to be incurred by such seaman under this Act shall be ascertained in manner following, that is to say,—if the whole time spent in the voyage agreed upon shall exceed one calendar month, the forfeiture of one month's pay expressed in this Act shall be accounted and taken to be a forfeiture of a sum of money bearing the same proportion to the whole wages or share as a calendar month shall bear to the whole time spent in the voyage; and in like manner a forfeiture of six days' pay, or less, shall be accounted and taken to be a forfeiture of a sum bearing the same proportion to the whole wages or share as the six days, or other period, shall bear to the whole time spent in the voyage; and if the whole time spent in the voyage shall not exceed the period for which the pay is to be forfeited, the forfeiture shall be accounted and taken to be a forfeiture of the whole wages or share; and the master or owner is hereby authorised to deduct the amount of all

* This is a point of importance. The offences of seamen and apprentices and their punishments are very clearly defined in the M. S. Act, sec. 243, *et seq.* By the 3rd clause of that section any seaman "quitting the ship without leave after her arrival at her port of delivery, and before she is placed in security, is liable to forfeit out of his wages a sum not exceeding one month's pay." "On arriving in port the seamen are bound to assist in mooring the ship and in the delivery of the cargo. Should the port be full they are bound to wait a reasonable time for entrance, and if the owners forbid their quitting the ship they will be guilty of desertion in doing so before that time has expired, even though the master consent to their going."—*Willmore and Beredell's "Mercantile and Maritime Guide,"* 1856, p. 1053.

Whether the particular act of "quitting" amounts to desertion, must, in each case depend on the "*animus*" of the mariner who commits it. By the M. S. Act an important word is introduced relative to men who enter the naval service, "Any seaman may leave his ship for the purpose of FORTHWRTH entering into the naval service of Her Majesty."

Facilities are also given by the 250 section of that Act for proving desertion so far as concerns the forfeiture of wages. Mr. Seymour says, "There seems no reason why the non-production of a proper certificate of discharge or the absence of satisfactory proof that he was duly discharged from, or had good reason for leaving, his last ship, should not, in all cases be made sufficient evidence of desertion by a seaman."

such forfeitures out of the wages or share of any seaman incurring the same.

Desertion—Entry in Log.

9. And be it enacted, That any such seaman who shall desert the ship to which he shall belong, shall forfeit to the owner thereof all his clothes and effects which he may leave on board, and he shall also forfeit all wages and emoluments to which he might otherwise be entitled; and in case of any such seaman deserting abroad, he shall likewise forfeit all wages and emoluments whatever which shall be or become due, or be agreed to be paid to him from or by the owner or master of any other ship in the service whereof such seaman may have engaged for the voyage back to New South Wales; and that all wages, and portions of wages, and emoluments, which shall in any case whatever become forfeited for desertion, shall be applied, in the first instance, in or towards the reimbursement of the expenses occasioned by such desertion to the owner or master of the ship from which the seaman shall have deserted, and the remainder shall be paid to the Colonial Treasurer, to be by him applied for the relief of seamen disabled or otherwise injured while serving in Colonial vessels: Provided always, that every desertion be entered in the log book at the time, and certified by the signatures of the master or the mate and one other credible witness; and that the absence of any such seaman from his ship for any time within twenty-four hours immediately preceding the sailing of such ship from any port, whether before the commencement or during the progress of any voyage, wilfully and knowingly, without permission, or the wilful absence of any such seaman from his ship, at or for any time without permission, and under circumstances shewing an intention to abandon the same, and not to return thereto, shall be deemed a desertion of and from the same ship; and in case any such seaman shall desert in parts beyond the seas, and the master of the ship shall engage a substitute at a higher rate of wages than that stipulated in the agreement to be paid to the seaman so deserting, the owner or master of the said ship shall be entitled to recover from the deserter by summary proceeding within the said Colony, in the same manner as penalties are by this Act made recoverable (so far as the same can be applied), any excess of wages, or portion thereof, which such owner or master shall pay to such substitute beyond the amount which would have been payable to the deserter in case he

had duly performed his service pursuant to his agreement: Provided always, that no seaman shall be imprisoned longer than three calendar months for non-payment of any such excess of wages.

Harboring Deserters—Advances to Seamen—Detention of their Property.

10. And be it enacted, That if any person shall wilfully harbour or secrete any such seaman or apprentice,* who shall have deserted from any such ship, knowing or having reason to believe such seaman or apprentice to be a deserter, every person so offending shall, for every such seaman or apprentice so harboured or secreted, forfeit and pay the sum of twenty pounds; and no debt exceeding in amount five shillings, incurred by any seaman after he shall have engaged to serve, shall be recoverable until the service agreed for shall have been concluded; nor shall it be lawful for any keeper of a public house, or of a lodging house for seamen, to detain any chest, tools, or other property of any seaman for any debt alleged to have been contracted by him; and in case of such detention of the chest, tools, or other property of a seaman, it shall be lawful for any Justice of the Peace at or near the place, upon complaint upon oath to be made by such seaman, or on his behalf, to inquire into the matter upon oath in a summary way, and if it shall appear to such Justice that the alleged claim is fraudulent, or that the debt was not fairly incurred to the full amount of the claim, by warrant under his hand and seal, to cause such effects to be seized and delivered over to such seaman; and the person so detaining the same shall forfeit and pay any sum not exceeding twenty pounds, at the discretion of such Justice.

Time for Payment of Wages.

11. And be it enacted, That the master or owner of every such ship shall, and is hereby required to pay to every such seaman his wages within the respective periods following, that is to say—if the ship shall be employed in coasting, the wages shall be paid within two days after the termination of the agreement, or at the time when any such seaman shall be discharged, whichever shall first happen, and if the ship shall be employed otherwise than coasting, then the

* See Water Police Act, sec. iv. The seaman so found harboured is liable to a penalty of £20 or three months' imprisonment, and the person harbouring to a penalty of £50 or six months.

wages shall be paid at the latest within three days after the cargo shall have been delivered, or within seven days after the seaman's discharge, whichever shall first happen; 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 in case the master or owner shall neglect or refuse to make payment in manner aforesaid, he shall for every such neglect or refusal forfeit and pay to the seaman the amount of two days' pay (to be recovered as wages) for each day not exceeding ten days, during which payment shall, without sufficient cause, be delayed beyond the respective periods aforesaid: Provided always, that nothing in this clause contained shall extend to the cases of ships employed in the southern whale fishery, or on voyages for which seamen, by the terms of their agreement, are only compensated by shares in the profits of the adventure.

Incumbrance on Wages—Allowance for Short Provisions.

12. And be it enacted and declared, That every such payment of wages to any such seaman shall be valid and effectual in law, notwithstanding any bill of sale or assignment which may have been made of such wages, or of any attachment or incumbrance thereon; and that no assignment or sale of wages, or salvage made prior to the accruing thereof, nor any power of attorney expressed to be irrevocable for the receipt of any such wages or salvage, shall be valid or binding upon the party making the same, and any attachment to be issued from any Court whatever shall not prevent the payment of wages to any such seaman; and if during the voyage the allowance of provisions which a seaman agreed to receive shall be reduced one-third of the quantity or less, he shall receive fourpence^p per day, and if the reduction be more than one-third he shall receive eightpence per day during the periods such respective deductions may be made, and such pecuniary allowance shall be paid to him in addition to and be recoverable as wages.

Certificate of Discharge—Penalty for Default.

13. And be it enacted, That upon the discharge of a seaman from any such ship, or upon payment of the wages to him, he shall receive from the master, and the master is hereby required to give to him, not only his register ticket,

if he shall have any,* but also a certificate of such seaman's discharge, in the form set forth in schedule E, to this Act annexed, specifying that such seaman is discharged; which certificate shall be signed by the master, and shall be brought by him to the principal executive officer of the Water Police, or to such other person as shall be from time to time appointed by the Governor to perform such duty, to be countersigned and registered in accordance with the Act of the said Governor and Council passed in the fourth year of the reign of Her said Majesty, intituled, *An Act for the further and better regulation and government of Seamen within the Colony of New South Wales and its dependencies, and for establishing a Water Police*; † and if the master shall not give such certificate to such seaman, in the manner hereinbefore provided, he shall forfeit and pay to him any sum not exceeding five pounds.

Immediate Payment of Wages in certain Cases—Penalty.

14. And be it enacted, That if three days after the termination of the stipulated service, or if three days after any such seaman shall have been discharged, he shall be desirous of proceeding on another voyage, and in order thereto, or for any other sufficient reason, shall require immediate payment of any amount of wages, not exceeding twenty pounds, due to him, it shall be lawful for any Justice of the Peace in the said Colony where or near to the port or place where such service shall have terminated, or such seaman shall have been discharged, or the party or parties liable shall be or reside, on application from such seaman, and on satisfactory proof that he would be prevented from employment, or incur serious loss or inconvenience by delay, to summon such party or parties before him; and if it shall appear to the satisfaction of such Justice that there is no reasonable cause for delay, to order payment to be made forthwith, and in default of immediate compliance with such order, such party or parties shall forfeit and pay to such seaman, in addition to his wages, any sum not exceeding five pounds, to be recoverable as wages.

Summary Recovery of Wages.

15. And be it enacted, That in all cases of wages not exceeding twenty pounds, which shall be due and payable to

* Abolished.

† See sec. xxi. This Act is repealed by the Water Police Act of Victoria. Appendix.

any seaman of any such ship, it shall be lawful for any Justice of the Peace in the said Colony where or near to the place where the ship shall have ended her voyage, cleared at the Custom House, or discharged her cargo, or where or near to the place where the party or either of the parties upon whom the claim is made shall be or reside, upon complaint on oath made to such Justice by such seaman, or on his behalf, to summon such party or parties to appear before him, or any other such Justice, to answer such complaint; and upon the appearance of such party or parties, or in default thereof, on due proof of such party or parties having been so summoned, any such Justice is hereby empowered to examine the parties and their respective witnesses (if there be any) upon oath, touching the complaint, and the amount of wages due, and to inspect any agreement, or copy thereof, if produced, and make such order for payment of the said wages, not exceeding twenty pounds, with the costs incurred by the seaman in prosecuting such claim, as shall to such Justice appear reasonable and just; and in case such order shall not be obeyed within two days next after the making thereof, it shall be lawful for such Justice to issue his warrant to levy the amount of the wages awarded to be due, by distress and sale of the goods and chattels of the party on whom such order for payment shall be made, rendering to such party the overplus (if any shall remain of the produce of the sale) after deducting thereout all the costs, charges, and expenses incurred by the seaman in the making and prosecuting of the complaint, as well as the costs and charges of the distress and levy; or to cause the amount of the said wages, costs, charges, and expenses to be levied on the ship in respect of the service on board which the wages are claimed, or on the tackle and apparel thereof; and if such ship shall not be within the jurisdiction of such Justice, or such levy cannot be made, or shall prove insufficient, then he is hereby empowered to cause the party upon whom the order shall be made, to be apprehended and committed to the common gaol of the district or county, there to remain without bail until payment shall be made of the amount of the wages so awarded, and of all costs and expenses attending the recovery thereof; and the award and decision of such Justice as aforesaid shall be final and conclusive.

Jurisdiction to £30.

16. And be it enacted, That in all cases of wages not

exceeding thirty pounds*, it shall be lawful for any two or more of such Justices of the Peace as are hereinbefore mentioned, to exercise all and singular the like power, jurisdiction, and authority, vested by the next preceding clause in any one Justice.

Wages after Wreck or Loss of Ship.

17. And be it enacted, That in all cases of wreck or loss of the ship, every surviving seaman shall be entitled to his wages up to the period of the wreck or loss of the ship, whether such ship shall or shall not have previously carried freight, provided the seaman shall produce a certificate from the master or chief surviving officer of the ship, to the effect that he had exerted himself to the utmost to save the ship, cargo, and stores.

Masters and Owners' remedy against Seamen.—Entry in Log.

18. And be it enacted, That if at any time after any such seaman shall have signed any agreement in accordance with the provisions of this Act, or during the continuance of any voyage for which he shall have agreed, it shall appear to the master or owner of the ship in which such seaman has agreed to serve, that he has wilfully neglected his duty, or obstructed others in the execution of their duty, or wilfully destroyed or damaged any part of the ship's apparel, tackle, boats, or gear, so that such ship may have been obliged to return to port with certain loss to her owners, it shall be lawful for such owner or master to summon such seaman before any two or more Justices of the Peace for the amount of damage so sustained, not exceeding in each case the sum of thirty pounds; and such owner or master may in any claim for wages, lay, or share, that may be made by any seaman who has so misconducted himself as aforesaid, plead as a set-off or in abatement such neglect or wilful destruction on the part of such seaman: Provided such neglect, obstruction, or wilful destruction, or damage, shall have been duly entered in the ship's log book at the time, and shall be certified by the signatures of the master and the mate, or the master and one other credible witness; and the owner or master shall have the same summary or other means of obtaining redress

* By Sec. 188 M. S. Act the jurisdiction is extended to £50.

as the seaman by this Act has for the enforcement of his claim for wages; and any two or more Justices of the Peace as aforesaid are hereby authorised to hear and determine the same, and to enforce any such award or decision which they may have made against any seaman as aforesaid in a summary way in the manner provided by this Act.

Master's Right of Wages against Owner—Suits for Wages.

19. And be it enacted, That all the rights, liens, privileges, and remedies (save such remedies as are against a master himself) which by this Act, or by any law, statute, custom, or usage, belonging to any seaman or mariner, not being a master mariner, in respect to the recovery of his wages, shall, in the case of the bankruptcy or insolvency of the owner of the ship, also belong and be extended to masters of such ships or master mariners, in respect of the recovery of wages due to them from the owner of any such ship belonging to any of Her Majesty's subjects; and that no suit or proceeding for the recovery of wages shall, unless they exceed twenty pounds, be instituted against such ship, or the master or owner thereof, either in any Vice-Admiralty Court, or any Court of Record in the said Colony, unless the owner of the ship shall be bankrupt or insolvent, or the ship shall be under arrest or be sold by the authority of any Admiralty or Vice-Admiralty Court, or unless any magistrate, acting under the authority of law, shall, by writing under his hand, refer the case to be adjudged by any such Court or Courts, or unless neither the owner nor master shall be or reside at or near the port or place where the service shall have terminated, or where any seaman shall have been discharged or put on shore.

Medicines and Supplies necessary—Surgeons required.

20. And be it enacted, That every ship registered in New South Wales, navigating between the said Colony and any place out of the same (coasting vessels excepted), shall have and keep constantly on board a sufficient supply of medicine and medicaments suitable to the accidents and diseases arising on sea voyages, in accordance with the scale which shall from time to time, or at any time be issued by the Governor of the said Colony for the time being, and shall be published in the *New South Wales Government Gazette*; and every vessel (coasting vessels excepted) shall have on

board a sufficient quantity of lime or lemon juice, sugar, molasses, and vinegar; the lime or lemon juice, sugar, molasses, and vinegar to be served out to the crew when they shall have been consuming salt provisions for ten days; the lime or lemon juice, sugar, or molasses, 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 person, so long as the consumption of salt provisions shall be continued; and in case any default shall be made in providing and keeping such medicine, medicaments, and lime or lemon juice, sugar, or molasses, or vinegar as aforesaid, the master or owner of such ship shall incur a penalty of not more than twenty pounds for each and every default; and in case the master or any seaman shall receive any hurt or injury in the service of the ship, the expense of providing the necessary surgical and medical advice, with attendance and medicines, and provisions for his subsistence, until he shall have been cured or brought back to New South Wales, shall be defrayed by the owner of such ship, without any deduction whatever on that account from the wages of such master or seaman; and if paid by any officer of Her Majesty, the amount, with full costs of suit, shall be recovered as a debt due to Her Majesty; and every ship having one hundred persons, or upwards, on board, for a voyage which will probably exceed eight weeks, shall have on board some person duly authorised by law to practise as a physician, surgeon, or apothecary;* and in case of default thereof the owner shall incur a penalty not exceeding one hundred pounds, to be recovered by action of debt in the Supreme Court of New South Wales.

Lists of Crew of Outward Ships.

21. And be it enacted, That the master of every ship registered in the Colony of New South Wales, and bound to parts beyond the seas (except in cases hereinafter mentioned), shall, on his departure from the port of clearance, deliver a list of his crew, as provided by the sixth section of the said last recited Act,† passed in the fourth year of the reign of Her said Majesty; and the master or owner of every such ship shall, on his return to New South Wales, within twenty-

* This requirement now comes within the provisions of the Passenger Act 1855, or the Colonial Passenger Act, 18 Vic. No. 5, and 19 Vic. No. 7.

† See Sec. 13, as the 4 Vic. No. 17 is repealed by the Water Police Act, (see appx.) this outward list is not now requisite in Victoria.

four hours after her arrival at her final port of destination in the said Colony, deliver, or cause to be delivered or transmitted, to such officer as shall be duly appointed by the Governor for that purpose, in addition to the list provided by the sixth section of the said recited Act, an account or list, signed by such master, of all seamen and others, including apprentices, who shall have belonged to such ship at any time during her absence from New South Wales; which account or list shall contain a full, true, and correct return, under their respective heads, of the several particulars expressed in the form set forth in the schedule to this Act annexed, marked C; and no vessel shall be entitled to enter inwards at the Custom House until the master or owner thereof shall produce a certificate from the proper officer that such respective lists have been delivered; and every master or owner who shall neglect or refuse to deliver such lists as aforesaid, or either of them, shall forfeit and pay a penalty not exceeding fifty pounds.

Lists of Coasting Vessels.

22. And be it enacted, That within twenty-one days after the thirtieth day of June and the thirty-first day of December in each year, the master or owner of every vessel registered in New South Wales, and employed in the coasting trade, and not being of less burthen than ten tons, shall deliver or transmit, or cause to be delivered or transmitted, to such officer as may be appointed by the Governor for that purpose, an account, signed by such master or owner, of any voyage or voyages in which such vessel shall have been engaged during the preceding half-year ending on the respective days above mentioned, and setting forth the names of the several persons, including the master and apprentices, who shall have belonged to the vessel at any such periods respectively; which account shall be in the form, and shall contain a true and correct return, under their respective heads, of the several particulars expressed in the schedule marked D, to this Act annexed; and any master or owner who shall refuse or neglect to deliver such list as aforesaid, shall forfeit and pay for every such offence a penalty of not more than ten pounds.

Wages and Effects of Seamen dying on board.

23. And be it enacted, That should any seaman belonging

to any vessel registered in the Colony of New South Wales die during the continuance or progress of any voyage in which such vessel may be employed, the master of such vessel shall, and he is hereby required to cause any effects which such seaman shall have on board at the time of his death to be realised by public sale on board the said vessel, and the proceeds thereof, together with such wages as shall be due to such seaman at the time of his death, he shall pay or shall cause to be paid into the Colonial Treasury, or to such officer as His Excellency the Governor may appoint for such purpose, to be appropriated as hereinafter directed; and such master shall at the same time render, or cause to be rendered, to the Colonial Treasurer, or to such officer as aforesaid, a just and true account of such wages and effects, which shall be certified by such master as correct; and any master who shall neglect to pay or cause to be paid such wages as aforesaid, or shall render or cause to be rendered any false account of any property due to such seaman as aforesaid, at the time of his death, shall for every such offence forfeit and pay a penalty of not more than fifty pounds.

Apprentices according to Tonnage.

24. And be it enacted, That the master or owner of every ship belonging to any subject of Her Majesty, and registered in the Colony of New South Wales, and of the burden of eighty tons or upwards, shall have on board at the time of her proceeding from any port in the said Colony, and at all times when absent therefrom, or navigating the seas,* one apprentice or more in the following proportions to the number of tons of his ship's admeasurement, according to the certificate of registry, (that is to say) for every ship of eighty tons and under two hundred tons, one apprentice at the least; for every ship of two hundred tons and under four hundred tons, two apprentices at the least; for every ship of four hundred tons and under five hundred tons, three apprentices at the least; for every ship of five hundred tons and under seven hundred tons, four apprentices at the least; and for every ship of seven hundred tons and upwards, five apprentices at the least; all of whom at the time of their being bound respectively shall be subjects of Her Majesty, and shall be above twelve years and under seventeen years

* See "APPRENTICES."

old, and shall be duly bound for a term not less than three years and not exceeding seven years; and if any master or owner shall neglect to have on board his ship the number of apprentices hereby required, he shall in every such case forfeit and pay a penalty of ten pounds in respect of each apprentice so wanting.

Orphan and Pauper Apprentices.

25. And be it enacted, That whenever any young person is about to be bound apprentice to the sea service, who shall have no parent or guardian, it shall and may be lawful for any two Justices of the Peace acting in any district in which the said person so to be bound shall reside, to execute the indenture in the room and stead of such parent or guardian; and in case of such young person receiving eleemosynary support in any public establishment in the said Colony, it shall and may be lawful for the person or persons, or any one or more of them who may have the control or inspection of the same, to execute the indenture of apprenticeship, in the room and stead of the parent or parents of such person; and the same shall be attested by two Justices of the Peace, who shall in all cases be satisfied that such boy hath consented so to be bound, and that he hath attained the age mentioned in such indenture, and is of sufficient health and strength; and the age of every such boy shall be truly inserted in such indenture, and the age of such boy so inserted therein shall (in relation to the continuance of his service) be taken to be his true age without any further proof thereof; and any certificate of baptism of such boy which may be required, shall be given and attested by the officiating minister without fee or reward: Provided always, that no apprenticeship to the sea service shall be binding after the apprentice shall have attained the age of twenty-one years, and that every indenture shall be given up to such apprentice on his attaining such age, or at the expiration of his apprenticeship, whichever shall first happen, by the person to whom he shall be bound, under a penalty not exceeding twenty pounds, to be paid by such person on default; but should any apprenticeship expire during a voyage, and before the ship's arrival at her final port of destination, such apprenticeship shall notwithstanding continue until the return of the ship to her final port of destination; but after one calendar month from the expiration of such apprenticeship, the apprentice shall be paid the same wages as an able-

bodied seaman, or ordinary seaman of the said ship, according to his qualification.

Execution and Registration of Indentures.

26. And be it enacted, That in every case of a person being bound apprentice to the sea service, the indentures to be executed on such an occasion shall be in duplicate, in the form, or to the tenor or effect, as the case may be, set forth in the schedule to this Act annexed, marked F; and a counterpart shall be delivered to the Collector of Customs at Sydney, or to such other officer as His Excellency the Governor shall appoint for that purpose; and the indentures shall be registered in a book to be kept for that purpose by the said Collector, or other officer, in which book shall be expressed the dates of the several indentures, the names and ages of the apprentices, the names and residence of the masters, and, if known, the names and burden of the several ships in which they are respectfully to serve; and such Collector or other officer shall require the personal attendance of every such apprentice at the time of registering his indentures, or the assignment thereof, and shall endorse and subscribe on each indenture a certificate, purporting that the same had been duly registered pursuant to this Act; and it shall be lawful for the master of such apprentice, or in case of his death, his executors or administrators, with the consent of the apprentice, if above the age of seventeen years, and if under that age, with the consent of his parent or guardian, or such Justices, or such person or persons as may have the control or inspection of any such eleemosynary establishments as aforesaid, such consent to be in writing, to assign or transfer the indentures of such apprentice to any other master or owner of any other vessel registered in the said Colony; and all such apprentices may, during the time for which they shall be bound, be employed in any vessel of which the master for the time being of any such apprentice may be the master or the owner: Provided always, that such assignment shall be registered and endorsed by the said Collector or such other officer, and any such apprentice, or his guardian, as the case may be, shall be present at the time.

Consent to Cancelling Indentures.

27. And be it enacted, That no cancelling of any indenture of apprenticeship of any description (except as herein-

after mentioned), shall be valid or effectual without the mutual consent of the parties, or without the consent of the Collector of Customs of the port in which such cancellation shall take place, or in the case of bindings by two Justices of the Peace, without the additional consent of two other Justices of the Peace, to be testified by their endorsement on the indenture of apprenticeship, or by a certificate under their hands, in case the indenture should be lost or mislaid.

Contributions by Apprentices.

28. And be it enacted, That no apprentice bound or assigned pursuant to this Act, nor any master or owner of any ship registered as aforesaid, in respect of such apprentice, shall be liable to any payment or contribution to or towards any hospital or institution.

Neglect as to Indentures—Absconding of Apprentices.

29. And be it enacted, That if any such master or owner to whom any apprentice to the sea service shall be bound or assigned, shall neglect to deliver a counterpart, and cause the indenture or the assignment (as the case may be) to be registered as required by this Act, so far as depends on such master or owner, within ten days after the binding or assignment, every such master or owner shall for every such neglect forfeit and pay the sum of ten pounds; and if any such master, or the master of any vessel, shall after the vessel shall have proceeded on the voyage upon which such vessel may be bound, permit any apprentice to quit his service, or the service of the said vessel, except for the purpose of entering into Her Majesty's naval service, every such master shall for every such offence forfeit and pay any sum not exceeding twenty pounds.

Jurisdiction of Justices.

30. And be it enacted, That any Justice of the Peace residing at or near to any port in the Colony of New South Wales, to which any vessel registered as aforesaid, having on board thereof any apprentice, shall at any time arrive, shall have full power and authority to inquire into and examine, hear, and determine in a summary way, all complaints of misbehaviour on the part of any such apprentices, and to punish any such apprentice by commitment to the common gaol to solitary confinement for a period not exceeding seven days.

Ill-Treatment of Apprentices.

31. And be it enacted, That if any master of any ship shall misuse or ill-treat his apprentice, or neglect to instruct properly his apprentice, or otherwise to discharge his duty or covenant towards such apprentice, upon complaint made on oath to any Justice of the Peace, it shall and may be lawful for such Justice to summon the party complained against to appear before any two Justices of the Peace, who shall hear and determine the matter of the said complaint in a summary way, and to impose, upon conviction, any reasonable fine or fines, not exceeding ten pounds, upon such master, as a punishment for such misuse, ill-treatment, or neglect of duty, or breach of covenant as aforesaid; and if not paid, the same shall be levied by distress and sale of the goods and chattels of the person so offending, rendering the surplus (if any), after deducting the amount of such fine, and the charges of such distress and sale, to such offender; and such fine shall be applied and disposed of, either towards any charitable institution in the district or place where such offender shall be, or to and for the use and benefit of such apprentice, for or towards a recompense or compensation for the injury which may have been by him sustained, by reason of such misuse, ill-treatment, neglect, or breach of covenant as aforesaid, at the discretion of the Justices imposing the same; and if the master of any vessel shall not send on shore, in the charge of the mate or other trustworthy person any apprentice desirous of complaining to a Justice of the Peace, so soon as the service of the vessel will permit, he shall for every such default forfeit and pay any sum not exceeding ten pounds.

Cancelling of Indentures.

32. And be it enacted, That if it shall appear just and reasonable to any two or more Justices, before whom any such complaint as aforesaid shall be heard and determined, to cancel the indentures of apprenticeship, it shall and may be lawful for such Justices to cancel such indentures accordingly, and to discharge such apprentice from all obligation to serve thereunder, by certificate under their hands and seals, which certificate shall be a full and sufficient bar to any action which may be brought for a breach of such indentures, or any other matter, thing, or cause of action arising out of the same, or for the harbouring or enticing away of any such apprentice or otherwise.

Secs. of 7 and 8 Vict., c. 112, to be in force—Sec. 44. Common Assault—Sec. 45. Apprentices entering into the Navy—Sec. 46. Discharge of Seaman Abroad—Sec. 47. Forcing Seamen on Shore, &c.—Prosecution—Sec. 48. Burden of Proof of Certificate—Sec. 49. Wages to Seamen left Behind—Sec. 50. Seamen Entering into the Navy—Sec. 51. Disposal of their Property—Sec. 52. Her Majesty's Suits against Master or Owner—Sec. 53. Accounts on Arrival at Foreign Port—Endorsements on Agreements—Penalty for Neglect—Sec. 54. Shipping Seamen at Foreign Port—Sec. 55. Rights of Officers of Queen's Ships—Penalty—Sec. 56. Rights of Consuls, Registrar, and Officers of Customs—Penalty on Master—Sec. 57. Survey of Provisions, &c.—Sec. 58. Offences at Foreign Ports—Sec. 59. Apprehension of Offenders Abroad—Sec. 60. Conveyance of Offenders and Witnesses to England.

33. And be it declared and enacted, That so much of the said recited Act of Parliament as is hereinafter specially set forth, shall be, and is hereby declared to be, in force within the Colony of New South Wales, and shall be applied, so far as the same can be applied, to all vessels registered in the said Colony, and to the owners, masters, and seamen thereof respectively, that is to say, so much of the said recited Act as enacts :—“ That in the case of any assault or battery* “ committed on board any ship belonging to any subject of “ Her Majesty in any part of the world, it shall be lawful “ for any two Justices of the Peace in any part of Her “ Majesty's dominions, or the territories under the Govern- “ ment of the East India Company, residing at or near any “ port or place at which the said ship may arrive or touch, “ upon complaint of the party aggrieved, to hear and deter- “ mine any such complaint, and to proceed and make such “ adjudication thereon as by the said Act any two Justices “ are empowered to do in the cases of assaults and batteries “ in England; and the fine or forfeiture to be imposed in any “ such case shall be payable to the Seamen's Hospital “ Society†: Provided always, that such complaint shall “ be made and prosecuted within three months after such

* It has been remarked that this provision supplies for Colonial registered ships, an important omission in the “ Discipline ” clauses of the “ Merchant Shipping Act.”—(Symons, p. lvi.)

† As there is no “ Seaman's Hospital Society ” in Victoria, the fines for assaults are paid as directed by the 11 Vict., No. 29, sec. 1—a moiety to the Melbourne Hospital and a moiety to the Benevolent Asylum.

“ alleged assault or battery, or within three months after the
 “ arrival of the ship at her final port of destination in the
 “ United Kingdom, or within three months after the respec-
 “ tive parties shall be within the jurisdiction of such Justices
 “ as aforesaid :”—And so much of the said recited Act as
 “ enacts, “ That no apprentice to the sea service shall be at
 “ liberty to enter into the naval service of Her Majesty
 “ during the period of his apprenticeship without the con-
 “ sent of his master ; but if, nevertheless, he shall volun-
 “ tarily enter into such naval service of Her Majesty, and shall
 “ be allowed by his master to continue therein, such master,
 “ in case he shall give notice to the Secretary of the Admi-
 “ ralty of his consent to his apprentice remaining in Her
 “ Majesty’s said service during the residue of the term of
 “ his apprenticeship, shall, upon the production of the inden-
 “ ture and assignment (if any), if duly registered, and having
 “ the register ticket attached, be entitled to receive to his
 “ own use any balance of wages and prize money that may
 “ become due and payable to any such apprentice until the
 “ expiration of his apprenticeship :”—And so much of the
 “ said recited Act as enacts, “ That if any master of a ship
 “ belonging to any subject of Her Majesty, shall discharge
 “ any person belonging to his ship or crew at any of Her
 “ Majesty’s Colonies or Plantations, without the previous
 “ sanction in writing (to be endorsed on the agreement) of
 “ the Governor or other officer holding the chief authority
 “ there, or of the Secretary or other officer duly appointed
 “ by the Government there in that behalf, or in the absence
 “ of such functionaries, then of the Chief Officer of Customs
 “ resident at or near such port or place, or shall discharge
 “ any such person at any other place abroad without the like
 “ previous sanction, to be so endorsed on the agreement by
 “ Her Majesty’s Minister, Consul, or Vice-Consul there, or
 “ in the absence of any such functionary, then of two respect-
 “ able merchants resident there, such master shall be guilty
 “ of a misdemeanour ; or if any master of any such ship shall
 “ abandon or leave behind at any such Colony or Plantation
 “ any person belonging to his ship or crew, on the plea or
 “ pretence of unfitness or inability to proceed upon the
 “ voyage, or of desertion or disappearance from the ship,
 “ without a previous certificate in writing (to be endorsed on
 “ the agreement) of the Governor, Secretary, or other officer
 “ as aforesaid, or in the absence of such functionary, then of
 “ the Chief Officer of Customs resident at or near such port
 “ or place, certifying such unfitness, inability, desertion, or

“ disappearance, or shall abandon or leave behind any person
 “ belonging to his ship or crew at any other place abroad, on
 “ shore or at sea, upon such plea or pretence, without the
 “ like previous certificate of Her Majesty’s Minister, Consul,
 “ or Vice-Consul there, or in the absence of any such func-
 “ tionary, then of two respectable merchants, if there be any
 “ such at or within a reasonable distance from the place
 “ where the ship shall then be, such master shall be guilty
 “ of a misdemeanour; or if any master of any such ship,
 “ in case any person belonging to his ship or crew shall
 “ desert from the said ship at any place abroad, shall neglect
 “ to notify the same in writing to one of such functionaries
 “ as aforesaid, if there be any such resident at or near the
 “ place, and in their absence, if it be out of Her Majesty’s
 “ dominions, then to two respectable merchants, if there be
 “ such at or near the place, within twenty-four hours of such
 “ desertion, such master shall be guilty of a misdemeanour,
 “ and the said functionaries are hereby authorised and re-
 “ quired, and the said merchants are authorised to examine
 “ into the grounds of such proposed discharge, or into the
 “ plea or pretence of such unfitness, inability, desertion, or
 “ disappearance as aforesaid, in a summary way upon oath
 “ (which oath they are hereby respectively authorised to
 “ administer), and to grant or refuse such sanction or cer-
 “ tificate according to the circumstances, and as it shall ap-
 “ pear to them to be just:”—And so much of the said
 “ recited Act as enacts, “ That if the master of any ship,
 “ belonging to any of Her Majesty’s subjects, or the mate
 “ or other officer of such ship, shall wrongfully force on
 “ shore and leave behind, or shall otherwise wilfully and
 “ wrongfully leave behind on shore or at sea, in or out of
 “ Her Majesty’s dominions, any person belonging to his ship
 “ or crew, before the completion of the voyage for which
 “ such person was engaged, or the return of the ship to the
 “ United Kingdom, such master, mate, or other officer, shall
 “ be guilty of a misdemeanour; and every misdemeanour
 “ mentioned or created by this Act shall and may be prose-
 “ cuted by information at the suit of Her Majesty’s
 “ Attorney-General, or by indictment or other legal pro-
 “ ceeding in any Court having criminal jurisdiction in Her
 “ Majesty’s dominions at home or abroad; and the offence
 “ may be laid and charged in the said information, indict-
 “ ment, or other legal proceeding to have been committed
 “ in the country or place where the offender shall happen
 “ to be, who, being convicted thereof, shall be liable to fine

“ or imprisonment, or both, as to the Court before whom he
 “ is tried shall seem meet; and every Court is hereby
 “ authorised to issue a commission or commissions for the
 “ examination of any witness or witnesses who may be absent
 “ or out of the jurisdiction of the Court; and at the trial
 “ the depositions taken under such commission or commis-
 “ sions, if such witness or witnesses shall be then absent,
 “ shall be received in evidence:”—And so much of the said
 Act as enacts, “ That if any master shall, contrary to the
 “ provisions of this Act, discharge, abandon, or leave behind,
 “ any seaman or other person belonging to the ship or crew,
 “ with or without his consent, it shall be incumbent on such
 “ master, in any information, indictment, or other proceed-
 “ ing against him, to produce or prove such sanction or re-
 “ spective certificate as aforesaid, or prove the impracticability
 “ of obtaining such certificate:”—And so much of the said
 recited Act as enacts, “ That every such master who shall
 “ leave any seaman or other person as aforesaid on shore at
 “ any such Colony or Plantation, or place abroad, under a
 “ certificate of his not being in a condition to proceed on the
 “ voyage, shall deliver to one of the said functionaries, or if
 “ there be none such, to any two respectable merchants there,
 “ or if there be but one, then to such one merchant, a just
 “ and true account of the wages due to such person, and pay
 “ the same either in money or by a bill drawn upon the
 “ owner; and if by bill then such functionaries or merchants
 “ are respectively authorised and required, by endorsement
 “ on such bill, to certify that the same is drawn for money
 “ due on account of seamen’s wages, or to that effect: And
 “ any master who shall refuse or neglect to deliver a just
 “ and true account of such wages, or to pay the amount
 “ thereof in money or by bill as aforesaid, shall, for every
 “ such offence or default, forfeit and pay the sum of ten
 “ pounds; and every master who shall deliver a false
 “ account of such wages shall, for every such offence, forfeit
 “ and pay the sum of twenty pounds:”—And so much of
 the said recited Act as enacts, “ That nothing in this Act
 “ or in any agreement contained, shall prevent any seaman
 “ or person belonging to any ship or vessel whatever, from
 “ entering or being received into the naval service of Her
 “ Majesty, nor shall any such entry be deemed a desertion
 “ from the ship or vessel, nor shall such seaman or other
 “ person thereby incur any penalty or forfeiture whatever,
 “ either of wages, clothes, or effects, or other matter or
 “ thing; and no master or owner shall insert or introduce,

“ or permit to be inserted or introduced, into any articles or
 “ agreement, any clause, engagement, or stipulation, whereby
 “ any seaman or other person shall or may incur any for-
 “ feiture or be exposed to loss in case he shall enter into Her
 “ Majesty’s naval service; and if inserted, the clause,
 “ engagement, or stipulation shall be void, and the offender
 “ shall thereby incur a penalty of twenty pounds:”—And so
 “ much of the said recited Act as enacts, “ That when any
 “ seaman shall quit any such ship or vessel as aforesaid, in
 “ order to enter into Her Majesty’s naval service, and shall
 “ thereupon be actually received into such service, not
 “ having previously committed any act amounting to and
 “ treated by the master as desertion, he shall be entitled
 “ immediately upon such entry to have his register ticket,
 “ and all his clothes and effects on board such ship or vessel,
 “ delivered to him, and to receive from the master the
 “ proportionate amount of his wages, up to the period of
 “ such entry, to be paid either in money or by a bill on the
 “ owner; all which register ticket, clothes, effects, money,
 “ or bill, such master is hereby required to deliver and pay
 “ to him accordingly, under a penalty of twenty pounds for
 “ any refusal or neglect, to be recovered with full costs of
 “ suit by such seaman; but in case the master shall have no
 “ means of ascertaining the balance, he shall make out and
 “ deliver to such seaman a certificate of the period of his
 “ service, and the rate of wages he is entitled to, producing
 “ at the same time to the commanding or other officer of
 “ Her Majesty’s vessel the agreement with the seaman; and
 “ every such master, upon the delivery of such register
 “ ticket, clothes, and effects, and the settlement of such
 “ wages in manner herein mentioned, shall receive from the
 “ officer in command of the vessel into which the seaman
 “ shall have entered, a certificate of such entry, endorsed on
 “ the agreement, and signed by the said officer, which such
 “ officer is hereby required to give:”—And so much of the
 “ said recited Act as enacts, “ That if any person shall be
 “ discharged, or wilfully or wrongfully left behind or
 “ abandoned, at any place beyond seas, in or out of Her
 “ Majesty’s dominions, by any master, mate, or other officer,
 “ contrary to the provisions of this Act, and shall become
 “ distressed, and be relieved under the provisions of an Act
 “ passed in the eleventh year of the reign of His late
 “ Majesty King George the Fourth, for amending and
 “ consolidating the laws relating to the pay of the Royal
 “ Navy, or any Act hereafter to be passed for that purpose.

“ or if any person shall, as principal or agent, engage any
 “ subject of Her Majesty to serve in any vessel belonging
 “ to any foreign power, or to the subject of any foreign
 “ state, and such last-mentioned person shall become dis-
 “ tressed, and be relieved as aforesaid, then, in addition to
 “ the wages due from such master or owner, or person
 “ making such engagement, and the penalties to which such
 “ master may be liable, Her Majesty shall be entitled to sue
 “ such master or the owner of the ship, or any person who
 “ shall have made such engagement as aforesaid, at the
 “ discretion of the Commissioners for executing the office of
 “ Lord High Admiral of the United Kingdom, for all the
 “ charges and expenses which shall have been incurred in or
 “ for the subsistence, necessary clothing, and conveyance
 “ home, or burial (should he die abroad or before reaching
 “ home), of any such seaman or person relieved as aforesaid,
 “ as money paid to the use of such master or owner, or other
 “ person who shall have made such engagement as aforesaid,
 “ and recover the same, together with full costs of the suit,
 “ in the same manner as other debts due to Her Majesty are
 “ recoverable; and in any proceeding for that purpose, proof
 “ of the account furnished to the said Commissioners by any
 “ such functionaries, or by such two merchants, or one
 “ merchant, according to the case, as provided by the said
 “ Act of the eleventh year of King George the Fourth, shall
 “ together with the proof of payment by the said Commis-
 “ sioners or by the Paymaster General, of the charges
 “ incurred on account of any such person, be sufficient
 “ evidence that such person was relieved and conveyed home,
 “ or buried, at Her Majesty’s expense; and the Court in
 “ which any proceeding for the recovery of the said money
 “ shall be instituted is hereby authorised to issue a com-
 “ mission or commissions for the examination of witnesses,
 “ and the depositions taken under such commission or
 “ commissions shall be used as evidence:”—And so much of
 “ the said recited Act as enacts, “ That if any ship belonging
 “ to a subject of Her Majesty (except packets for passengers
 “ in the course of their voyage) shall arrive at any foreign
 “ port where there shall be a British Consul or Vice-Consul,
 “ at any port in a British Colony, and remain thereat for
 “ forty-eight hours, the master shall, within forty-eight
 “ hours of the ship’s arrival, deliver or cause to be delivered
 “ to such Consul or Vice-Consul at such foreign port, or to
 “ the Collector or Comptroller of the Customs at such port
 “ of a British Colony, the agreement or agreements before

“ mentioned, together with an account at the foot of such
 “ agreement of all apprentices on board, setting forth their
 “ christian and surnames at full length, the dates of the
 “ registry of their indentures and assignments respectively,
 “ and the ports at which and the time when they were
 “ registered, and also all indentures and assignments of
 “ apprenticeships, and the register tickets of all the crew
 “ who shall be subjects of Her Majesty, the whole to be
 “ kept by such Consul or Vice-Consul, Collector or Comp-
 “ troller, as the case may be, during the ship’s stay in such
 “ port, and (excepting the register tickets of deserters, which
 “ are to be transmitted by such functionaries to the Registrar
 “ of Seamen) to be returned to the master a reasonable time
 “ before his departure, with a certificate endorsed on such
 “ agreements respectively, stating when the same were
 “ respectively delivered and returned, without any fee or
 “ charge being made for the same; and in case it shall
 “ appear that the required number of apprentices are not on
 “ board, or that the required forms of existing laws have
 “ been in any respect neglected or transgressed, such Consul
 “ or Vice-Consul, Collector or Comptroller, shall make an
 “ endorsement to that effect on such agreement, and forth-
 “ with transmit a copy of such endorsement, with the fullest
 “ information he can collect regarding such neglect or
 “ transgression, to the said Registrar; and if any master
 “ shall neglect to deliver any agreement, indenture, assign-
 “ ment, or register ticket, or such account as aforesaid, he
 “ shall, for every such neglect or default, forfeit and pay
 “ the sum of twenty pounds; or if any master shall deliver
 “ any false or incorrect account, he shall, for every such
 “ offence, forfeit and pay the sum of thirty pounds:”—
 And so much of the said recited Act as enacts, “ That
 “ no seaman shall be shipped at any such foreign port
 “ by any such master, except with the sanction of such
 “ Consul or Vice-Consul, to be endorsed or certified on the
 “ agreement, under a penalty of twenty pounds, to be for-
 “ feited by the master for every seaman so shipped:”—And
 so much of the said recited Act as enacts, “ That the master
 “ of every ship belonging to any subject of Her Majesty
 “ shall and he is hereby required to produce and show the
 “ log book, muster roll of the ship, and the agreement or
 “ agreements with his crew, their register tickets, and the
 “ indentures of his apprentices, and the assignments thereof,
 “ and a list of all the passengers and persons on board, to
 “ the captain, commander, or other commissioned officer of

“ any of Her Majesty’s ships or vessels requiring the produc-
 “ tion and sight thereof ; and that it shall be lawful for any
 “ such officer in Her Majesty’s naval service to muster the
 “ crew (including apprentices) of any ship belonging to any
 “ such subject, in order to be satisfied that the provisions of
 “ this Act, and every other Act by which the crews of such
 “ ships as aforesaid are regulated, and the laws relating to
 “ navigation have been duly kept and complied with ; and if
 “ any master shall, upon being required so to do by any such
 “ officer, neglect or refuse to produce such log book, muster
 “ roll, or agreement, register tickets, indentures and assign-
 “ ments, and lists of passengers and persons, or any of
 “ them, or shall obstruct any officer in the execution of
 “ his duty in mustering the said crew, or shall produce any
 “ false log, muster roll, or list, he shall for every such offence
 “ forfeit and pay the sum of twenty pounds :”—And so much
 “ of the said recited Act as enacts, “ That for the better carry-
 “ ing into effect the purposes of this Act, it shall be lawful
 “ for Her Majesty’s Consuls and Vice-Consuls in foreign
 “ ports, and for the said Registrar and his assistant, and also
 “ for the respective Chief Officers of the Customs at the
 “ several ports of the United Kingdom and of the British
 “ possessions abroad, to demand from the master of every
 “ ship belonging to a subject of Her Majesty, the production
 “ of the log book, muster roll of the ship, and such agree-
 “ ments, register tickets, indentures, and assignments as
 “ aforesaid, and a list of passengers and persons on board,
 “ and to muster the crew (including apprentices) of such
 “ ship, and to summon the master to appear before them,
 “ and give any explanation they may respectively require
 “ regarding the said crew, ship, or documents, for the pur-
 “ pose of ascertaining whether the provisions of this Act,
 “ and every other Act by which the crews of such ships as
 “ aforesaid are regulated, and the laws relating to navigation
 “ have been kept and complied with, and to take copies of
 “ all or any of such documents ; and if any such master, on
 “ such demand being made, shall refuse to produce such log
 “ book, muster roll, agreements, register tickets, indentures,
 “ and assignments, and list of passengers and persons, or
 “ refuse to allow copies to be taken, or shall refuse to permit
 “ his crew to be so mustered, or shall refuse to appear and
 “ give such explanation as aforesaid, or shall wilfully deceive
 “ or mislead the person before whom he shall so appear, he
 “ shall for every such neglect, refusal, or offence, forfeit and
 “ pay the sum of twenty pounds :”—And so much of the

said recited Act as enacts, “That it shall and may be lawful
“for any Consul or Vice-Consul of Her Majesty, and for any
“Collector or Comptroller of the Customs, upon complaint
“made by any three or more of the crew, to survey and
“examine, or cause to be surveyed and examined, the pro-
“visions, water, and medicines put or supplied on board any
“ship for the use and consumption of the crew; and if on
“such survey and examination it shall be found that such
“provisions, water, or medicines are of a bad quality, or
“unfit for use, or not appropriate, or there shall not appear
“to be a sufficient quantity thereof, the surveying officer
“shall signify the same in writing to the master of the ship;
“and if such master shall not thereupon provide other fit
“and proper provisions, water, or medicines, in lieu of any
“which may be signified by the said surveying officer to be
“of a bad quality, or unfit for use, or not appropriate, or if
“any such master shall not thereupon procure the requisite
“quantity of provisions, water, and medicines, or shall use
“any provisions, water, or medicines, which shall have been
“signified by the surveying officer to be of a bad quality,
“or unfit for use, or not appropriate, he shall in each and
“every of such cases be guilty of a misdemeanor:”—And
so much of the said recited Act as enacts, “That all offences
“against the property or person of any subject of Her
“Majesty, or any foreigner, which shall be committed in or
“at any port or place, either ashore or afloat, out of the
“dominions of Her Majesty, by the master and crew (in-
“cluding apprentices), or any or either of them, belonging
“to any ship subject to any of the provisions of this Act, or
“who within three months before the committal of the
“offence shall have been master thereof, or shall have formed
“part of any such crew, shall be and they are hereby
“declared to be, offences of the same nature respectively,
“and to be liable to the same punishments respectively as if
“they had been committed on the high seas and other places
“within the jurisdiction of the Admiralty of England, and
“shall be inquired of, heard, tried, and determined and ad-
“judged in the same manner as if such offence had been
“committed within such jurisdiction; and when any trial
“for such offences, or for any misdemeanor against the pro-
“visions of this Act, shall take place before any Justices or
“Judges of Oyer and Terminer, and Gaol Delivery, it shall
“be lawful for the Court to order and direct the payment
“of the costs and expenses of the prosecution, as in the case
“of costs and expenses of prosecutions for offences com-

"mitted within the jurisdiction of the Admiralty of England :"
 —And so much of the said recited Act as enacts, "That
 "whenever any complaint shall be made to any of Her
 "Majesty's Consuls or Vice-Consuls of any such offence, or
 "of any offence having been committed at sea by the master
 "and crew (including apprentices), or any or either of them,
 "belonging to any ship subject to any of the provisions of
 "this Act, it shall be lawful for any such Consul or Vice-
 "Consul to inquire into the case upon oath, and at his dis-
 "cretion to cause any offender to be placed under all neces-
 "sary restraint, so far as it may be in his power, so that he
 "may be sent and conveyed in safe custody to England, as
 "soon as practicable, in any vessel of Her Majesty, or of
 "any of Her subjects, to be there proceeded against accord-
 "ing to law, and the costs and charges of imprisoning any
 "such offender, and of conveying him and the witnesses to
 "England, if not conveyed in the ship to which they respec-
 "tively belong, shall be considered and deemed as part of
 "the costs of the prosecution, or be paid as costs incurred
 "on account of seafaring subjects of the United Kingdom
 "left in distress in foreign parts ; and all depositions taken
 "before any Consul or Vice-Consul abroad, and certified
 "under his official seal to be the depositions, and that they
 "were taken in the presence of the party accused, shall be
 "admitted in evidence in all Courts having criminal juris-
 "diction, and otherwise in like manner as depositions taken
 "before any Justice of the Peace in England now are or
 "may be ; and the register ticket of every offender shall be
 "delivered up to Her Majesty's Consul or Vice-Consul, as
 "the case may be, and be transmitted by him to the Regis-
 "trar of Seamen :"—And so much of the said recited Act
 as enacts, "That it shall be lawful for any Consul or Vice-
 "Consul to order a passage to England for any such offender
 "or offenders under necessary restraint, and also for the
 "witnesses ; and the master or other person having the
 "charge of any ship or vessel belonging to any subject of
 "Her Majesty bound to England shall and he is hereby
 "required to receive and afford a passage and subsistence
 "during the voyage to any such offender and offenders and
 "witnesses, not exceeding the rate of one offender or two
 "witnesses for every one hundred tons of his ship's burden ;
 "and on his ship's arrival in England the master of any
 "vessel belonging to a subject of Her Majesty shall take or
 "cause to be taken the offender or offenders before a Justice
 "of the Peace, who shall deal with the matter as in cases

“ of offences committed upon the high seas ; and in case the
 “ master or other person having the charge of any ship or
 “ vessel belonging to any subject of Her Majesty, when
 “ required by the Consul or Vice-Consul to receive and afford
 “ a passage to any offender or witness, shall not receive and
 “ afford such passage, or shall not take or cause to be taken
 “ the offender or offenders before a Justice of the Peace as
 “ aforesaid, every such master shall be liable to a penalty of
 “ fifty pounds ; and the seaman if acquitted shall receive
 “ his register ticket again upon due application to the Registrar
 “ of seamen.”

*Recovery of Penalties—Application of Forfeitures—
 Proviso.*

34. And be it enacted, That all penalties and forfeitures imposed by this Act, for the recovery whereof no specific mode is hereinbefore provided, shall and may be recovered, with costs, either in Her Majesty's Supreme Court of the Colony of New South Wales, at the suit of Her Majesty's Attorney-General or at the suit of any person, by information and summary proceeding before any Justice or Justices of the Peace where or near to the place where the offence shall be committed, or the offender shall be ; and if proceedings for the recovery of any forfeiture or penalty imposed by this Act, or for the recovery of any debt due to Her Majesty, be commenced in any of Her Majesty's Courts, the Court in which such proceedings shall be instituted, is hereby authorised to issue a commission or commissions in or out of Her Majesty's dominions, for the examination of witnesses, and the depositions taken thereunder shall be used and admitted in evidence ; and in case of a summary conviction under this Act, and the sum imposed as a penalty by such Justice or Justices shall not be paid, either immediately after the conviction, or within such period as such Justice or Justices shall at the time of the conviction appoint, it shall be lawful for the convicting Justice or Justices to commit the offender to the common gaol or house of correction, there to be imprisoned only, or to be imprisoned and kept to hard labour, according to the discretion of the said Justice or Justices, for any term not exceeding six calendar months, the commitment to be determinable upon payment of the amount and costs ; and all penalties and forfeitures mentioned in this Act, for which no specific application is hereinbefore provided, shall, when recovered, be paid and applied in manner following ; (that is to say,) so much thereof as

the Court or the convicting Justice or Justices shall determine, but not exceeding one moiety, shall be paid to the informer or person upon whose discovery or information the same shall be recovered, and the residue shall be paid to Her Majesty, Her Heirs and Successors, for the public uses of this territory, and in support of the Government thereof, and shall be applied thereto, in such manner as may from time to time be directed by any Act of the said Governor and Legislative Council: Provided always, that it shall be lawful for the Court before which, or the Justice or Justices before whom, any proceedings shall be instituted for the recovery of any pecuniary penalty imposed by this Act, to mitigate or reduce such penalty as to such Court or Justices respectively shall appear just and reasonable; but no such penalty shall be reduced to less than one-third of its original amount; and it shall be lawful, in the discretion of the said Court, or of the said Justice or Justices hearing the complaint, to order such costs against the informing or complaining party failing to prove the charge as the said Court, or Justice or Justices, may deem fit; and such costs shall be recoverable in the same manner as penalties under this Act, and be paid as such Court, or Justice or Justices, shall direct: Provided also, that all proceedings so to be instituted shall be commenced within two years next after the commission of the offence, if the same shall have been committed at or beyond the *Cape of Good Hope* or *Cape Horn*, or within one year if committed elsewhere, or within two calendar months after the return of the offender and the complaining party to the Colony of New South Wales.

*Definition of the term "Master," "Seaman," "Ship,"
"Owner," and Governor."*

35. And to avoid doubts in the constructions of this Act, be it enacted, That every person having the charge or command of any ship belonging to any subject of Her Majesty, and registered in the Colony of New South Wales, shall, within the meaning and for the purposes of this Act, be deemed and taken to be the master of such ship; and that every person (apprentices excepted,)* who shall be employed or engaged to serve in any capacity on board the same, shall be deemed and taken to be a seaman, within the meaning and for the purposes of this Act; and that the term "ship" shall be taken and understood to comprehend every descrip-

* The Merchant Shipping Act includes the apprentices.

tion of vessel navigating on any sea or channel or waters outside the mouths of rivers, and also every vessel passing beyond the precincts of a port; and that the term "owner" shall be taken and understood to comprehend all the several persons, if more than one, to whom the ship shall belong; and that wheresoever the term "Governor" is used, for the purposes of this Act, it shall be deemed and taken to be the Governor or Officer administering the Government for the time being of the said Colony.

Foreign Seamen Destitute.

36. And be it enacted, That if any person being a Malay, or a Lascar, or a native of the territories under the Government of the East India Company, or if any Asiatic or African seaman, or any seaman being a native of any island in the Pacific Ocean, having been brought to the said Colony of New South Wales on board any ship, shall be found or be in the said Colony in distress, or in want of food, clothing, or other necessaries, it shall and may be lawful for the Governor, at his discretion, to supply necessary and reasonable relief to every such person or seaman, and to maintain him until he shall have been sent on board some ship for the purpose of being conveyed to or near to the port from which he was shipped; and also to pay, defray, and advance the money necessary to procure every such seaman or other person a proper and sufficient passage to such port; and all such sum or sums of money as shall be paid and advanced by, or by order of, the Governor for or on account of such maintenance, relief, and passage, shall be and become a debt to Her Majesty, and shall be recoverable as such, with full costs of suit, in the Supreme Court or any other Court of Record in the Colony, from the owner or master, or either of them, of the ship on board whereof such person or seaman shall have been brought from Asia or Africa, or other island or place as aforesaid.

Act may be Amended or Repealed.

37. And be it enacted, That this Act may be amended or repealed by any Act to be passed during the present session of the Legislative Council of New South Wales.

CHAS. A. FITZ ROY, *Governor.*

SCHEDULE B.
SHIP'S ARTICLES.

AN AGRÉEMENT made and entered into, pursuant to the provisions of an Act of the Governor and Legislative Council of New South Wales, passed in the thirteenth year of the reign of Her Majesty Queen Victoria, intituled, *An Act to amend and consolidate the Laws relating to Seamen in the Merchant Service of the Colony of New South Wales, and for keeping a Register of Seamen belonging to Ships registered in the said Colony*, Between the Master of the Ship registered in Sydney, in the Colony of New South Wales, of the burden of _____ tons, and the several Officers, Seamen, and other persons whose names are subscribed hereto.

WHEREAS the ship _____ is now riding at anchor in the Harbor of _____ in the Colony aforesaid, and is bound to proceed on a voyage to *

and back to Sydney: And whereas the several persons parties hereto of the second part have agreed to enter on board the said vessel and to prosecute the said intended voyage upon the terms and conditions hereinafter expressed: Now these presents witness, and it is hereby mutually engaged, stipulated, promised, and agreed between and by the several parties hereto as follows:—

That the officers, seamen, and others whose names are hereto subscribed, shall severally serve on board the said ship in the several capacities against their respective names expressed, and shall proceed in the said vessel on the said voyage for the purpose of obtaining sperm oil, head matter, black oil, ambergris, whalebone, sandal wood, beche-le-mer, seals, or such other animals or substances as the master of the said vessel shall in his discretion deem most advisable for the general good, and in the prosecution of the said voyage shall at all times perform their duty as seamen, and shall severally and collectively, as they may be directed by the said master, or by their superior officers, exert themselves to the utmost of their power in procuring a full cargo with the greatest expedition, and in bringing the ship back to the Port of Sydney.

That the said officers, seamen, and others, shall at all times during the said voyage conduct themselves in an orderly, faithful, honest, careful and sober manner, and shall be at all times diligent in their respective duties and stations, and shall obey, abide by, and execute all the lawful commands of the master or commanding officer of the said ship for the time being, in everything relating to the said ship, and the materials, stores, and cargo thereof, as well for the effectual government of the said ship as for the suppression of vice and immorality on board, and shall not refuse or neglect to do their duty by day or night, nor go out of nor quit the said ship on any account or pretence whatever without the consent and permission of the said master or commanding officer in writing, expressing the time for which such permission is granted, until the said voyage shall be fully completed and ended, but shall on all occasions, and in all ports and places at which the said ship may call or touch, and as well in the boats or on the shore as on board the said ship, conduct themselves as good and faithful seamen and mariners, and shall stand by the said ship in all perils and dangers, using their best endeavours for the preservation of the ship, her boats, tackle, apparel, provisions,

* Here insert the description of the voyage, whether south whale fishery, bay whale fishery, sandal wood, beche-le-mer, &c., &c.

received on board the said ship or boats belonging thereto be embezzled, plundered, damaged, lost, or destroyed, the same shall be made good to the master and owners by the party by whose fault or neglect such loss may happen, as provided in the (18th) eighteenth clause of the hereinbefore recited Act.

And it is hereby expressly stipulated and agreed, that the master, officers, seamen, and others, parties to these presents, shall not for their own individual use or emolument give, sell, barter, exchange, or secrete any part of the oil, or other article, or merchandise, or other substance whatever, which may be taken or found during the continuance of the present voyage.

In witness whereof the said parties have hereunto subscribed their names, on the days and dates set opposite or against their respective signatures hereunder written.

SCHEDULE C.

was Master.

Tons, whereof

Ship, of the Port of

A List of the Crew (including the Master and Apprentices) at the period of quitting the Port of _____, in New South Wales, from which she took her first departure on her voyage to _____, and of the men who joined the Ship subsequent to such departure, and until her return to the Port of _____, being her first final Port of destination in New South Wales, on the _____ day of _____, 18____.

No. and Date of Ship's Register.	Name, Christian and Surname at full length.	Age.	Town or County where born.	Quality.	Ship in which he last served.	Date of joining the Ship.	Place where.	Time of Death or leaving the Ship.	Place where.	How disposed of.	Date of Apprentices' Indentures and Assignments.	When and where registered.	Number of Register Ticket, or Discharge.

Note.—If any one of the Crew has entered Her Majesty's Service, the name of the Queen's Ship in which he entered must be stated in the account, under the head of "How disposed of."

Note.—This List to be filled up and signed by the Master of every vessel, of whatever tonnage, and to be delivered by him to the Officer appointed to receive the same within twenty-four hours after the ship's arrival at her final Port of destination in New South Wales.

SCHEDULE D.

AN ACCOUNT of the Voyages in which the Ship _____, of the burden of _____ tons, has been engaged, in the half-year commencing on the _____ day of _____ 18____, and ending on the _____ day of _____ 18____, and of all the persons (Master and Apprentices included) who have belonged to such Ship during that period.

ACCOUNT OF THE VOYAGES.
 [Here the several Voyages, and the periods of such Voyages, are to be described.]

ACCOUNT OF THE CREW.

No. and Date of Ship's Register.	Name, Christian and Surname at full length.	Age	Town or County where born.	Quality.	Ship in which he last served.	Date of joining the Ship.	Place where.	Time of Death or leaving the Ship.	Place where.	How disposed of.	Date of Apprentices' Indentures and Assignments.	When and where registered.	Number of Register Ticket, or Discharge.

Note.—If any one of the Crew shall have entered Her Majesty's Service, the name of the Queen's Ship in which he entered must be stated in this Account, under the head of "How disposed of."

Note.—This Account, when filled up, is to be signed by the Owner or Master of every Ship of whatever tonnage, and deposited with the Officer appointed to receive the same in New South Wales, within twenty-one days after the thirtieth of June and the thirty-first of December in every year.

SCHEDULE E.
CERTIFICATE OF DISCHARGE.

I hereby certify that _____, Seaman, of
the Ship _____, of _____, is fully discharged from
my vessel, with the consent of all parties
Registered at this office, this _____ } Signed,
day of _____ and executed in the presence of _____ } *Master*
_____ } *Ship*

SCHEDULE F.
FORM OF APPRENTICE'S INDENTURE.

THIS Indenture made the _____ day of _____ in the
year of the reign of Her Majesty Queen Victoria, by the Grace of God of
the United Kingdom of Great Britain and Ireland, Queen, Defender of the
Faith, and in the year of Our Lord One thousand eight hundred and
_____, between _____ aged _____ years, a native of
in the County of _____ of the one part, and _____ of
in the County of _____ of the other part, Witnesseth, That the said
_____ hath of his free will, and by and with the consent of
his parent or parents (A. B., as the case may be, or C. D. or E. F. two of
Her Majesty's Justices of the Peace acting in and for the district of
_____ in which the said A. B. now resides), put and bound
himself apprentice unto the said _____ with him, his executors,
administrators, and assigns, after the manner of an apprentice, to dwell,
remain, and serve from the day of the date hereof for and during and
until the full end and term of _____ years from thence next ensuing,
fully to be completed and ended; during all which term the said appren-
tice his said master shall well and faithfully serve; his secrets keep; his
lawful commands everywhere do and execute; hurt or damage to his
said master he shall not do, consent or see to be done by others, but to
the utmost of his power shall hinder the same, and forthwith his master
thereof warn; taverns or alehouses he shall not frequent (unless about
his said master's business); at dice, cards, tables, bowls, or any other
unlawful games he shall not play; the goods of his said master he shall
not embezzle or waste or lend or give to any person or persons without
his said master's license; nor from the service of his said master without
his consent, at any time absent himself; but as a true and faithful appren-
tice shall demean and behave himself towards his said master, his
executors, administrators, or assigns, during the said term; and true and
just accounts of his said master's goods, chattels, and money committed
to his charge, or which shall come to his hands, faithfully he shall give
at all times, when thereunto required by his said master, his executors,
administrators, or assigns; and shall also render an account of, and well
and truly pay or cause to be paid unto his said master, his executors,
administrators or assigns, all such wages, prize money, and other sum or
sums of money as shall become due and payable unto him from Her
Majesty, Her Heirs, Successors, or any other person, in case he shall be
impressed, enter, or go into Her Majesty's service during the said term. In

consideration whereof the said _____ doth hereby covenant and agree to and with the said _____ the apprentice, that he the said _____ his executors, administrators, or assigns, during the said term of _____ years, shall and will teach, learn, and inform the said apprentice, or cause him to be taught, learned, and informed, in the art, trade, or business of a mariner or seaman, with the circumstances thereunto belonging; and shall and will find and provide for the said apprentice sufficient meat, drink, washing, lodging, medicine, and medical and surgical aid and advice _____; to pay unto the said apprentice the sum of _____ pounds of lawful money of Great Britain, in manner following; (that is to say) the said _____ finding and providing to and for himself all manner of sea bedding, wearing apparel, and other necessaries (except meat, drink, lodging, washing, medicine, and medical and surgical aid and advice): And it is hereby agreed between the said parties, that the said _____ shall and may from time to time during the said term deduct and retain in his hands, out of the several yearly payments above mentioned, all such sum or sums of money as he shall at any time during the said term disburse or lay out in the buying of any apparel or sea bedding for the said apprentice, as need shall require: And for the true performance of all and singular the covenants and agreements aforesaid, each of them the said _____ and _____ doth hereby bind and oblige himself, his heirs, executors, and administrators unto the other of them, his executors, and administrators, firmly by these presents, in the penal sum of _____ pounds of lawful money of Great Britain.

In witness whereof the said parties to these presents have hereunto set their Hands and Seals the day and year above written.

Signed, sealed, and delivered }
in the presence of us }



VII.

FOREIGN SEAMEN.

18 Vic., No. 6.—An Act for the better control of Seamen belonging to foreign vessels. (20th November, 1854.)

Be it enacted by His Excellency the Lieutenant-Governor of Victoria by and with the advice and consent of the Legislative Council thereof as follows:—

Seamen Deserting, &c. from Foreign Vessels may be apprehended.

1. If any seaman belonging to any foreign vessel in any port harbor roadstead or river of Victoria or otherwise within the limits thereof shall desert from such vessel or otherwise abscond or absent himself from his duty it shall be lawful for any Justice of the Peace upon the information on oath of the master mate or other person having charge of such vessel to issue his warrant for the apprehension of such seaman and thereupon at the request of such master mate or other person informing as aforesaid to order such seaman to be put forcibly on board the vessel to which he may belong or to deal with such seaman as hereinafter is provided or to place such seaman at the disposal of the Consul of the nation or state to which such vessel shall belong.

Such Seamen may be Imprisoned with Hard Labor.

2. Every seaman of any foreign vessel in any port harbor roadstead or river of Victoria or otherwise within the limits thereof who shall commit any of the offences hereinafter mentioned shall upon conviction thereof before any two Justices of the Peace be liable to be imprisoned with hard labor in any prison gaol or house of correction within Victoria

for periods not exceeding the periods hereinafter respectively assigned to the said offences that is to say—

For Assaulting.

- (1.) For assaulting any master or other officer of such vessel a period of twelve weeks.

Disobedience.

- (2.) For wilful disobedience to any lawful command of the master or other officer of such vessel a period of four weeks.

Continued Disobedience or Neglect of Duty.

- (3.) For continued wilful disobedience to such lawful commands or for continued wilful neglect of his duty as a seaman of such vessel a period of twelve weeks.

Combining to Disobey or Neglect.

- (4.) For combining with any of the crew of the vessel to which he belongs to disobey the lawful commands of his officers or to neglect his duty as a seaman or to impede the discharge loading or departure of the vessel or the progress of the voyage a period of twelve weeks.

Desertion.

- (5.) For desertion from the vessel to which he belongs a period of twelve weeks for the first offence and a period of six months for any subsequent desertion.

Drunkenness or other Misconduct.

- (6.) For drunkenness or other misconduct disabling any such seaman for the discharge of his duty a period of four weeks for the first offence and a period of eight weeks for any subsequent offence.

Provided that nothing herein contained shall take away or abridge any powers which a master of any such vessel has over his crew or protect seamen guilty of any such offences as aforesaid from any penalty or liability to which under any existing law they might be subject.

Power to order Convicted Seamen to be put on board at after or during Sentence.

3. It shall be lawful for any Justice of the Peace at the instance of the Consul of the nation or state to which the vessel of any seaman convicted and sentenced under this Act shall belong or at the instance of the master or other person having charge of such vessel to order any such seaman at or after the expiration or earlier determination of his sentence of imprisonment or at any time during the continuance thereof to be put forcibly on board such vessel and in all such cases it shall be lawful for any Justice of the Peace to grant an order to any keeper of any gaol prison or house of correction to discharge such seaman therefrom into such custody as

such Justice shall direct which shall be a sufficient warrant to such keeper to deliver such seaman into such custody and for such purpose as aforesaid.

Vessels or Places may be Searched.

4. It shall be lawful for any Justice of the Peace upon the complaint on oath of the master or other person having charge of any such vessel as aforesaid that he has good cause for suspecting that any runaway seaman of such vessel is harbored secreted or concealed on board any vessel or in any house or place whatsoever to issue a warrant to search such vessel or such house or place and to apprehend such seaman and every such seaman shall upon his apprehension be brought with all convenient speed before any two Justices of the Peace to be dealt with as herein directed.

Prosecutions, when to be Instituted.

5. No such warrant as hereinbefore mentioned shall be issued and no offence hereby made punishable shall be prosecuted or punished except at the instance or with the express assent in writing of the Consul of the nation or state to which such vessel as aforesaid shall belong unless it shall have been three several times notified in the *Victoria Government Gazette* under the authority of the Lieutenant-Governor that the Government of such nation or state has by its proper officer signified its desire that this Act may be enforced in all cases against the crews of vessels belonging to such nation or state. Provided that if any such nation or state shall signify its desire that only particular provisions of this Act shall be enforced against the crews of its vessel such provisions and no other shall be so enforced and the notification in the *Government Gazette* shall be framed accordingly.

Penalties on Persons Harboring Deserters.

6. If any person shall knowingly harbor conceal employ or retain or assist in harboring concealing employing or retaining any seaman belonging to any such vessel as aforesaid who shall have deserted therefrom or otherwise absconded or absented himself from duty or shall knowingly cause induce or persuade any such seaman by words or by any other means whatsoever to violate any agreement which he may have entered into to serve on board any such vessel

as aforesaid or shall knowingly assist in the desertion absconding or absence from duty of any such seaman every such person so offending shall upon conviction before any two Justices of the Peace in a summary way forfeit and pay for every such offence a penalty not exceeding twenty pounds for the first offence and not less than ten nor more than fifty pounds for a second or subsequent offence and in case of non-payment thereof it shall be lawful for any two Justices of the Peace to commit the person so offending to any gaol or house of correction for any term not exceeding six calendar months with or without hard labor unless such penalty and all costs shall be sooner paid.

Attesting Witness need not be called.

7. In any proceeding under this Act it shall not be necessary for the purpose of proving the list roll articles or agreement under or by which any such seaman shall have shipped joined or engaged to serve on board any such vessel to call any subscribing or attesting witness thereto but such list roll articles or agreement may be proved as if there were no such subscribing or attesting witness and a copy of any such list roll articles or agreement as aforesaid certified under the hand of the Consul of the nation or state to which such vessel shall belong to be a true copy shall be received as *prima facie* evidence of the existence and contents thereof and the certificate of the Consul of any nation or state in which such list roll articles or agreement shall have been made as to the true spirit effect and meaning thereof according to the law of such nation or state shall be received as *prima facie* evidence of the effect of such list roll articles or agreement in all matters not inconsistent with the language thereof respectively and in any proceeding under this Act such Justices of the Peace may in their discretion receive proof of matters as evidence although not admissible according to the strict rules of law.

Expenses, by whom payable.

8. All expenses incidental to the apprehension confinement and removal of any seaman under and by virtue of the power and authority conferred by this Act shall be paid by the Consul master mate or other person at whose instance such seamen shall have been apprehended proceeded against or removed.

Summary Proceedings.

9. All proceedings under this Act shall be had and taken in a summary way and the service of any summons or other matter in any legal proceedings under this Act shall be good service if made personally on the person to be served or if made by leaving such summons for him on board any vessel to which he may belong with the person being or appearing to be in command or charge of such vessel.

No certiorari.

10. No conviction under this Act shall be quashed for want of form or be removed by *certiorari* or otherwise into the Supreme Court of the said Colony.

Interpretation.

11. In the construction of the provisions of this Act the word "vessel" shall mean any navigable ship or boat of whatever construction and whether moved by wind steam or any other power the word "Consul" shall include Consul Vice-Consul or other consular officer or agent and the words "foreign vessels" shall include all vessels not belonging to any British possession.

Repeal of 10 Vict., No. 3.

12. From and after the passing of this Act an Act of the Governor and Legislative Council of the Colony of New South Wales passed in the tenth year of the reign of Her present Majesty Queen Victoria entitled "*An Act to prevent the desertion of Seamen belonging to Foreign Ships or Vessels*" shall be and the same is hereby repealed so far as relates to the Colony of Victoria except as to any matters and things done and any offences committed under the said Act which offences may be proceeded with heard and determined and the offenders punished under this Act.

Title of Act.

13. This Act may be cited and referred to as "*The Foreign Seaman's Act 1854.*"



VIII.

PROTECTION OF SEAMEN.

11 Vic., No. 23.—An Act for the Protection of Seamen entering on board Merchant Ships. (1st October, 1847.)

Preamble.

Whereas seamen are sometimes subjected to impositions and injustice by persons who undertake to procure seamen to enter on board merchant ships, who have no interest in the said ships : And whereas it is expedient to afford protection to seamen entering on board merchant vessels in the Colony of New South Wales :

License to hire merchant seamen.

1. Be it therefore enacted by His Excellency the Governor of New South Wales, with the advice and consent of the Legislative Council thereof, That from and after the passing of this Act it shall be lawful for the Governor, with the advice of the Executive Council, and he is hereby empowered to license such persons as he may deem to be requisite and fit, and who may desire to take out such license, to hire, engage, supply, or provide seamen to be entered on board merchant ships ; and every such license shall be granted for such period, upon such terms, and upon such security being given, and shall be revocable upon such conditions as the Governor, with the advice of the Executive Council, may at any time or times appoint.

Granting and revoking licenses.

2. And be it enacted, That every such license shall be granted, and every revocation thereof shall be made, by

minute or resolution of the Executive Council; and a copy of any such minute or resolution, certified and signed by the Clerk of the Executive Council, shall be received as evidence of such license and revocation, without further proof thereof.

Hiring of seamen demanding their discharge.

3. And be it enacted, That no person not licensed as aforesaid, or not being the owner, part owner, master, or person in charge of a merchant ship, or the ship's husband, or agent, shall hire, engage, supply, or provide a seaman to be entered on board any merchant ship; and no person whether licensed or not, other than the owner, part owner, master, or person in charge of a merchant ship, or the ship's husband, or agent, shall demand or obtain the certificate of discharge of any seaman for the purpose or under the pretence of engaging him on board of any merchant ship.

Receiving seamen contrary to Act.

4. And be it enacted, That no owner, part owner, master, or person in charge of any merchant ship, or ship's husband, or agent, shall knowingly receive or accept to be entered on board the said ship any seaman who has been hired, engaged, supplied, or provided to be entered on board thereof, contrary to the provisions of this Act.

Penalty for offences.

5. And be it enacted, That every person guilty of any of the offences above described, shall, upon conviction thereof, forfeit and pay, for each and every seaman hired, engaged, supplied, or provided to be entered on board, and for every certificate of discharge demanded or obtained contrary to the provisions of this Act, or for every seaman knowingly received or accepted to be entered on board contrary to the provisions of this Act, a sum not exceeding twenty pounds for each offence, although several seamen may be included in the same contract, or several certificates of discharge may be obtained, or several seamen may be received or permitted to remain at the same time.

Employing unlicensed persons.

6. And be it enacted, That it shall be unlawful for any

person to employ any unlicensed person or persons for the purpose of engaging or providing seamen to be entered on board merchant ships; and that any licensed person knowingly employing any unlicensed person for the purposes aforesaid, shall forfeit and pay a sum not exceeding twenty pounds, and, in addition thereto, shall forfeit and lose his license.

Payment of seamen's wages.

7. And be it enacted, That the owner, part owner, master, or person in charge of any merchant ship, or ship's husband, or agent, shall not pay or advance, nor give any note in writing, or otherwise, in the nature of and purporting to be an advance note for any part of the wages of any seaman hired, engaged, supplied, or provided to be entered on board the said ship, until six hours after the ship's articles have been duly signed by the said seaman, and by the master or owner of the said ship, and then only to the said seaman himself, unless such wages, or advance of wages, be paid in money, in which case the payment thereof may be made to the said seaman himself, at any period most convenient after the signing of the said ship's articles as aforesaid; and all payments of wages contrary to the provisions of this Act shall be, and are hereby declared to be, null and void, and the amount thereof shall be recoverable by the said seaman as if they had not been paid or advanced.

Remuneration for hiring seamen.

8. And be it enacted, That if any person shall demand or receive from any seaman, or from any person other than the owner, part owner, master, or person in charge of a merchant ship, or the ship's husband, or agent, requiring seamen, any remuneration whatever, either directly or indirectly, for and on account of the hiring, supplying, or providing any such seaman, he shall forfeit for every such offence a sum not exceeding five pounds.

Boarding vessels before arrival at quay.

9. And be it enacted, That it shall not be lawful for any person (other than any officer or person in Her Majesty's service or employment) to go and be on board any merchant

vessel arriving, or about to arrive, at the place of her destination, before or previous to her actual arrival at the wharf or quay, or other place of her discharge, without the permission and consent of the master or person in charge of the said vessel, and if any person (other than as aforesaid) shall go and be on board any such vessel, before or previous to her actual arrival as aforesaid, without the permission and consent of the said master or person in charge of the said vessel, he shall for every such offence forfeit and pay a sum of money not exceeding twenty pounds; and for the better securing the person of such offender, the master or person in charge of the said vessel is hereby authorised and empowered to take any person so offending as aforesaid into custody, and to deliver him up forthwith to any constable or peace officer, to be by him taken before a Justice or Justices, to be dealt with according to the provisions of this Act.

Soliciting sailors to become lodgers.

10. And be it enacted, That if any person shall, on board any merchant ship, within twenty-four hours of her arrival at any port as aforesaid, solicit any seaman to become a lodger at the house of any person not so licensed as aforesaid, and letting lodgings for hire, or shall take from and out of such ship, any chest, bedding, or other effects of any seaman, except under the personal direction of such seaman, and without having the permission of the master or person in charge of such ship, he shall be liable to forfeit and pay for every such offence the sum of five pounds.

Unlawful charges upon sailors.

11. And be it enacted,* That if any person shall demand and receive of and from any seaman, payment in respect of his board or lodging in the house of such person, for a longer period than such seaman shall have actually resided

* "This clause has enabled magistrates to render that justice to a seaman which he could not obtain before. Those who defraud and steal from him know that he is seldom likely to avail himself of a suit at law, or in the County Court to establish his right, nor to wait the period of a session of the Criminal Court to prosecute a charge of felony. A more summary mode of proceeding is required for him. He lives by his employment on the sea, and should not be unnecessarily detained on shore by the cupidity of those who prey upon his folly. The complaints of unjust detention of his clothes and effects were numerous before the passing of the Seaman's Protection Act, but that has worked so well in this particular, that such complaints have become rare at the Thames Police Court."—Symons.

and boarded therein, or shall receive or take into his possession, or under his control, any moneys, documents, or effects of any seaman, and shall not return the same, or pay the value thereof when required so to do by such seaman, after deducting therefrom what shall be justly due and owing in respect of the board and lodging of such seaman, he shall forfeit and pay a sum not exceeding ten pounds, over and above the amount or value of such moneys, documents, or effects, after such deductions as aforesaid, which shall be adjudged to be forthwith paid to such seaman, under the conviction by the Justices before whom such offence shall be heard and determined.

Recovery and application of penalties.

12. And be it enacted, That all penalties and forfeitures imposed by this Act, shall and may be recovered, with costs, by summary proceedings before any two Justices of the Peace, residing in or near the place where the offence shall be committed, or where the offender shall be; and if the sum imposed as a penalty or adjudged to be paid as aforesaid, by any such Justices, shall not be paid, either immediately after the conviction, or within such reasonable time as such Justices shall at the time of the conviction appoint, it shall be lawful for the Justices to commit the offender or offenders to the common gaol or house of correction, there to be imprisoned only, or to be imprisoned and kept to hard labor, according to the discretion of such Justices, for any term not exceeding six calendar months, the commitment to be determinable upon payment of the amount of costs; and all such penalties and forfeitures shall be paid and applied in manner following; that is to say, one moiety of such penalty shall be paid to the informer or person upon whose discovery or information the same shall be recovered, and the residue thereof shall be paid to Her Majesty, Her Heirs and Successors, for the public uses of the said Colony, and in support of the Government thereof; and shall be applied thereto in such manner as shall be directed by any Act to be passed by the Governor and Legislative Council: Provided always, that in all cases of complaint made by or on the behalf of any seaman under this Act, the evidence of such seaman shall be received and taken, notwithstanding he may be interested in the matter: Provided also, that such seaman shall not in

any such case where he shall have been so examined, receive any part of any penalty to be imposed, but only such sum as the magistrates before whom the case shall be heard shall adjudge him to receive for any moneys or effects which shall appear to have been deposited by him with any such person as aforesaid.

Form of Conviction.

13. And be it enacted, That the Justices before whom any person shall be summarily convicted of any offence against this Act, may cause the conviction to be drawn up in the following form of words, or in any other form of words to the same effect, as the case shall require; that is to say, “Be it remembered, That on the day of in
“the year of Our Lord at in the Colony
“of New South Wales, [*as the case may be*], *A. O.* is con-
“victed before us [*naming the Justices*], two of Her Majesty’s
“Justices of the Peace duly authorised in that behalf, for
“that he the said *A. O.* did [*specify the offence, and the time*
“and place when and where the same was committed, as the
“case may be]; and we, the said Justices, adjudge the said
“*A. O.* for his said offence, to forfeit and pay the sum of
“[*here state the amount of the fine imposed, and, when*
“*necessary, add the words, over and above the sum of £*],
“which we, the said Justices, do hereby adjudge to be forth-
“with paid to the said *E. F.* [*the seaman*], the same being
“the value of moneys, documents, or effects of the said *E. F.*
“received by, or taken into the possession or under the con-
“trol of the said [*A. O.*]; and we, the said Justices, do also
“adjudge the said *A. O.* to pay the sum of for
“costs, and in default of immediate payment of the said
“sums of to be imprisoned in the for
“the space of unless the said sums shall be sooner
“paid [*or, and we order that the said sums of*
“shall be paid by the said *A. O.* on or before the
“day of]; and we direct that the sum
“of part of the said penalty, together with the
“said sum of for costs, shall be paid to *C. D.*
“[*the party informing*], and the residue of the said penalty
“shall be paid to Her Majesty, Her Heirs and Successors,
“for the public uses of the said Colony, and in support of the
“Government thereof, as by law directed. Given under our
“Hands, the day and year first above-mentioned.”

No certiorari, &c.

14. And be it enacted, That no such conviction shall be quashed for want of form, or be removed by *certiorari*, or otherwise, into any of Her Majesty's Superior Courts of Record; and no warrant of commitment shall be held void by reason of any defect therein, provided it be therein alleged that the party has been convicted, and there be a good and valid conviction to sustain the same.

Explanatory clause.

15. And be it enacted, That the words "merchant ship," inserted in this Act, shall be understood to include every description of sea-going, trading, or passage vessel, lying and being within the limits of the Colony of New South Wales; and the term "Governor" shall be deemed and taken to mean the Governor for the time being, or the officer administering the Government of the Colony; and the term "Executive Council" shall be deemed and taken to mean the officers acting in that behalf, by authority of Her Majesty.

CHS. A. FITZ ROY, *Governor.*



IX.

STEAM NAVIGATION.

16 VICTORIA, No. 25. An Act to consolidate and amend the Laws relating to Steam Navigation and to the Boats and Lights to be carried and the Signals to be made by sea-going vessels. (8th January, 1853.)

Preamble.

WHEREAS it is expedient to amend the law respecting steam navigation and the boats and lights to be carried by sea-going vessels Be it therefore enacted by His Excellency the Lieutenant Governor of the Colony of Victoria by and with the advice and consent of the Legislative Council thereof as follows:—

11 *Vict.*, No. 3, and 14 *Vict.*, No. 32, repealed, except in certain cases—*Exciting Certificates, or Licenses to continue in force.*

I. The Acts of the Governor and Legislative Council of the Colony of New South Wales passed in the eleventh and fourteenth years of the reign of Her present Majesty Queen Victoria intituled respectively “*An Act for the regulation of Steam Navigation and for requiring Sea-going Vessels to carry Boats*” and “*An Act to extend the provisions of an Act passed in the eleventh year of the reign of Her present Majesty intituled ‘An Act for the regulation of Steam Navigation and for requiring Sea-going Vessels to carry Boats’ to all Steam Vessels*” shall be and the same are hereby repealed except as to any penalties or liabilities to punishment incurred thereunder and also except as to any certificates or licenses of steam vessels issued by

the Boards respectively appointed by virtue of the provisions of the said two Acts or either of them which certificates or licenses unless the same be cancelled or revoked under the provisions of this Act shall remain and be in force as if this Act had been passed and had come into operation before the issuing thereof and they had been issued thereunder.

Lieutenant-Governor to appoint a Board, to be called "The Victoria Steam Navigation Board." Power to the Lieutenant Governor to appoint Local Boards.

II. It shall be lawful for the Lieutenant Governor of the said Colony to nominate and appoint any number of persons not exceeding five (three of whom or any less number being a majority of such Board shall be a quorum) as and to be a Board to be called "The Victoria Steam Navigation Board" with full power to carry out the provisions of this Act and for the said Lieutenant-Governor to remove any members of the said Board and appoint others and fix the amount of remuneration to be paid to members respectively And also to constitute and appoint any number of persons not exceeding five (three of whom or any less number being a majority of such Board shall be a quorum) as and to be a Local Board for any port harbor place or district in the said Colony at or in which it shall appear expedient to the said Lieutenant-Governor that any such Local Board should be established with power to act therein and carry out the provisions of this Act and further to remove any members of such Board and appoint others and to fix and to alter the amount of remuneration to be paid to the members of any such Board.

Until Local Board appointed, the Victoria Steam Navigation Board to act for the whole Colony.

III. The Victoria Steam Navigation Board shall have power to carry out the provisions of this Act within the whole of the said Colony and its dependencies except within the limits for which such Local Board shall be constituted as aforesaid and any such Local Board shall carry out all the provisions of this Act within the limits for which such Local Board shall be so constituted and appointed as aforesaid.

Lieutenant-Governor to appoint officers, &c.

IV. It shall be lawful for the said Lieutenant-Governor to

appoint and remove from office such secretaries officers clerks and servants as he may deem necessary to carry into execution the provisions of this Act and to fix and alter the amount of salaries or wages to be paid them respectively.

Steam vessels, except, &c., to be surveyed and owners transmit declaration to Board twice a year.

V. The owner of every steam vessel trading to and from any port in the said Colony (except vessels employed in the conveyance of the royal public mails or despatches under contract with and under the superintendence of the Government of the said Colony and except also any of Her Majesty's ships of war) shall if the same be propelled by a low-pressure engine cause such steam vessel and all machinery thereof to be surveyed twice at least in every year and if the same be propelled by a high-pressure engine shall cause the hull of such vessel to be surveyed twice a year and the machinery thereof four times a year at the times hereinafter directed by a shipwright surveyor and by an engineer surveyor appointed for the purposes of this Act by any such Board as aforesaid such shipwright surveyor in case of an iron steam vessel being a person properly qualified to survey iron steam vessels and such owner shall obtain a declaration under the hand of such shipwright surveyor of the sufficiency and good condition of the hull of such steamer and of the boats and other equipments thereof required by this Act and also if such Board so require a statement of the number of passengers (whether deck passengers or other passengers) which such vessel is constructed to carry and a declaration under the hand of such engineer surveyor of the sufficiency and good condition of the machinery of such steamer and in every such declaration it shall be distinguished whether such vessel is in construction and equipments adapted for sea service as well as for river service or for river service only and such declaration shall also state the limits within which such vessels is in the judgment of the surveyor adapted for plying and in the case of sea-going vessels the declaration of one of the surveyors shall contain a statement that he is satisfied the compasses have been properly examined and adjusted within one month prior to the date of such declaration and such owner shall transmit every such declaration to the Board within fourteen days after the date thereof.

Engineer and Master to be examined.

VI. The owner of every such steam vessel shall likewise

once in every year and also on the appointment of any engineer to the management of the machinery or any master to the charge of such vessel cause such engineer or master to be examined by competent examiners respectively appointed for the purposes of this Act by the said Victoria Steam Navigation Board and shall obtain a certificate from such examiners that the engineer possesses a competent knowledge of the machinery of a steam vessel and thoroughly understands the management thereof and that the master possesses a competent knowledge of seamanship and navigation and thoroughly understands the management of a steam vessel and such certificates shall continue in force for twelve months from the dates thereof or until such engineer shall have ceased to have the management of the machinery or the master charge of such vessel and such owner shall within fourteen days after the date of every such certificate transmit the same to the Board carrying out the provisions of this Act at the port harbor place or district where any such vessel shall be at the date of examination.

Times appointed for the surveys.

7. In all cases where the same may be possible such surveys as aforesaid shall in the case of vessels propelled by low-pressure engines be made in the months of June and of December and in case of vessels propelled by high-pressure engines such surveys shall be made in the months of March June September and December and such declarations shall be transmitted on or before the last days of such months respectively or if the last preceding survey of any such steam vessel or the machinery were not made in any of those months then such survey shall be made and such declaration transmitted in the course of the thirty days next before the expiration of six months or three months as the case may require next after the date of the certificate granted as hereinafter mentioned upon the last preceding survey but if the owner of any such steam vessel as aforesaid be unable to have the same and the machinery thereof surveyed in either of the said respective months as the case may be or in the course of such thirty days as aforesaid either by reason of such vessel being absent from the said Colony during the whole of those periods respectively or by reason of such vessel or the machinery thereof being under construction or repair or of such vessel being laid up in dock or for any other reason satisfactory to the Board then the owner of such steam vessel shall have the same and the machinery thereof surveyed as

aforesaid as soon thereafter as possible and shall transmit every such declaration to the Board within fourteen days after the date thereof together with a statement of the reasons which have prevented the survey of such vessel or machinery at the time hereinbefore prescribed and the owner of every such steam vessel in respect of which or the machinery of which such declaration shall not have been transmitted at the times and in the manner hereinbefore directed shall except in any case in which the survey of such vessel or machinery shall have been prevented as hereinbefore is provided forfeit and pay the sum of five pounds for every day that the sending of any such declaration is delayed and such sum shall be paid upon the issue of the certificate hereinafter mentioned unless the Board think fit in any case to remit the forfeiture or any part thereof.

Boards to grant certificates, and transmit lists to be put up at Custom Houses.

8. Upon the receipt of every such declaration the Board shall register the same and if they are satisfied that the provisions of this Act have been complied with shall cause to be transmitted to the master or owner of the steam vessel to which every such declaration refers a certificate signed by some one or more of the members thereof that the provisions of the law with respect to the transmission of declarations in respect of such vessel have been complied with and such certificate shall be called a "sea-going certificate" where according to the declaration of the shipwright surveyor such vessel is adapted for sea service as well as river service and such certificate shall be called a "river certificate" where according to such declaration such vessel is adapted for river service only and shall set out the local limits within which such last-mentioned vessel is to ply and where any such vessel is constructed to carry passengers and the Board shall insert in every such certificate the number of passengers whether deck passengers or other passengers which every such sea-going vessel is constructed to carry not exceeding the number authorised by "The Passengers' Act 1852" and also the number which every such river-going vessel is constructed to carry and the Board shall from time to time transmit lists of the vessels in respect of which such certificates have been issued to the officers of Customs in all ports in the said Colony and such officers shall cause such lists to be put up in a conspicuous place in the Custom House at each port and every master or owner of any steam vessel

who shall comply with such certificate shall be exempted from the provisions of the Act or the Lieutenant Governor and Legislative Council of the said Colony of Victoria passed in this present session of Council intituled "*An Act to regulate the conveyance of Passengers to the Colony of Victoria*" and every such certificate may be given in bar of any proceeding against any master or owner of any steam vessel for carrying a greater number of passengers than allowed by the said Act.

The Board may cancel Certificates, and require fresh Declarations.

9. The Board may revoke and cancel such certificates or any certificates or licenses granted by virtue of the provisions of the said Acts passed in the eleventh and fourteenth years of the reign of Her present Majesty or this Act or any of them in any case where they have reason to believe that the declarations of the sufficiency and good condition of the hull and machinery of any vessel or either of them have been fraudulently or erroneously made or that such certificate or license has otherwise been issued upon false or erroneous information or where they have reason to believe that since the making of such declarations or either of them the hull or machinery of such vessel has sustained any injury or is otherwise insufficient and in every such case the Board may if they think fit require the owner to have the hull or machinery of such vessel again surveyed and to transmit a further declaration of the sufficiency and good condition thereof before re-issuing any certificate or license or granting a fresh one in lieu thereof and the Board may at any time revoke any certificate or license for the purpose of inserting in any certificate or license to be issued in lieu thereof the number of passengers which the vessel to which such certificate or license relates is constructed to carry.

How long Certificates to continue in force.

10. No certificate or license as to any steam vessel shall be held to be in force for the purposes of this Act for more than six months in the case of a vessel propelled by a low-pressure engine nor for more than three months in the case of a vessel propelled by a high-pressure engine and no certificate or license shall be in force after notice to the owner or master of the vessel to which the same relates by the Board that they have revoked the same Provided always that if any such steam vessel shall have been absent from the

Colony for the whole of the thirty days next before the expiration of the certificate or license last granted in respect of such vessel such last certificate or license (if not expressly cancelled or revoked) shall continue in force till the return of such vessel to the said Colony and for twenty-one days afterwards.

Forgery of Declaration or Certificate to be a misdemeanor or subject persons summarily convicted to fine or imprisonment.

11. Every person who knowingly and wilfully makes or assists in making a false or fraudulent declaration or certificate with respect to any vessel requiring a certificate under this Act or who knowingly and wilfully forges counterfeits or fraudulently alters or assists in forging counterfeiting or fraudulently altering any declaration or certificate required by this Act or any words or figures in any such declaration or certificate shall be deemed guilty of a misdemeanor and shall be liable on summary conviction to a penalty not exceeding fifty pounds or to imprisonment with or without hard labor in any gaol or house of correction in the said Colony for any period not exceeding six months.

Copy of Certificate to be placed in conspicuous part of Vessel.

12. The owner or master of any such steam vessel shall forthwith on receipt of any such certificate as aforesaid by him or his agent from the Board cause the same or a true copy thereof in distinct and legible characters to be put up in some conspicuous part of the vessel so as to be visible to all persons on board the same and shall cause it to be continued up so long as such certificate remains in force and such vessel is in use and in default such owner or if he can prove the default to have been caused by the master such master shall for every such offence be liable to a forfeiture or penalty not exceeding five pounds.

Vessel not to proceed on her voyage without certificate.

13. It shall not be lawful for any steam vessel (other than any such mail packet as aforesaid) to proceed to sea or upon any voyage or excursion with any passengers on board the owner of which has not transmitted to the Board the declarations hereinbefore required and the owner or master of which has not received from the Board a certificate that the provisions of the law have been complied with as hereinbefore provided for (such certificate being a certificate ap-

plicable to the voyage or excursion on which such vessel is proceeding) and if the owner or master of any steam vessel (other than as aforesaid) proceed to sea or on any voyage or excursion with any passengers on board without having such certificate as aforesaid or a true copy thereof in distinct and legible characters on board and so put up as aforesaid in some conspicuous part of the vessel (such certificate being a certificate then in force) the owner thereof shall for every such offence be liable to a penalty not exceeding five pounds and the master of such vessel shall also be liable to a further penalty not exceeding five pounds.

Penalty on Master for not setting out.

14. If any river-going steam vessel shall not set out and proceed on her voyage or trip at the time advertised or appointed the owner or if he can prove the master to have been in default the master of such steam vessel shall for every such offence on conviction forfeit and pay any sum not exceeding ten pounds.

Gangways to be provided.

15. The owner or master of every river-going steam vessel plying in any port harbor creek or river in the said Colony shall be provided with a good and sufficient stage or gangway for the use of passengers or persons coming from or going on board such steam vessel and every such stage or gangway shall be made of four-inch planks and be at least three feet broad with cross battens and ropes on both sides from the vessel to the wharf supported by wooden or iron stanchions not less than three feet high and in default such owner or if he can prove the default to have been caused by the master such master shall for every such offence be liable to a penalty not exceeding five pounds.

Penalty on Owner, &c., for carrying more Passengers than specified in Certificate.

16. It shall not be lawful to carry on board of any such vessel as aforesaid a greater number of passengers whether deck passengers or other passengers than the numbers respectively stated in any such certificate and if the owner or master or other person in charge of such vessel receive on board thereof or if such vessel shall at any time have on board any greater number of passengers whether deck passengers or other passengers than the number respectively specified in such certificate the owner or the master or other

person having the charge thereof shall forfeit a sum not exceeding twenty pounds and shall forfeit the sum of twenty shillings for every passenger over and above the number so specified in the certificate as aforesaid.

Penalty on Person attempting to enter Steam Vessel after having been refused admission.

17. If any person after having been refused admission into any steam vessel by the owner or person in charge thereof or by any person in the employ of the owner thereof on account of such steam vessel being full and after having the full amount of his fare (if he has paid the same) returned or tendered to him shall nevertheless persist in attempting to enter the same or if any person having got on board any steam vessel be 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 steam vessel before the same has quitted the place at which such person got on board and he shall refuse so to do after having had the full amount of his fare (if he has paid the same) returned or tendered to him then and in either of such cases such person shall for every such offence forfeit and pay any sum not exceeding five pounds.

Penalty on Persons refusing to pay their Fares or to quit the Vessel.

18. If any person travel or attempt to travel in any steam vessel that has been duly surveyed in conformity with the provisions of this Act without having previously paid his fare and with the intent to avoid payment thereof or if any person having paid his fare for a certain distance knowingly and wilfully proceed in any such vessel beyond such distance without previously paying the additional fare for the additional distance and with intent to avoid payment thereof or if any person knowingly and wilfully refuse or neglect on arriving at the point to which he has paid his fare to quit such vessel every such person shall for every such offence forfeit and pay to the owner of such vessel a sum not exceeding five pounds in addition to the fare payable by him.

Penalty on Offender refusing to give Name and Address.

19. Every person who having committed any of the offences mentioned in the last two preceding sections or either of them refuses on application of the master of the vessel or other person in the employ of the owner thereof to

give his name and address or who on such application gives a false name or address shall forfeit and pay to the owner of such vessel a sum not exceeding five pounds.

Power for Board to appoint and remove Shipwright Surveyors, &c., and fix Rates of Remuneration, subject to the approval of the Governor.

20. The Victoria Steam Navigation Board may from time to time with the approval of the Lieutenant-Governor of the said Colony appoint such a 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 they think proper and may from time to time with such approval as aforesaid remove such surveyors or any of them and they may from time to time fix alter or vary the rates of remuneration to be received by such surveyors.

Surveyors to make returns of the Build, &c., of Vessels, and Owners, &c., to give information for that purpose.

21. The said surveyors shall make such returns from time to time to the Board with respect to the build dimensions draft burden rate of sailing room for fuel and the nature and particulars of machinery of the vessels surveyed by them as shall be required by the Board and every owner master and engineer of any such vessel shall on demand give to such surveyors all such information and assistance within his power as may be required by them for the purpose of such returns and every such owner master and 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 twenty pounds.

Surveyors acting under Direction of the Board, to be allowed to go on board Steam Vessels to inspect, &c.

22. The said surveyors shall execute their duties under the direction of the Board and in the execution of such duties it shall be lawful for them to go on board any steam vessel 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 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 vessel from proceeding on any voyage and any person who hinders any such surveyor from going on board any such steam vessel or otherwise impede him in the execution of his duty under this Act shall be liable to a penalty not exceeding ten pounds.

*Iron Steamers to be divided by Water-tight Partitions—
Penalty on Owner for Neglect.*

23. The owner of every steam vessel built of iron the building of which shall have been commenced on or after the first day of January One thousand eight hundred and fifty-four except vessels used solely as steam tugs shall cause the same to be divided by transverse water-tight partitions so that the fore part of the vessel shall be separated from the engine-room by one of such partitions and so that the after part of such vessel shall be separated from the engine room by another of such partitions and if any such steamer so required to be divided proceeds to sea without being so divided the owner shall be liable to a penalty not exceeding one hundred pounds.

Steam Vessels to carry Safety Valves out of control of Engineer, and to be deemed a necessary part of machinery.

24. After the first day of June One thousand eight hundred and fifty-three it shall not be lawful for any steam boat of which surveys are required by the provisions of this Act to go to sea from or to ply in or upon any port harbor creek or river of the said Colony without having a safety valve upon each boiler free from the care of the engineer and out of his control and interference and such safety valve shall be deemed to be a necessary part of the machinery upon the sufficiency of which the engineer surveyor is to report as herein provided.

Sea-going Vessels to be provided with the number of Boats and of the dimensions herein mentioned.

25. No decked vessel shall ply from place to place or leave any port or harbor in the said Colony unless it shall be provided according to its tonnage with boats duly supplied with all requisites for their 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 Schedule hereunto annexed Provided that the said limits of dimension be not considered applicable to vessels engaged in the whale fishery And no such vessel carrying more than ten passengers shall proceed to sea unless in addition to the boats hereinbefore required it shall also be provided with a life boat furnished with all requisites for use or unless one of its boats hereinbefore required be rendered buoyant after the manner of life boats and no such vessel shall ply from place to place or leave any port or harbor of the said Colony

carrying passengers unless it be provided with two life buoys to be kept ready for immediate use. Provided that the enactment 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 Passengers' Act 1852."

No Steamer to proceed to sea without being provided with a Hose and Signals of Distress.

26. Every steam vessel shall be provided with a hose adapted for the purpose of extinguishing fire in any part of the vessel and no steam vessel if carrying passengers shall proceed to sea without being 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 vessel with such other means of making signals as shall have been previously approved by the Board.

Penalties on Masters, &c., neglecting to provide Boats, Equipments, &c.

27. If any such steam or other vessel as aforesaid ply or leave the said Colony as aforesaid to sea without being provided with such boats and other equipments as hereinbefore required for such vessel or if any of such boats or other equipments be lost or rendered useless in the course of the voyage through the wilful fault or negligence of the owner or master or if in case of any of such boats or life buoys being accidentally lost or injured in the course of the voyage the master or other person having charge of the vessel wilfully neglect to replace or repair the same on the first convenient opportunity then and in every case where the owner shall appear to be in fault he shall be liable to a penalty not exceeding one hundred pounds and in every case where the master or other person having charge of the vessel shall appear to be in fault he shall be liable to a penalty not exceeding fifty pounds.

Officers of Customs not to clear out Vessels unless the above provisions be complied with.

28. It shall not be lawful for any officer of Customs to clear out or to grant a transire to or allow to proceed to sea any such steam or other vessel as aforesaid unless upon the production of such certificate as aforesaid and unless the

same is provided with such certificate water-tight partitions boats and other equipments as hereinbefore required for such vessel and in any case in which any vessel is delayed by reason of non-compliance with any of the provisions hereinbefore contained the tide waiter or other officer or person left on board shall be maintained at the expense of the master or owner of such vessel until such provisions are complied with.

Board to make Regulations as to Lights.—Penalty on Owners and Masters failing to obey them.—Existing Regulations to continue in force till revoked.

29. The Victorian Steam Navigation Board shall from time to time make regulations regarding the exhibition of such lights and the giving of such audible signals by the ringing of a bell or otherwise by such classes of vessels whether steam or sailing vessels within such places and under such circumstances as they think fit and they shall cause such regulations to be published in the *Victoria Government Gazette* and to be otherwise publicly made known and such regulations shall come into operation on a day to be named in such *Gazette* and they shall cause such regulations to be printed and shall furnish a copy thereof to any owner or master of a vessel who applies for the same and production of the *Gazette* containing such regulations shall be sufficient evidence of the purport and due making thereof and all owners and masters or persons having charge of vessels shall be bound to take notice of the same and shall so long as the same continue in force exhibit such lights and make or give such signals and no others at such times within such places in such manner and under such circumstances as may be enjoined by such regulations. And in case of default the master or other person having charge of any vessel or the owner of such vessel if it appears that he was in fault shall for each and every occasion upon which such regulations are infringed forfeit and pay a sum not exceeding ten pounds. Provided always that such regulations before coming into force shall be approved of by the Lieutenant Governor of the said Colony and that all regulations made by the Boards respectively appointed under the authority of the said Act passed in the eleventh and fourteenth years of the reign of Her present Majesty or either of them and in force at the time of the passing of this Act together with the penalties applicable thereto shall continue to be in force as if the same had been made under this Act until the same be revoked.

Rules to be Observed by Vessels passing each other.

30. Whenever any vessel proceeding in one direction meets a vessel proceeding in another direction and the master or other person having charge of either such vessel perceives that if both vessels continue their respective courses they will pass so near as to involve any risk of a collision he shall put the helm of his vessel to port so as to pass on the port side of the other vessel due regard being had to the tide and to the position of each vessel with respect to the dangers of the channel and as regards sailing vessels to the keeping of each vessel under command and the master of any steam vessel navigating any river or narrow channel shall keep so far as is practicable to that side of the fair way or mid channel thereof which lies on the starboard side of such vessel. And if the master or other person having charge of any steam vessel neglect to observe these regulations or either of them he shall for every such offence be liable to a penalty not exceeding fifty pounds.

Owners not entitled to Compensation in certain cases of Collision, but Master to be liable to Penalty.

31. If in case of a collision between two or more vessels it appear that such collision was occasioned by the non-observance either of the foregoing rules with respect to the passing of steamers or of the rules to be made as aforesaid by the said Board with respect to the exhibition of lights the owner of the vessel by which any such rule has been infringed shall not be entitled to recover any recompense whatsoever for any damage sustained by such vessel in such collision unless it appears to the Court before which the case is tried that the circumstances of the case were such as to justify a departure from the rule and in case any damage to person or property be sustained in consequence of the non-observance of any of the said rules the same shall in all Courts of Justice be deemed in the absence of proof to the contrary to have been occasioned by the wilful default of the master or other person having the charge of such vessel and such master or other person shall unless it appears to the Court before which the case is tried that the circumstances were such as to justify a departure from the rule be subject in all proceedings whether civil or criminal to the legal consequences of such default.

Accidents to be Reported to Board.

32. Whenever any steam vessel (other than a ship of war)

has sustained or caused any accident occasioning the loss of life or any serious injury to any person or has received any material damage affecting her sea worthiness or efficiency either in her hull or in any part of her machinery the owner master or other person having charge of such vessel shall within twenty-four hours after the happening of such accident or damage or as soon thereafter as possible transmit through the Post Office to the Board by letter signed by the said master or other person a report of such accident or damage and the probable occasion thereof stating the name of the vessel the port to which she belongs and the place where she is and if such master or other person neglect so to do he shall for such offence be liable to a penalty not exceeding five pounds.

Notice to be given of apprehended Loss of Steam Vessels.

33. If the owner of any steam vessel have reason owing to the non-appearance of such vessel or to any other circumstance to apprehend that such vessel has been wholly lost he shall as soon as conveniently may be send notice thereof in like manner to the Board and if he neglect so to do within a reasonable time he shall for every such offence be liable to a penalty not exceeding five pounds.

Board may send Inspectors on board Vessels whenever necessary.

34. The Board may from time to time whenever it seems expedient to them so to do appoint any of the surveyors to be appointed by them as aforesaid or any other fit person as an inspector to go on board any ship or vessel reported to have sustained any damage as aforesaid to report to them whether the provisions of this Act or the regulations made under or by virtue of this Act have been complied with and also whether the hull and machinery of such vessel if the same be a steam vessel are sufficient and in good condition or to report to them upon the nature and causes of any accident or damage which such vessel has sustained or caused or is said to have sustained or caused.

Powers of Inspectors—Proviso for Expenses of Witnesses.

35. It shall be lawful for any such inspector as aforesaid and also for any person being a member of the Board to go on board any steam vessel 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 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 vessel from proceeding on any voyage and in all cases of accident or damage such inspector or other person may make such enquiries and require answers or returns thereto as to the nature circumstances and causes of such accident or damage as he thinks fit and may by summons under his hand require the attendance of all persons whom he thinks fit to call before him in any question or matter connected therewith or relating thereto and may administer oaths and examine such persons upon oath and may require and enforce the production upon oath of all log books accounts agreements or other papers or writings in anywise relating to any such matter as aforesaid or in lieu of requiring and administering an oath may require any person to make and subscribe a declaration of the truth of the matters respecting which he has been examined or interrogated Provided always that no person shall be required in obedience to any summons from such inspector or other person to travel more than one mile from his actual abode at the time of receiving such summons unless such reasonable allowance for expenses in respect of his attendance to give evidence and of his journeys to and from the place where he may be required to attend for that purpose be made and tendered to him as would be allowed to any witness attending on subpoena to give evidence before the Supreme Court of the Colony of Victoria and in case of any dispute as to the amount of such expenses the same shall be referred by such inspector or other person to the officer of the said Supreme Court who is charged with the duty of taxing costs and such officer shall on a request made to him for that purpose under the hand of such inspector or other person ascertain and certify the proper amount of such expenses.

Penalty for obstructing Inspectors.

36. If any person wilfully impede such inspector surveyors or other person in the execution of any part of his duty whether on board any ship or vessel or elsewhere every person so offending and all persons aiding and assisting therein may be seized and detained by such inspector surveyors or other person or by any person called to his or their assistance until such offender can be conveniently taken before some Justice of the Peace or other officer having proper jurisdiction and every such offender and also every

person who refuses to attend as a witness before any such inspector or other person when required so to do in the manner hereby directed 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 such inspector or other person is hereby empowered to require as aforesaid shall for each offence be liable to a penalty not exceeding five pounds.

Misdemeanors or Offences Prosecuted by Information or Indictment.

37. All misdemeanors or offences created by this Act may be prosecuted by information or other appropriate legal proceeding at the suit of Her Majesty's Attorney or Solicitor-General in any Court having appropriate jurisdiction and shall be punishable with fine or imprisonment or both as such Court thinks fit and all penalties and other sums of money hereby made payable or recoverable may be recovered with costs and all offences hereby made punishable may unless previously punished as misdemeanors be prosecuted and punished and the costs of such prosecution recovered at the suit of any person by summary proceeding before two or more Justices of the Peace in the said Colony.

Imprisonment in default of Payment of Penalties.

38. Whenever any penalty shall have been imposed by any Justices under the provisions of this Act and the person convicted shall not forthwith pay the same into the hands of the convicting Justices it shall be lawful for such Justices to direct that such penalty be recovered by distress and sale of the goods and chattels of such persons and in default of a sufficient distress or in the discretion of such Justices without making any order or issuing any warrant for such distress it shall be lawful for them if they see fit to direct that such persons be imprisoned in any gaol or house of correction in the said Colony with or without hard labor for any period not exceeding one month if the penalty shall not exceed five pounds for a period not exceeding three months nor less than one month if the penalty be above five pounds and not exceeding fifteen pounds and for a period of not less than three months nor more than six months if the penalty be above fifteen pounds and such person shall be detained and kept to labor accordingly unless he shall sooner pay the penalty and costs.

Jurisdiction to be where the offence is committed and wherever offender is.

39. For the purpose of giving jurisdiction under this Act every offence shall be deemed to have been committed and every cause of complaint to have arisen either in the place in which the same actually was committed or arose or in any place in which the offender or person complained against may be.

Service to be good if made Personally, or at Abode, or on Board Ship, &c.

40. Service of any summons or other process in any legal proceeding under this Act shall be deemed good service if made personally on the person to be served or if made at his last known place of abode or business or if made on board any vessel to which he belongs and accompanied with a statement of the purport thereof to the person in command or appearing to be in command or charge of such vessel.

Proof of Issue, and Transmission of Certificates.

41. All certificates purporting to be issued in pursuance of this Act by the Board and to be signed as hereinbefore required shall be taken to have been so issued and signed unless the contrary is proved and every document purporting to be an office copy of any such certificate as aforesaid and to be signed in the manner hereinbefore required for the signature of such certificate shall be received in evidence and shall be deemed a true copy of the original of which it purports to be a copy and in proving the transmission of any such certificate from the Board to the owner or master of any steam vessel it shall be sufficient to prove that the same was duly received by some officer of Customs or other public servant and was by him delivered to or left at the place of abode or business of such owner or master or delivered to any person in charge or appearing to be in charge of the vessel to which the same relates.

Burden of proof that a ship is exempted.

42. If in any legal proceeding under this Act any question arises whether any vessel is or is not within the provisions of this Act such vessel shall be taken to be within such provisions unless proof to the contrary is adduced.

Application of Penalties.

43. Any Justice or Court imposing any penalty under this Act of which no specific application is herein provided may if he or they think fit direct that a part not exceeding one moiety thereof shall be applied to compensate any person for any wrong or damage which he may have sustained by reason of the default in respect of which such penalty is imposed and subject to such directions or specific application as aforesaid all such penalties shall go to Her Majesty Her Heirs and Successors for the public uses of the said Colony and in support of the Government thereof.

Penalties to be sued for within six months.

44. No person shall be liable to the payment of any penalty or forfeiture imposed by virtue of this Act and made summarily recoverable thereunder unless the complaint respecting such offence be made within six months next after the commission of such offence.

Summary Proceeding. No certiorari.

45. All proceedings under this Act shall be had and taken in a summary way before any two Justices of the Peace and no conviction order or other proceeding in pursuance of this Act shall be quashed or vacated for want of form or be removed by *certiorari* or otherwise into any Supreme Court.

Appeal to General Sessions.

46. Any person ordered or adjudged to pay any fine penalty or forfeiture exceeding ten pounds who shall feel himself aggrieved by the judgment of the Justices adjudicating or before whom he was convicted may appeal from any such judgment or conviction to the next Court of General Sessions of the Peace which shall be held nearest to the Place where such judgment or conviction shall have been given or made and the execution of every such judgment or conviction so appealed from shall be suspended in case such person shall with one or more sufficient surety or sureties immediately before such Justices enter into a bond or recognizance to Her Majesty Her Heirs and Successors in the penal sum of double the amount of such fine penalty or forfeiture which bond or recognizance respectively such Justices are hereby authorised and required to take and such bond or recognizance shall be conditioned to prosecute such

appeal with effect and to be forthcoming to abide the determination of the said Court of General Sessions and to pay such costs as the said Court shall award on such occasion and such Court of General Sessions is hereby authorised and required to hear and determine the matter of the said appeal and the decision of such Court shall be final between the parties to all intents and purposes.

Not to extend to Ships of War or to Vessels not trading to Colony.

47. Nothing in this Act contained shall apply to any ship belonging to her Majesty or to any vessel not trading to and from or plying in any port harbor creek or river in the said Colony.

Copy of this Act, &c. to be kept on board. Penalty for Neglect.

48. The master of every steam vessel to which this Act applies shall provide himself with a copy thereof and also of all regulations* made by virtue of this Act by the said Board with respect to the exhibition of lights and making of signals and shall at all times keep the same on board his vessel and in case he refuse or neglect to do so shall be subject to a penalty not exceeding five pounds.

Interpretation Clause.

49. That in the interpretation of this Act the expression "the Board" shall be deemed and taken to mean the Victoria Steam Navigation Board and any Local Board having jurisdiction in or over the harbor place or district within the limits of which it may be necessary to exercise the powers of this Act or any of them.

Commencement of Act. What Title.

50. This Act shall come into operation on the first day of February in the year of Our Lord One thousand eight hundred and fifty-three and may be cited as "The Victoria Steam Navigation Act 1853."

* See Appendix.

SCHEDULE.

Registered Tonnage.		Column 1. To be carried by Sailing Vessels and Steam Vessels wheresoever plying.				Column 2. To be carried by Sailing Vessels, and by Steam Vessels, unless they carry the Boats in Column 3.				Column 3. To be carried by Steam Vessels which do not carry the Boats in Column 2.				Total Number of Boats.					
Sailing Vessel.	Steam Vessels	Boats.				Launches.				Boats.				Sailing Vessels.	Steam Vessels				
		Number.	Length.	Breadth.	Depth.	Number.	Length.	Breadth.	Depth.	Number.	Length.	Breadth.	Depth.						
Tons.	Tons.	Feet ft. in. ft. in.				Feet ft. in. ft. in.				Feet ft. in. ft. in.									
800 and } upwards)	500 and } upwards)	1	18	5 6	2 3	2	24	5 6	2 6	1	26	8 0	3 8	2	22	5 6	2 6	4	4 or 5
600 to 800	360 to 500	1	16	5 6	2 3	2	24	5 6	2 6	1	25	7 0	3 6	2	22	5 6	2 6	4	4 or 5
400 to 600	240 to 360	1	16	5 6	2 3	1	22	5 6	2 5	1	22	6 6	3 3	2	22	5 6	2 6	3	3 or 4
200 to 400	120 to 240	1	14	5 0	2 2	..	..	..	..	1	20	6 0	3 0	2	22	5 6	2 6	2	2 or 3
100 to 200	60 to 120	1	14	5 0	2 2	..	..	..	..	1	16	5 6	2 9	2	18	5 6	2 4	2	2 or 3
Under 100	Under 60	1	14	5 0	2 2	..	..	..	..	..	..	..	..	..	..	..	..	1	1

NOTE.—In the case of Steam Vessels, two paddlebox Boats may be substituted for any two of the Boats in Column 3.

As the case may be.



X.

PILOTAGE.

ACT OF COUNCIL, 17 VICTORIA, No. 28.

WHEREAS it is expedient to amend an Act of the Lieutenant Governor and Legislative Council of Victoria, passed in the sixteenth year of the reign of Her present Majesty, intituled "*An Act to consolidate and amend the law relating to Ports, Harbors, and Shipping in the Colony of Victoria.*" Be it therefore enacted by His Excellency the Lieutenant Governor of Victoria, by and with the advice and consent of the Legislative Council thereof, as follows :—

1. Sections eleven, twelve, fourteen, and fifteen of the said recited Act, and also the Schedule to the said Act annexed, marked "A," shall be, and the same are hereby repealed, except as to any proceedings instituted or prosecuted previously to the commencement hereof.

2. It shall be lawful for the Lieutenant Governor of Victoria, with the advice of the Executive Council, to appoint a Board, to be called the Pilot Board of Victoria ; and such Board shall consist of the person for the time being filling the office of Port and Harbor Master, of one person selected by the majority of the licensed Pilots, and approved by the Lieutenant Governor, with the advice aforesaid, and of not less than two nor more than three persons not holding public offices of profit under the Government appointed by the Lieutenant Governor with the advice aforesaid, and the names of all such members shall be published in the *Government Gazette* as they may from time to time be appointed.

3. The Port and Harbor Master shall be President of the Board, and the powers vested in the Board may be exercised by any three members thereof; and at all meetings of the Board the President shall have a vote, and, in case of an equality of votes, a casting vote.

4. It shall be lawful for the Lieutenant Governor, with the advice aforesaid, at the request of a majority of the licensed Pilots, to remove any member of the Board selected by such Pilots, and in the discretion of the Lieutenant Governor, with the advice aforesaid, to remove any other member of the Board. And in the event of any vacancy by death, resignation, or otherwise, a member shall be appointed in the same manner as the member whose seat may have become vacant.

5. Any member of the Pilot Board, not being the President, shall receive out of the fund, hereinafter mentioned, the sum of two pounds for every day on which he attends at such Board.

6. It shall be lawful for the Pilot Board from time to time to grant licenses to competent persons to act as Pilots for any port, subject to the rules and regulations hereinafter mentioned; and any unlicensed person acting as Pilot shall forfeit a penalty of not less than five pounds, nor more than one hundred pounds, for every day on which he shall so act, to be recovered in manner provided by the said recited Act, and to be received and appropriated in such manner as may be provided by the said Board.

7. The rates of pilotage on ships arriving at or departing from any of the ports of Victoria, or from any one part of any such port to any other, shall be those set forth in the Schedule to this Act annexed, marked A, subject to the exemptions therein contained and the powers to reduce or alter such rates hereinafter provided.

8. If any boat or vessel carrying a licensed Pilot shall run before any ship not having a licensed Pilot on board, for the purpose of directing her course (when such ship cannot from circumstances be boarded,) until a Pilot can be put on board, the full pilotage shall be paid for the distance run as if such Pilot had been actually on board such ship and had the charge of her as a Pilot.

9. If the master of any ship arriving from parts beyond the sea at or off any port in Victoria, for which a Pilot shall have been so licensed as aforesaid, and intending to enter

such Port, shall not receive on board such ship the Pilot who shall first offer himself and demand to conduct such ship into port, or shall not forthwith upon demand, and upon the Pilot so offering himself, producing, if required, his license as such Pilot, give the ship in charge to such Pilot; or, if the master of any such ship shall proceed to sea from any port for which a Pilot shall be so licensed as aforesaid, or quit his station or anchorage in the same, in order to proceed to sea without receiving on board some Pilot so licensed as aforesaid to conduct the said ship to sea, every such master shall (over and above the amount which would have been payable for pilotage, if such Pilot's services had been actually engaged), forfeit and pay a penalty of not less than five, nor more than fifty pounds, to be recovered in manner provided by the said recited Act. Provided that nothing in this section contained shall extend to or affect any ship belonging to Her Majesty, or any ship employed in coasting only or trading regularly between any port of Victoria and of any of the Colonies of New South Wales, Van Diemen's Land, New Zealand, Western and South Australia, the master of every such ship, holding a certificate from the Pilot Board that he is competent to act as Pilot for such trader, for which certificate such master shall pay a sum of twenty pounds, to be appropriated by the said Board.

10. If any Pilot in charge of any ship entering into or proceeding out of any port within Victoria shall remain on board such ship whilst under quarantine, or shall be taken to sea, or delayed in the performance of his duty by any act of the master of such ship, every such master shall pay, in addition to the said rates of pilotage, the sum of thirty shillings for every day of his so remaining on board, being taken to sea, or being delayed as aforesaid.

11. It shall be lawful for the Pilot Board to fix the limits within which the aforesaid rates of pilotage shall be payable, and to appoint a scale of lesser rates for any shorter distance within such limits at which any such vessel may be boarded, and also a scale of rates for pilotage from any one part of any port to any other part thereof, and from time to time to reduce such rates of pilotage, as well as those set forth in the said Schedule, such limits and rates to be of force when approved of by the Lieutenant-Governor and Executive Council, and published in the *Government Gazette*.

12. The Pilot Board shall make rules and regulations for the conduct of business and the regulation of their

proceedings, for the examination of persons as to their competency to act as Pilots, and subject to the provisions hereinafter contained for the equitable distribution of all rates of pilotage, penalties, and moneys amongst the Pilots at the port where such rates were received, or penalties or moneys recovered, according to such classes, degrees, and proportions as such Board may deem just, due regard being had to the services actually performed by each Pilot; and for the management and government of such Pilots and of all persons in their employ, for the order in which they shall perform their services, for the suitability and seaworthiness of their boats, and generally for all matters relative to the efficient discharge of their duties. Provided that no such rule or regulation shall be of any force or effect until it has been approved by the Lieutenant Governor and Executive Council.

13. It shall be lawful for the Pilot Board to enquire into any charges which may be made against any Pilot for any misconduct or breach of the aforesaid rules and regulations, and to revoke or suspend his license; and also whether such license shall be revoked or suspended or not, to impose on him a fine not exceeding five pounds, to be recovered by the order of any Justice of the Peace; and the President of the said Board shall have the same power to summon witnesses, and administer oaths, and take affirmations as any Justice of the Peace possesses. Provided that it shall be lawful for any Pilot to appeal from any such decision to the Lieutenant Governor and Executive Council, who shall at their discretion allow or refuse such appeal.

14. The rate of pilotage for any ship and any charges as aforesaid shall be paid to the Collector or principal officer of Customs of the port at the time of making entry of such ship inwards or outwards, as the case may be, and no ship shall be deemed to have been legally entered until the said rate and charges and all arrear of charges (if any) shall have been paid, and such Collector or principal officer shall account for and pay over the same to the Pilot Board, to be appropriated in the manner herein provided.

15. If any question shall arise as to the tonnage of any ship, the rate demanded by the Collector or principal officer of Customs shall be, in the first instance, paid to him, and it shall be lawful for the master to demand that the ship be surveyed in the manner hereinafter mentioned; and if the rate so paid shall be equal to or less than the rate calculated

according to the said survey, the expense of such survey shall be defrayed by the master, and the difference (if any) of rate shall be paid before the ship shall clear outwards to the Collector or principal officer of Customs; but if the rate so paid shall be greater than the rate calculated according to the said survey, the expenses of such survey shall be paid by the Collector or principal officer of Customs, out of moneys arising from pilotage rates, and the difference of rate shall be repaid to the master.

16. Where any ship has been registered at a port in the United Kingdom, the amount of tonnage contained in the certificate of such registry shall, for the purposes of this Act, be considered to be the tonnage of such ship.

17. In order to ascertain the tonnage of any ship, as to which any question shall arise as aforesaid, it shall be lawful for any officer of Customs, or other person appointed by the Collector of Customs, to measure such ship, and such officer or person in measuring such ship shall follow the regulations contained in an Act of the Imperial Parliament of Great Britain and Ireland, passed in the session of the eighth and ninth years of the reign of Her present Majesty, intitled "*An Act for the Registering of British Vessels.*"*

18. It shall be lawful for the Pilot Board from time to time, out of the rates of pilotage and all penalties and moneys which they have so received, to defray the fees to be paid to the members thereof for attendance as aforesaid, and the expenses necessarily incurred in the salary of clerks, and the holding of the meetings of such Board, to establish sick and superannuation funds, if deemed expedient, and to distribute the remainder among the Pilots for each port, in accordance with the rules to be made as aforesaid, and no Pilot shall be deemed entitled to receive any greater payment than the sum awarded to him according to such rules.

19. The Pilot Board shall once at least in every year furnish to the Colonial Secretary an account of the sums received by such Board for rates of pilotage, and for penalties and other moneys, and of the expenditure thereof, respectively showing the names of the Pilots among whom such rates have been distributed, and the amount paid, and the period of payments to each such Pilot, together with

* Repealed by Merchant Shipping Act, see "Registry."

a statement of the number and tonnage of each ship, of the distance each was piloted, and the name of the Pilot; and copies of such accounts audited by the Auditor-General, and of such statements shall be laid before the Legislative Council, if then sitting, or at the next ensuing session thereof, if not then sitting.

20. This Act shall be deemed and taken to be incorporated with, and to form part of the said firstly recited Act.

21. So much of this Act as relates to the imposition of pilotage rates, and the constitution of the Pilot Board, and the power to make rules and regulations, shall commence and come into force from and after the first day of May, one thousand eight hundred and fifty-four, and all the remaining provisions of this Act shall commence and come into force from and after the first day of September, one thousand eight hundred and fifty-four

22. In the construction of the provisions of this Act and of the Schedule hereunto annexed the word "ship" shall mean every description of navigable vessel, whether propelled by wind, steam, or any other power; the word "master" shall mean any person, the Pilot excepted, having or being in charge or command of any ship; the word "sailing-vessel" shall mean any kind of vessel propelled solely by wind, and the word "steamer" shall mean any kind of vessel propelled by steam and partly by wind.

SCHEDULE A.

PILOTAGE RATES.

	Sailing Vessels.	Steamer.	Maxi- mum.	Mini- mum.
From without the Heads to Mel- bourne or Geelong, and vice versa per ton	1s. 3d.	10d.	£100	£15
From within the Heads to Mel- bourne or Geelong, and vice versa per ton	9d.	6d.	60	10
Into, or out of, Port Albert, per ton	9d.	6d.	60	5
Into, or out of, all other ports ...	6d.	4d.	40	4
Between Melbourne and Geelong	6d.	4d.	40	4

The above rates include two removes by the Pilot.

EXEMPTIONS.

All ships belonging to Her Majesty; all ships outfitting to, or re-fitting from, the fisheries; all ships employed in the coasting trade; all ships regularly trading between any port of Victoria and of any of the Colonies of New South Wales, Van Diemen's Land, New Zealand, Western and South Australia, (the master of such ship holding a Certificate from the Pilot Board that he is competent to act as Pilot to such trader) unless the services of a pilot shall have been actually received, and all ships not having actually received the services of a pilot.

RULES AND REGULATIONS OF THE PILOT BOARD.

By Virtue of the authority vested in the Pilot Board of Victoria by Section 12., Act No. 28., 17th Victoria, the following rules for the Regulation of the Pilot Service have been adopted :—[7th Sept., 1857.]

Meeting of Board.

1. That the Pilot Board shall meet on the fifteenth of every month (or the day following should the fifteenth fall on a Sunday) for the transaction of general business; but the President may convene a special meeting at any intermediate time, in the event of such being necessary.

Transmission of Pilotage by Customs Department.

2. That all moneys received for pilotage shall be transmitted by the Commissioner of Trade and Customs on or before the 12th of each month, accompanied by a tabular statement containing each vessel's name, tonnage, date of entrance inwards or clearance outwards, and amount of pilotage collected.

Mode of receipt and Payment of Moneys by the Board.

3. That all moneys received under the Act by which the Pilot Board is constituted shall be paid into such bank as the Board may from time to time determine, and that all payments duly authorised by the Board be made by cheque, signed by the President, and countersigned and registered by the Secretary, prior to issue. All debentures and money securities shall be deposited in such bank as may from time to time be ordered by the Board.

Accounts

4. That all monthly accounts shall be made up by the

Secretary, and balanced by the twentieth of each month, and laid before the Board at its next general meeting.

Pilots to receive all their Earnings.

5. That each pilot shall receive his individual earnings, subject to such proportionate deductions towards the support of the pilot establishment as the Board may direct; and it shall be distinctly understood that no pilot shall receive any pilotage or detention money, which shall only be paid at the Custom House or to some duly authorised officer of Customs.

Statement of Monthly Expenses to be Made by Pilots to Board.

6. That a duly certified written statement shall be furnished by each Pilot to the Board on or before the tenth of each month, in such form as the Board may direct, of all expenses incurred by them during the preceding month in connection with the pilot service, pilot vessels, boats, &c., accompanied by vouchers in such forms as the Board may direct.

Method of Appointment of Pilots.

7. When the Pilot Board may consider that additional Pilots are required for the service, notice shall be inserted in the *Government Gazette* and two daily journals, calling for persons considering themselves qualified to act as such, to forward to the Board a written statement of their intention to apply for a license, accompanied by certificates of character; when, if such be deemed satisfactory by the Board, a day will be appointed for examination into the fitness of all such candidates, at which examination one or more senior Pilots shall always be present.

Classification of Pilots.

8. The Pilots shall be divided into three classes—senior, junior, and river or bar-Pilots; the first, to pilot vessels of all descriptions; the second, to pilot vessels of not more than sixteen feet draught of water; and the third, to pilot vessels in rivers or channels where their services may be required. All promotions to senior classes to be left to the discretion of the Pilot Board.

Privileges and Duties of Pilot Companies.

9. That each company shall have the privilege of piloting outwards all vessels they may have piloted inwards, unless sufficient reason should be shewn by the master to the contrary; and on due application being made for an outward Pilot by any such vessel and the inward pilot not available for appointment, the Pilot first on turn of the same company shall be appointed to her; and should there be no Pilot belonging to such company at the station, or should the vessel requiring a Pilot not belong to any company, the pilot first on turn of any other company shall be appointed. Pilots so appointed are immediately to repair on board, and are not to leave the vessel without the written permission of the master, unless in case of severe sickness; but should she not be ready, the Pilot must obtain a written statement to that effect from the master or officer in charge, and immediately report himself at the pilot office as eligible for appointment to another vessel.

Pilot Companies to Provide Vessels, &c.

10. Each company of Pilots shall provide their own vessel, boats, &c. &c.

Vessels and Boats to be Approved and Licensed.—Board to Appoint Masters, &c.

11. All vessels and boats employed in the pilotage service shall be previously approved and licensed by the Pilot Board, who may at their discretion appoint and remove the masters, officers, and apprentices of such vessels and boats.

Distinguishing Marks of Pilot Vessels, &c.

12a. Every pilot boat or vessel shall be distinguished by the following characteristics (that is to say):—

Hulls to be Painted Stone Colour.

(1.) Each vessel or boat shall be painted upward from the water line (with the exception of such names or numbers as are hereinafter mentioned) a light stone colour.

To Have Name of Port on Stern and Number of License on Bow.

(2.) On her stern the name of the vessel and the port to which she belongs painted in black letters at least one-inch

broad and three inches long, and on each bow the number of such vessel or boat also painted black.

To Have Number of License on Sail.

(3.) On her mainsail the number of her license painted in conspicuous black figures.

Flag to be Hoisted when Afloat.

(4.) When afloat a flag at the masthead on a sprit or staff, or in some other equally conspicuous situation, such flag to be of large dimensions compared with the size of the vessel carrying the same, and to be of two colours, the upper horizontal half white, and the lower horizontal half red.

Duty of Masters as regards Characteristics of Pilot Vessels.
 —*Master to Report Vessel's Condition, &c., every Three Months.—Duplicate Log to be Kept by Mate and Copy to be sent to Board.*

(5.) And it shall be the duty of the masters of the pilot vessels for the time being to attend to the following particulars:—First, that the boat or vessel possesses all the above characteristics; secondly, that the aforesaid flag be kept clean and distinct so as to be easily discerned at a proper distance; thirdly, that the names and numbers before-mentioned are not at any time concealed; fourthly, that a bright light be kept exhibited in the fore rigging between sunset and sunrise, and a flash light shewn in the waist every half-hour during the same period; fifthly, that his vessel be kept in thorough repair, and in every way fit for the service, a special report being made by him to the Board every three months as to the condition of hull, boats and sails, &c.; and lastly, that a log be kept by the mate (in duplicate) of all occurrences on board, such log to be kept in conformity with the instructions of the Board, the duplicate copy being transmitted to the Secretary to the Board at the end of each month duly signed by the master and mate.

Pilot Vessels to have Apprentices.

12b. Each pilot vessel shall have one apprentice who must be duly trained in the duties of a pilot, and undergo an annual examination before the Board as to his progress and qualifications.

Stationing of Pilots and Pilot Vessels to be regulated by Board.

13. All pilots and pilot vessels shall be stationed at such places within the limits of their licenses as the Pilot Board may from time to time determine.

Pilots and Vessels to be furnished with Signals, &c.

14. Each pilot vessel and pilot shall be always furnished with such signals, signal books, and means of making night signals, as the Board may from time to time determine.

Nearest Vessels to be attended first, unless in cases of Distress.

15. Pilots cruising or standing out to sea shall offer their services to the vessel nearest them having a pilot signal flying, unless another vessel be observed running into danger, in which case every exertion shall be made to board and assist the latter vessel.

Pilots to aid Vessels in Distress.

16. Pilots shall, by every means in their power, aid and assist vessels in distress.

Pilots' Claims for Extraordinary Services rendered to Vessels to be decided by Board.

17. When pilots render extraordinary services to vessels in distress, not coming under the head of pilotage or salvage, or their vessels, boats or tackle receive damage in performing such service, and the parties concerned cannot agree as to the amount of remuneration to be made on account thereof, the Pilot Board, after hearing the case, shall, with the consent of both parties, determine the amount that may be justly due on account of such service or damage.

Pilots to notify to Board their Place of Abode.

18. Pilots shall keep the Board informed, in writing, of their usual place of abode.

Pilots not to absent themselves from Port without Leave.

19. No pilot shall absent himself from the port for which he is licensed without the written sanction of the Board.

No Pilot to neglect or refuse to Act.

20. No pilot shall neglect, delay, or refuse to act, unless disqualified by illness, in which latter case a report shall at once be made to the Board, accompanied by a certificate of a duly qualified medical practitioner.

Not to form Illegal Combinations (16 Victoria, No. 12, Sec. 17).

21. Pilots shall not form any insubordinate or illegal combination, nor attempt to prevent other pilots or persons in the pilot service under the control of the Board from doing their duty.

Pilots to relinquish charge of one Ship for another, if required.

22. No pilot having taken pilotage charge of a vessel afterwards proving to be not ready shall refuse to take any other vessel, if ready and waiting for a pilot, on his being required to do so by proper authority.

Pilots to Keep Distinguishing Flag Flying while Under Weigh.

23. Whenever any vessel shall be in pilotage charge, the Pilot shall invariably keep his distinguishing flag flying from sunrise to sunset, or during such time as the vessel may be under weigh.

Pilots Taking Charge of a Vessel Inside the Heads to Go Out as Far as Possible.

24. Pilots shall, on observing a vessel approaching the Heads with the signal for a Pilot hoisted, proceed out as far as possible with their distinguishing flag flying at the bow of the boat in the day time, and shall shew a flash light at night.

Pilots to Examine Clearance of Outward Bound Vessels to see if Pilotage be Paid (16 Victoria, No. 12, Sec. 13.)

25. Pilots shall, before taking charge of a vessel outward bound, demand a sight of the Customs clearance, in order to see if the certificate of pilotage be duly endorsed thereon, and should such fail to be the case, immediate intimation shall be given to that effect at the pilot office.

Pilots Not to Interfere, when Passengers, unless Specially Requested.

26. Should a Pilot at any time be taking a passage on board a vessel, he shall not in any way interfere with, nor make comments on, the proceedings of the pilot in charge of such vessel, unless his advice or opinion be specially requested by such Pilot in charge, or unless circumstances render such interference necessary, and then only at the written request of the master.

Certificate of Pilots to be Transmitted to the Pilot Office.

27. A certificate of pilotage, duly signed by the master of each vessel piloted, shall immediately on her arrival be forwarded or delivered by the Pilot to the Secretary to the Pilot Board, or at the pilot office, and all Pilots shall be particularly careful in seeing that it is mentioned in the certificate whether it be inside or outside pilotage, and also whether the services of a steam-tug have been rendered, and to what extent; such certificate to be then transmitted to the Collector of Customs at the port.

Pilots as Passengers to have Precedence of Turn.

28. A pilot arriving at either station as passenger shall be in turn before any pilots that may have brought ships in on that day, and no pilot in pilotage charge of a vessel shall interfere with, or offer obstructions to pilots obtaining passages in such vessels.

Lead Lines to be Examined and Attended to, as also Steering Gear.

29. Pilots shall at all times, when they take charge of a vessel, see that the lead lines in use be properly marked and adapted for service, and that the lead be kept regularly hove when under weigh, and also that the steering apparatus be in order.

Pilots to Report themselves on arrival, and also to Report Extraordinary Circumstances.

30. Pilot shall immediately on their vessels being moored after arrival inwards, fill up and sign their reports in a book to be kept open at the pilot office for such purpose, and also report in writing, for the information of the Board, any

extraordinary circumstances that may have occurred on board while under pilotage charge.

Duties of Pilots in charge of Inward Bound Vessels.

31. Every pilot who shall be employed to pilot or conduct a vessel into any port shall take the same, her draught of water admitting, to such anchorage or wharf as the master or other person in charge (subject to the order of the Harbor Master) shall require, or so near thereto as he can safely get, and there moor the vessel in a proper situation.

Behaviour of Pilots (16 Victoria, No. 12, Sec. 16)—Pilots to be Suspended on being charged with Misconduct, &c.

32. Pilots shall at all times observe strict sobriety and civility, and if charged with the use of unbecoming or improper language, or any misconduct affecting the character of the service, or shall, through negligence, incapacity, or unskilfulness, occasion injury to any vessel he may be in charge of, or to any other vessel, shall be immediately suspended by the President, or in his absence by a member of the Board, pending an investigation into the case at the next meeting of the Board.

Her Majesty's Ships and Mail Packets Inward Bound to have preference over other vessels.

33. Pilots are to bear in mind that Her Majesty's ships and mail packets regularly employed in such service shall always obtain the preference over other vessels, unless such other vessel shall be in danger and in urgent need of assistance.

License not to be Lent.

34. No pilot shall lend his license to any person under any pretence whatever.

Pilots to enter into a Bond.

35. All pilots shall enter into an approved bond for the sum of one hundred pounds, for the due and faithful discharge of their duties, and the due observance of these rules.

Method to be adopted in making Complaints regarding the Pilot Service.—President to call Special Meeting to investigate complaint, if necessary.

36. All complaints by or against any one connected with the pilot service must be forwarded in writing to the President of the Pilot Board within seven days of the occurrence of the same, otherwise such complaint shall not be entertained unless at the discretion of the Board. The President shall, on any such complaint being made to him in accordance with this rule, if the subject requires immediate investigation, call a special meeting of the Board, giving the various persons concerned in the case due notice to appear at such meeting.

Pilots and others in the Service to obey Summons of the Board, and abide by its Decision.

37. All persons in the pilot service shall appear before the Board in receiving notice to do so, and abide by the decision given in all matters relating to pilot service, subject, however, to the right of appeal allowed by Act of Council No. 28, 17 Victoria, Sec. 12.

Expenses of Personal Enquiries to be borne by Party in the wrong.

38. In all cases of enquiry of a personal nature instituted at the instance of the pilots, and not directly bearing upon the pilot service, the expense of such enquiry shall be charged to the person or persons found to be in the wrong.

Mode of payment of Witnesses.

39. The expenses of witnesses summoned by the Board to give evidence upon cases connected with the pilot service (not having reference to the preceding rule) shall be borne out of the reserved fund, in such proportions as the Board may determine.

Pilots to observe all Port Rules, (16 Victoria, No. 12, Sec. 18.)

40. Pilots shall strictly observe all port regulations, and prevent by all the means in their power any infraction of the same on board any vessel they may be in charge of.

Pilots to Note and Report Alterations in Land and Sea Marks, and to Examine Channels, &c.

41. The licensed pilots of Port Phillip shall be particularly careful in noting and reporting to the Chief Harbor Master any alteration in the position of any beacon, buoy, sea or land mark, or of any shoals within the limits of their license, as also the existence of any new shoal, sunken wreck, or other obstruction likely to impede the free navigation of the waters and channels of the port by vessels, boats, &c. ; and they are to embrace every available opportunity of examining by soundings and cross-bearings, all channels and waters as far as the limits named in their license may extend.

Pilots to furnish Periodical Report of state of Channels, &c.

42. Pilots shall furnish a written report every three months to the Chief Harbor Master of the state of all channels and sea and land marks as may have fallen under their observation.

Method to be adopted in reporting Accidents to Vessels in Pilotage charge.

43. Pilots shall immediately after any vessel may have sustained damage, met with any accident, or got on shore while in their charge, furnish a clear and explicit report of the same, such report to state the cause, in the pilot's opinion, of such damage, accident, or grounding, time of occurrence thereof, bearings of the nearest known object, means used to get the vessel afloat, state of wind, weather, and tide, length of time the vessel lay on the ground, and nature of the ground, such report to be submitted to the master or officer in charge for his remarks and counter signature, and forwarded at once to the pilot office, whether so remarked on and countersigned or not.

Pilot to be in possession of License, Rules, and Port Regulations, and to produce same if required.

44. Every Pilot shall be in possession of his license, of a copy of the foregoing rules, and a copy of the port regulations, and shall produce the same for reference if required so to do by the master of any vessel of which such Pilot may assume charge.

Penalties of Breach of Rules.

45. All violations of these rules by Pilots, or by any other person employed in the pilot service, may be punished by fine, suspension, or withdrawal of license, as the Board may determine.

CHARLES FERGUSON,
President of the Pilot Board.



XI.

REGULATIONS RELATING TO PORTS AND HARBORS IN THE COLONY OF VICTORIA.

[Proclaimed by His Excellency C. J. LA TROBE, Lieut. Governor of
Victoria, 30 May, 1853.]

*N.B.—The original numbers of the Regulation are kept; those which
have become obsolete are omitted.*

THE PORT OF MELBOURNE, in the said Colony, [is defined] to consist of all Inlets, Rivers, Bays and Harbors within Hobson's Bay, and contained within a line from the Black Buoy off Point Gellibrand to Fisherman's Point.

THE PORT OF GEELONG, in the said Colony, to consist of all Inlets, Rivers, Bays and Harbors within Corio Bay, and contained within a line from Point Richards to Point Wilson.

THE PORT OF PORT PHILLIP, in the said Colony, to consist of all Inlets, Rivers, Bays and Harbors within the Port Phillip Bay, within a line from Point Nepean to Point Lonsdale, and not included in the Ports of Melbourne and Geelong respectively.

THE RESPECTIVE PORTS OF PORTLAND, PORT ALBERT, PORT FAIRY, WARRNAMBOOL, AND WESTERN PORT, to consist respectively of the customary anchorages of each of the said Harbors or Roadsteads.

GENERAL RULES AND REGULATIONS.

1. No boat shall go alongside of any vessel entering any Port, except those duly authorised by Government, before

the ship is properly secured at her anchorage and has been declared free by the Immigration or other proper officer.

2. All vessels shall have buoys and sufficient buoy ropes to their anchors. Any anchor or kedge slipped, parted, or cut from, if not weighed within twelve hours, may be weighed by order of the Port Officer or Harbor Master, at the risk and expense of the owner; and when no buoy rope has been attached, the anchor or kedge to be forfeited.

3. All vessels are to unshot their guns before they anchor, and no guns or fire-arms, except in self-defence, are to be discharged from any ship, unless permission in writing has been obtained from the Harbor Master.

4. All vessels moored or at anchor are to have both cables clear and in readiness to slack away when required.

5. No vessel shall be unmoored on Sunday from her anchorage or from her berth alongside any quay, and no work is to be done on board any vessels in harbor on Sundays, except such as may be necessary for the cleanliness and safety of the ship, or the express permission in writing from the Harbor Master.

6. No boat to ride astern of any vessel at anchor within the Ports of Melbourne and Geelong, at a greater distance from such vessel than three fathoms.

7. No pitch, tar, resin, or oil, or other combustible matter, shall be heated on board any vessel or boat without the permission in writing of the Port Officer or Harbor Master.

8. No fires shall be ignited or allowed to burn on board any vessel in any part of a Port or Harbor of Victoria, where vessels lay for the purpose of loading and unloading cargo, between the hours of 10 o'clock P.M. and 5 o'clock A.M., except on the days of arrival or departure; nor shall any vessel be fumigated or smoked for the extermination of any vermin without permission from the Harbor Master.

9. All ships and vessels at anchor or alongside any wharf in Victoria, are required to be provided with fire buckets in the proportion of four to every hundred tons per register, one-half of which are to be constantly hung up in some convenient place, with lanyards attached ready for drawing water.

10. No spirits to be drawn off on board of any vessel in the Ports of Victoria by candle or other artificial light, unless secured in a lantern.

11. No person shall make fast any vessel, raft, timber, or other article, to any buoy, beacon, or sea mark, or in any way injure such.

12. No unauthorised person shall throw a dead body into any Port, or allow any dead animal to be left on the shores thereof.

13. In the event of death on board of any vessel, the Master of such vessel is to cause the body to be buried on shore, reporting the particulars to the Port and Harbor Master or Health Officer; and should such death have been sudden, he must also report the circumstances immediately to the Coroner.

14. All Masters of ships exceeding "two hundred tons" burthen, lying in any of the Ports of the said Colony, shall cause a sufficient guard or watch to be kept on deck both by day and night; of one man if the ship shall not exceed the burthen of "three hundred tons," or of two men if the ship shall exceed that burthen; all other descriptions of deck vessels must have at least one person on board by day and by night.

15. Masters requiring to careen or heave down their vessels for the purpose of inspection or repair, must apply to the Port Officer or Harbor Master of the Port for permission, except where such work is proposed to be done on private property.

16. Accidents involving personal injury, loss of life or property, from collision of vessels or upsetting of boats, to be reported to the Port Officer or Harbor Master as soon as practicable.

17. Ships or vessels meeting with any accident, or causing damage to others, while in charge of any Officer under the authority of the Port and Harbor Master, have no claim on Government for such damages.

18. All Masters, Pilots, or other persons in charge of vessels entering any Port of this Colony shall, as they approach the anchorage, hoist their Number or Distinguishing Flag, until answered by the Signal Stations, after which they must hoist the number of the port they are from, which will be answered in a similar manner. Vessels arriving after sunset must hoist their signals the following morning, within two hours after sunrise. Such vessels as are not provided with Marryat's Code of Signals, or a Distinguishing Flag, are to adopt some Distinguishing Flag, and communicate the same to the Harbor Master. All vessels not provided with proper signals must, in addition to their Distinguishing Flag, exhibit as they approach the Signal Station the name of the Port they are from, painted legibly on a piece of canvas or board, the letters not to be less than eight inches deep, and

keep the same exhibited for two hours after they are anchored. All Masters, and others in charge of vessels, twenty-four hours after anchoring in Hobson's Bay, or twelve hours after mooring in the Basin at Melbourne, or at the Wharf at Geelong, must exhibit the name of their Vessel, and the name of the Port they are from or bound to in the main rigging, twelve feet above the deck. The letters to be white on a black ground, and not less than eight inches deep, which must be kept in an intelligible state until the vessel leave the Port. Vessels at anchor in Hobson's Bay or Port Henry, to have their name on both sides of the main rigging. Vessels at or near the Wharf to have their name on that side nearest the Wharf. [Gazetted 21st July, 1853.]

19. Masters of vessels arriving from Ports beyond the Australian Colonies are not allowed to let their steerage passengers leave their vessels for the purpose of landing at Melbourne after One o'clock P.M., during the months of April, May, June, July, August, and September, nor after Two o'clock P.M. during the remaining months, unless with the consent of the Immigration Officer. This rule will be strictly enforced.

20. A copy of these regulations shall be delivered to the Master of every vessel upon arrival by the boarding Pilot, which is to be returned to the Pilot, on the vessel leaving the Port.

HARBOR MASTER.

21. It shall be competent at any time for the Port Officer or Harbor Master, or a person deputed by either of them, to order any ship, lighter, boat, or timber to be removed from any berth alongside any quay or anchorage, from or to any part of the harbor, whenever such removal shall, in his opinion, for the general accommodation of the shipping, be proper.

22. All Masters or other persons in charge of vessels are immediately to strike their top-gallant yards and masts, to have their jib and spanker booms rigged close in, and moor or clear hawse, when called upon by the Port Officer or Harbor Master, or person deputed by either of them to do so, and are generally to follow such directions as the state of the weather, the crowded condition of the Port or River, or other circumstances may render necessary or expedient, in

the judgment of the Port Officer or Harbor Master, with a view to the safety and interest of the whole shipping.

23. The Master of any vessel desiring to remove such ship either from her moorings, or from her berth alongside any quay, must make an application in writing to the Port Officer or Harbor Master for that purpose.

24. No person shall, without due authority, interfere with any Port Officer, Harbor Master, or person deputed by either of them, in the execution of his duty; or resist, obstruct, or impede him in the performance thereof.

PILOTS.

25. Qualified persons appointed by the Lieutenant-Governor to act as Pilots are to board all ships arriving off the Heads except such as shall have a white flag flying at the main-mast head, which will denote the ship being by law exempt from the necessity of accepting the services of a Pilot, and such Pilots are to produce their appointments whenever required to do so by the Masters of such ships.

26. The Master of every ship not by law exempt from the necessity of accepting the services of a Pilot, is to place her in charge of the first Pilot (duly appointed) that may come alongside.

27. Pilots on being appointed to outward bound ships are immediately to repair on board, and before taking charge are to ascertain that her decks are clear, and that she is sufficiently manned and in a proper state for working as regards masts, rigging, sails, chains, and anchors.

28. The Master of any ship requiring a Pilot to conduct her to sea, must make an application in writing, at least "twelve hours" previously, at the office of the Port Officer or Harbor Master.

29. Pilots, "twenty-four" hours after securely anchoring any ship at the Heads of Port Phillip Bay, or any place in any Port of the said Colony, may, if such be prevented from going to sea by stress of weather, or any act of the Master, leave such ship until she is ready for sea.

30. Pilots or any other person in charge of ships not being from a Port in the Colony of Victoria, are to hoist a blue flag at the mainmast head, and keep the same flying until cleared by the Immigration Officer.

31. The Master of every ship which by law is exempt from payment of Pilotage, is, on arriving within three leagues of any harbor of the said Colony, to cause a white flag to be

hoisted at the mainmast head; and if bound into Port Phillip, to keep the same flying until past Swan Point.

32. No Pilot shall be taken to sea by the Master of any vessel, except in cases of absolute and unavoidable necessity.

RIVER YARRA YARRA.

33. No Lighter or Boat shall anchor between the line of buoys marking the fairway leading to the entrance of the River Yarra Yarra, nor in the middle of any other fairway, or any navigable River, but when detained they shall lay close over on either side of the River, and parallel with it; nor shall any hawser, cable, chain, or rope be placed across any such fairway or River without due permission of the Harbor Master.

WHARFS AND JETTIES.

34. The time allowed ships to occupy berths at quays, for the purpose of discharging cargo, shall be (exclusive of Sundays and holydays, and the day of removal):—

For ships under 100 tons	2 days.
„ from 100 to 150 tons	4 „
„ „ 150 „ 200 „	5 „
„ „ 200 „ 250 „	6 „
„ „ 250 „ 300 „	7 „
„ „ 300 „ 350 „	8 „
„ „ 350 „ 400 „	9 „
„ „ 400 „ 450 „	10 „
„ „ 450 „ 500 „	11 „

and so on at the rate of two days for every additional hundred tons register.

35. Ships discharging cargo at outside berths to be allowed two days for one of the foregoing scale.

Cargo may be discharged from any ship lying outside, over and across the deck of any ship lying alongside of any quay. Vessels taking in cargo to have an unoccupied berth, which is to be given up when required for other purposes by the Harbor Master.

36. All goods landed on any Wharf or Jetty are to be so placed as to keep the mooring posts or rings free, and allow a clear passage of at least eight feet from the edge of the Wharf nearest the vessel, upon which space no goods are allowed to remain.

37. Any vessel whose time at a discharging berth has

expired, or which the Officer or Harbor Master considers it necessary to remove, and on board of which there shall not be sufficient men or ballast, or the requisite tackle to enable her to be removed therefrom, shall be removed by the Port Officer or Harbor Master at the expense of the Owner.

BALLAST.

38. No ballast, rubbish, gravel, earth, stone, wreck, filth or refuse, is to be thrown from any ship or boat, or by any person, into any Port, river, or anchorage, in the said Colony of Victoria, except only where the tide or water never flows or runs, nor be landed or shipped in any part of the said Colony, except at the places pointed out by the Port Officer or Harbor Master of the nearest Port; and all such ballast, gravel, rubbish, earth, stone, wreck, filth, or refuse, shall be removed as and where such Port Officer or Harbor Master may direct.

39. Masters of ships are not to raise sand or other materials at any Port of the said Colony for ballasting their ships, except at places duly appointed by the Port Officer or Harbor Master of the Port.

40. Proper tarpaulins are to be used in discharging or taking in ballast, coals, rubbish, gravel, earth, or filth, so as effectually to prevent any part thereof falling overboard, and no ballast to be taken on board or discharged from any vessel after dark.

41. All lighters or boats employed in carrying ballast shall have a mark cut upon the stem and stern post, showing the draught of water for every five tons weight they carry. Such marks and corresponding draughts of water to be endorsed upon their license, which is to be produced when asked for.

RULES TO BE OBSERVED BY VESSELS PASSING EACH OTHER.

42. Whenever any vessel proceeding in one direction meets a vessel proceeding in another direction, and the Master or other person having charge of either such vessel, perceives that if both vessels continue their respective courses they will pass so near as to involve any risk of a collision, he shall put up the helm of his vessel to port so as to pass on the port side of the other vessel, due regard being had to the tide, and to the position of each vessel with

respect to the dangers of the channel, and as regards sailing vessels to the keeping of each vessel under command; and the Master of any steam vessel navigating any river or narrow channel shall keep as far as is practicable to that side of the fairway or mid-channel thereof which lies on the starboard side of such vessel. And if the Master or any other person having charge of any steam vessel neglect to observe these regulations, or either of them, he shall for every such offence be liable to a penalty not exceeding fifty pounds.

43. Steamers, when steering the same course inside of Gellibrand's Point, either with or without vessels in tow, and one overtaking the other, the vessel gained upon to slack her speed if practicable until the other has passed her.

44. When steamers have vessels in tow and are steering opposite courses, the steamer bound up the river shall, before meeting the vessel coming down the river, slack her speed, when practicable, until the other has passed her.

45. Steam vessels when passing or near to sailing vessels, are always to be considered in the light of vessels navigating with a fair wind.

46. Steamers shall, on nearing any vessel aground, slack their speed until safely passed.

47. No steamer to tow vessels between the upper and lower legal wharfs at Melbourne without the sanction of the Harbor Master.

48. Steam vessels shall not proceed at more than half speed whilst navigating amongst the shipping in any port of Victoria.

49. Steamers at all times when under weigh inside of Point Gellibrand or any narrow channel must have a responsible person on the bridge to look out.

50. No lower square sails to be set on board of any steamer whilst navigating amongst the shipping

The following established nautical rules are appended for the guidance of Masters of steamers and sailing vessels.

51. Sailing vessels and ships having the wind fair shall give way to ships on a wind.

52. When two ships are going by the wind, the ship on the starboard tack shall keep her wind, and the one on the port tack bear up, thereby passing each other on the port hand.

53. When two ships have the wind large or a-beam, and meet, they shall pass each other in the same way on the port hand, the helm of each being put a-port.

QUARANTINE.

54. Before any vessel can be allowed to pass beyond Swan Point at Port Phillip Heads, or the nearest anchorage at the entrance of any other port of Victoria, or have communication with the shore or other vessels, the Master thereof is to produce to the Pilot or other authorised Officer who shall demand the same, all necessary papers or documents, and truly answer all questions touching the state of health on board such vessel as shall be put to him by the Pilot, Health Officer, or other duly authorised person, and is to follow such direction respecting the vessel, crew, and passengers as they may give.

GUNPOWDER.

55. All vessels arriving in the ports of Victoria having Gunpowder on board exceeding thirty pounds, shall hoist the Union Jack at the main, and remain at an anchor outside of the regular anchorage off the Point [in the Port of Melbourne] until such Gunpowder be landed.

56. Twelve hours after anchoring allowed for landing whatever Gunpowder there may be on board, whether as cargo or stores, at the appointed magazine.

57. Vessels are not to take on board Gunpowder at any other anchorage than that pointed out by the Harbor Master.

58. Gunpowder to be landed or removed only between sunrise and sunset, at the expense of the proprietor or importer, and under the supervision of the Water Police.

59. All boats used for the conveyance of Gunpowder to or from vessels are to be provided with tarpaulins, and to be properly housed over.

60. No fire or light to be burning during the time such Gunpowder is being discharged.

61. The penalty which may be inflicted upon any person for the non-observance of any of the above Rules is from five to one-hundred pounds.

[ADDITIONAL REGULATIONS, Gazetted 21 July, 1853.]

No Steamer shall tow any vessel, nor shall any vessel

enter the River, unless there be (as shewn by the Tidal Flags) six inches more water on the Bar than such vessel's draught of water.

All vessels whose draught of water exceeds eight feet six inches, or whose Register Tonnage exceeds two hundred tons, must, before entering the river Yarra Yarra, have a written authority to do so from the Harbor Master.

No vessel, except steamers carrying passengers, or having vessels in tow, shall pass higher up the River than the Flagstaff below the Town boundary, without the authority of the Harbor Master, or an officer duly authorised by him, who will furnish all such vessels with a printed ticket containing the number of their turn for a discharging berth at the wharfs of Melbourne.

All such vessels so detained will be provided with vacant berths in rotation, according to their time of arrival in the River, such vessels on being appointed to a discharging berth must immediately proceed to occupy it.

But vessels proceeding to private wharfs will not be delayed after the Harbor Master is satisfied that there is a berth vacant for them, until which time they will be detained in common with others.

Mails.

All vessels having Mails on board for Geelong are, on entering between the heads of Port Phillip, to hoist a White Flag at the peak, as a signal for the mail boat to come off, and are to heave-to or anchor within one mile of Shortland's Bluff until such mails be landed.

All vessels having mails on board for any other Port of this Colony are, on approaching the anchorage, to hoist a White Flag at the foremast head, which Flag must be kept up until the mails are landed.

Penal Hulks.

No vessel or boat to pass between the ship and the line of buoys moored round these vessels.

CHARLES FERGUSON,
Chief Harbor Master.



XII.

GENERAL INFORMATION.

[SEE INTRODUCTION for Manning—Engagement—Discharge—Wages—Log Books—Apprentices—Provisions Medicines, &c.]

THE FOLLOWING SIGNALS ARE IN USE AT THE PORTS OF MELBOURNE AND GEELONG.

<i>Harbor Pilot</i> ..	..	{	The Ensign at the fore topgallant mast head.
<i>Bay Pilot</i> ..	..	{	The Union Jack at the fore topgallant mast head.
<i>Water Police</i> ..	..	{	Day Signal:—The Ensign at the main topgallant mast head.
		{	Night Signal:—Two lights vertical at the mast head or peak, having five feet between the two.
<i>Customs' Boat</i> ..	..		Union Jack at the peak.
<i>Steam Boats</i> ..	..	{	Rendezvous flag at the peak or mizen mast.
<i>Gunpowder on Board</i> ..	..		Union Jack at the main.
<i>Medical Assistance</i> ..	..		No. 5 at the peak.
<i>Boarding Officer</i> (see		{	Blue flag at the main.
Clause 30) ..	..	
<i>Mails on Board</i> ..	..	{	White flag at the fore to be kept flying till the Mails are landed.
<i>Government Emigrants on Board</i> ..	..	{	Ensign at the mizen mast head.

SCALE OF FEES

*Payable for Survey of Steamers under the Act 16, Victoria
No. 25, approved by His Excellency in Council.*

	Shipwright.		Engineer.	
	£	s.	£	s.
Steamers not exceeding 100 tons	2	2	3	3
Exceeding 100 tons and not exceed- ing 300 tons	3	3	4	4
Exceeding 300 tons and not exceed- ing 600 tons	4	4	5	5
And for every additional 300 tons an additional	£1 ls.			

STOWING AND LOWERING SHIPS' BOATS AT
SEA.—CLIFFORD'S PATENT.

*To the Owners and Masters of Steam Vessels plying from
place to place, or leaving any Port or Harbor in Victoria.*

NOTICE.

The Steam Navigation Board having had before them the subject of stowing and lowering ship's boats at sea, have resolved to require as a necessary fitting to at least one boat on board all sea-going steamers under their control, the apparatus known as "Clifford's Patent," or an apparatus equally efficient in their opinion.

The Board therefore recommend its immediate adoption in all such vessels, and have issued instructions to their surveyors that the declarations of survey for the half-year commencing 1st July, 1858, and ending 31st December, 1858, must contain a statement that such apparatus has been properly fitted before a certificate will be granted by the Board.—[18 Dec., 1857.]

TABLE FOR CALCULATING SEAMEN'S WAGES.

Days	RATE OF WAGES PER MONTH.													
	5s.	10s.	£1	£2	£3	£4	£5	£6	£7	£8	£9	£10	£11	£12
1	2	4	8	1	2	3	4	5	6	7	8	9	10	11
2	4	8	1	2	3	4	5	6	7	8	9	10	11	12
3	6	1	2	3	4	5	6	7	8	9	10	11	12	13
4	8	1	2	3	4	5	6	7	8	9	10	11	12	14
5	10	1	2	3	4	5	6	7	8	9	10	11	12	16
6	1	2	3	4	5	6	7	8	9	10	11	12	13	18
7	2	4	8	1	2	3	4	5	6	7	8	9	10	20
8	1	2	3	4	5	6	7	8	9	10	11	12	13	24
9	1	2	3	4	5	6	7	8	9	10	11	12	13	28
10	1	2	3	4	5	6	7	8	9	10	11	12	13	32
11	1	2	3	4	5	6	7	8	9	10	11	12	13	36
12	2	4	8	1	2	3	4	5	6	7	8	9	10	40
13	2	4	8	1	2	3	4	5	6	7	8	9	10	44
14	2	4	8	1	2	3	4	5	6	7	8	9	10	48
15	2	4	8	1	2	3	4	5	6	7	8	9	10	52
16	2	4	8	1	2	3	4	5	6	7	8	9	10	56
17	3	6	12	1	2	3	4	5	6	7	8	9	10	60
18	3	6	12	1	2	3	4	5	6	7	8	9	10	64
19	3	6	12	1	2	3	4	5	6	7	8	9	10	68
20	3	6	12	1	2	3	4	5	6	7	8	9	10	72
21	3	6	12	1	2	3	4	5	6	7	8	9	10	76
22	3	6	12	1	2	3	4	5	6	7	8	9	10	80
23	3	6	12	1	2	3	4	5	6	7	8	9	10	84
24	4	8	16	1	2	3	4	5	6	7	8	9	10	88
25	4	8	16	1	2	3	4	5	6	7	8	9	10	92
26	4	8	16	1	2	3	4	5	6	7	8	9	10	96
27	4	8	16	1	2	3	4	5	6	7	8	9	10	100
28	4	8	16	1	2	3	4	5	6	7	8	9	10	104
29	4	8	16	1	2	3	4	5	6	7	8	9	10	108
30	5	10	20	1	2	3	4	5	6	7	8	9	10	112

[The day of entry and the day of discharge to be included.]

SCALE OF MEDICINES AND MEDICAL STORES.

Suitable to Accidents and Diseases arising on Sea Voyages, to be kept on board British Merchant Ships navigating between the United Kingdom and any place out of the same, on and after the 1st day of January, 1856.

Issued by the Board of Trade, in pursuance of 17 and 18 Vict., chap., 104, section 224.

* NAMES OF MEDICINES, MENDICAMENTS, &c.	Proportions for Ships carrying the undermentioned number of Men and Boys.		
	Column 1. 10 and under.	Column 2. From 11 to 20, inclusive.	Column 3. 21 and upwards.
Castor Oil	1 lb.	2 lbs.	3 lbs.
Epsom Salts	3 "	6 "	12 "
Calomel .. .. .	.. ..	1 ounce.	2 ounces.
Powder of Jalap .. .. .	.. ..	1 "	2 "
Do. Rhubarb	1 ounce.	2 "	3 "
Cream of Tartar	2 "	4 "	8 "
Sulphur (sublimed)	4 "	6 "	8 "
Alum	1 "	2 "	3 "
Powdered Ginger	1 "	2 "	3 "
Sulphate of Quinine	$\frac{1}{2}$ "	1 "	2 "
Do. Do. in Vessels trading to the East or West Coast of Africa, to the Coasts of China, and Borneo	1 "	2 "	4 "
Balsam of Copaiba	4 "	8 "	12 "
Carbonate of Magnesia	2 "	3 "	4 "
Olive Oil .. .. .	.. ..	8 "	12 "
Spirit of Turpentine	2 "	4 "	6 "
Laudanum	2 "	4 "	8 "
Bicarbonate of Soda .. .. .	.. ..	12 "	16 "
Tartaric Acid (powdered) .. .. .	.. ..	8 "	12 "
Goulard's Extract	1 "	2 "	4 "
Compound Chalk Powder (in a stoppered bottle)	1 "	2 "	3 "
Dover's Powder	1 "	2 "	3 "
Essence of Peppermint, each oz. to contain 1 dr. of the Oil..	1 "	2 "	3 "
Purgin Pills, each to contain of the Compound Extract of Colo- cynth 4 grs., and Calomel 1 gr.	3 dozen.	6 dozen.	8 dozen.
Purgin Powders, each to contain of Calomel 2 grains, and Com- pound Powder of Jalap 1 dram	1 "	2 "	3 "
Opium Pills, each to contain of Opium 1 gr. & Castile Soap 4 grs.	1 "	2 "	3 "
Emetic Powders, each to contain Ipecacuanha 1 scruple, and Emetic Tartar 2 grains	1 "	2 "	3 "
Blue Pills, 5 grains each	2 "	3 "	4 "
Powders, sudorific, 10 grs. of Nitre, 10 grs. of Crm. of Tartar, and 5 grs. of Dover's Powder..	1 "	2 "	3 "
Simple Ointment	6 ounces.	12 ounces.	16 ounces.
Mercurial do.	2 "	4 "	8 "
Basilicon do.	3 "	6 "	10 "
Blistering Plaister	2 "	4 "	8 "
Adhesive do. in tin case	1 yard.	2 yards.	3 yards.
Disinfecting Fluid (Burnett's Solution)	14 pints.	28 pints.	56 pints.

SCALE OF MEDICINES AND MEDICAL STORES (*continued*).

NAMES OF MEDICINES, MENDICAMENTS, &c.	Proportions for Ships carrying the undermentioned number of Men and Boys.		
	Column 1. 10 and under.	Column 2. From 11 to 20, inclusive.	Column 3. 21 and upwards.
Tincture of Rhubarb	4 ounces.	10 ounces.	12 ounces.
Opodeldoc	3 "	6 "	10 "
Paregoric	4 "	6 "	8 "
<i>The following in addition in all vessels carrying a Surgeon, with 50 or more persons on board:—</i>			
Nitric Ether .. .. .	.. ..	.. ..	2 ounces.
Acetate of Lead .. .. .	.. ..	.. ..	2 "
Croton Oil .. .. .	.. ..	.. ..	2 drams.
Camphor .. .. .	.. ..	.. ..	1 ounce.
Tartar Emetic .. .. .	.. ..	.. ..	$\frac{1}{2}$ "
Hydriodate of Potass (Iodide of Potassium) .. .. .	.. ..	.. ..	2 "
Ergot of Rye .. .. .	.. ..	.. ..	2 "
Tincture of Digitalis .. .. .	.. ..	.. ..	2 "
Powder of Ipecacuanha .. .. .	.. ..	.. ..	1 "
Sulphate of Zinc .. .. .	.. ..	.. ..	1 "
Lunar Caustic .. .. .	.. ..	.. ..	1 "
Muriate of Morphia .. .. .	.. ..	.. ..	1 dram.
Watery Extract of Aloes .. .. .	.. ..	.. ..	1 ounce.
Blue Pill .. .. .	.. ..	.. ..	1 "
Aromatic Confection, in powder .	.. ..	.. ..	2 "
Prepared Chalk .. .. .	.. ..	.. ..	$\frac{1}{2}$ lb.
<i>Scale of Medical Stores & Necessaries:—</i>			
Arrowroot	1 lb.	2 lbs.	4 lbs.
Pearl Barley	2 "	4 "	8 "
Rice	4 "	8 "	12 "
Lint	$\frac{1}{4}$ "	$\frac{1}{2}$ "	$\frac{3}{4}$ "
Sponges	1 ounce.	1 $\frac{1}{2}$ ounce.	2 ounces.
Scales and Weights	1 set	1 set.	1 set.
Graduated Drop Measure .. .. .	.. ..	1 No.	1 No.
Scissors .. .. .	.. ..	1 pair.	1 pair.
Syringes	2 No.	2 No.	2 No.
Lancets	2 "	2 "	2 "
Bandages of different sizes .. .. .	.. ..	6 "	6 "
Calico	3 yards.	4 yards.	6 yards.
Flannel	2 "	3 "	6 "
Needles, Pins, and Thread .. .. .	.. ..	1 paper.	1 paper.
Splints, common	1 set.	1 set.	1 set.
Trusses, single, 36 inches in girth	1 No.	1 No.	1 No.
Pestle and Mortar	1 "	1 "	1 "
Enema Syringe, with printed directions for use	1 "	1 "	1 "
Tile .. .. .	.. ..	1 "	1 "
Funnel .. .. .	.. ..	1 "	1 "
Pewter Cup, small .. .. .	.. ..	1 "	1 "
Teaspoons, Pewter .. .. .	.. ..	1 "	1 "
Spatula .. .. .	.. ..	1 "	1 "
Bougies	1 set.	1 set.	1 set.
Tape	1 piece.	1 piece.	1 piece.
Catheter	1 No.	1 No.	1 No.

See Note on page 164.

ADMIRALTY NOTICE RESPECTING LIGHTS AND
FOG SIGNALS TO BE CARRIED AND USED
BY SEA-GOING VESSELS, TO PREVENT
COLLISION.

BY THE COMMISSIONERS FOR EXECUTING THE OFFICE
OF LORD HIGH ADMIRAL OF THE UNITED KINGDOM
OF GREAT BRITAIN AND IRELAND, &c.

By virtue of the power and authority vested in us, we hereby revoke, as from and after the thirtieth day of September, 1858, the regulations made and published by us on the first day of May, 1852, relating to the Lights to be carried by Sea-going Vessels to prevent collision: And we hereby make the following regulations, and require and direct that the same be strictly observed and carried into effect on and after the first day of October, 1858.

STEAM VESSELS.

All Sea-going Steam Vessels* when under Steam, shall, between sunset and sunrise, exhibit the following Lights:

1. A bright White Light at the Foremast Head.

A Green Light on the Starboard side.

A Red Light on the Port side.

2. The *Mast-head* Light shall be so constructed as to be visible on a dark night, with a clear atmosphere, at a distance of at least five miles, and shall show an uniform

* When adopted in Victoria this regulation will stand thus:—"All Steam Vessels under the control of the Steam Navigation Board (excepting such as are specially exempted, such as those plying on the upper Yarra)" when under steam, &c.

NOTE 1.--Section 224 of the "Merchant Shipping Act, 1854," contains the following provisions, viz.:"The following rules shall be observed with respect to medicines, medical stores, and anti-scorbutics; 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. And if in any such ship as aforesaid, such medicines, medical stores, lime or lemon juice, or other articles, sugar and vinegar, as are hereinbefore required, are not provided and kept on board, as hereinbefore 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 hereinbefore 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.

NOTE 2.--Passenger ships which are certified under the 44th section of the "Passengers' Act, 1855," to be duly supplied with medicines, need not be also provided with medicines or other articles according to the above scale.

and unbroken light over an arc of the horizon of 20 points of the compass, and it shall be so fixed as to throw the light 10 points on each side of the ship, viz.: from right ahead to 2 points abaft the beam on either side.

3. The *Green* Light on the Starboard side and the *Red* Light on the Port side shall be so constructed as to be visible on a dark night, with a clear atmosphere, at a distance of at least 2 miles, and show an uniform and unbroken light over an arc of the horizon of 10 points of the compass, and they shall be so fixed as to throw the light from right ahead to 2 points abaft the beam on the Starboard and on the Port sides respectively.

4. The side Lights are to be fitted with inboard screens projecting at least 3 feet forward from the light, so as to prevent the lights from being seen across the bow.

5. Steam Vessels under Sail only, are not to carry their masthead Light.

FOG SIGNALS.

All Sea-going Steam Vessels, whether propelled by paddles or screws, when their steam is up, and when under way, shall in all cases of Fog use as a Fog Signal a Steam Whistle, placed before the Funnel at not less than 8 feet from the deck, which shall be sounded once at least every five minutes; but when the steam is not up, they shall use a Fog Horn or Bell, as ordered for Sailing Ships.

SAILING VESSELS.

1. All Sea-going Sailing Vessels when under-way or being towed, shall between sunset and sunrise exhibit a *Green* Light on the Starboard side and a *Red* Light on the Port side of the vessel, and such Lights shall be so constructed as to be visible on a dark night, with a clear atmosphere, at a distance of at least 2 miles, and shall show an uniform and unbroken light over an arc of the horizon of 10 points of the compass, from right a-head to 2 points abaft the beam on the Starboard and on the Port sides respectively.

2. The Coloured Lights shall be *fixed* whenever it is practicable so to exhibit them; and shall be fitted within board

screens projecting at least 3 feet forward from the Light, so as to prevent the Lights being seen across the bow.

3. When the Coloured Lights cannot be fixed (as in the case of small vessels in bad weather), they shall be kept on deck between sunset and sunrise, and on their proper sides of the vessel, ready for instant exhibition, and shall be exhibited in such a manner as can be best seen on the approach of, or to, any other vessel or vessels, in sufficient time to avoid collision, and so that the *Green* Light shall not be seen on the Port side, nor the *Red* Light on the Starboard side.

FOG SIGNALS.

All Sea-going Sailing Vessels, when under-way, shall, in all cases of Fog, use when on the *Starboard Tack* a Fog Horn, and when on the *Port Tack* shall Ring a Bell. These signals shall be sounded once at least every five minutes.

Sailing Pilot Vessels are to carry only a White Light at the Mast-head, and are to exhibit a Flare-up Light every 15 minutes, in accordance with Trinity House regulation.

VESSELS AT ANCHOR.

All Sea-going Vessels when at anchor in roadsteads or fairways, shall between sunset and sunrise exhibit where it can best be seen, but at a height not exceeding 20 feet above the hull, a White Light in a Globular Lantern of 8 inches in diameter, and so constructed as to show a clear, uniform, and unbroken light all round the horizon, at a distance of at least 1 mile.

Given under our hands this 24th day of February, 1858.

CHARLES WOOD.
R. S. DUNDAS.

By Command of their Lordships,
W. G. ROMAINE,
Secretary.

SICK SEAMEN.

Masters of Vessels and Seamen are informed that Sick and Disabled Seamen can be admitted into the Melbourne General Hospital on application to the Government Shipping Master, Melbourne.

In cases where the ship is liable to provide for the Sick Seamen, the charge is One pound five shillings (£1 5s.) per week

Cases of Accident are admitted free and at any hour, without any recommendation. Mr. Shillinglaw, the Shipping Master, sends special cases free of expense, at his discretion.

EXTRACT FROM THE "MERCHANT SHIPPING ACT, 1854."

Expenses of medical attendance and subsistence in case of illness, and of burial in case of death, how to be defrayed.

SEC. 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.

VEXATIOUS ARRESTS OF SHIPS.

- 11 VICTORIA, No. 46. An Act to prevent Frivolous and Vexatious Arrests of Ships and Vessels, or the Masters or Commanders thereof, by process issuing out of the Vice-Admiralty Court of New South Wales. [15th June, 1848.]

Preamble—Costs of arresting ship.

WHEREAS many ships and vessels, arriving and being within the limits of the Colony of New South Wales, have been frivolously and vexatiously arrested by process issuing out of the Vice-Admiralty Court of the said Colony, in suits for seamen's wages in many cases in which the said Court of Vice-Admiralty had no jurisdiction over such ships or vessels, or the master or commander thereof, on account of the contract between the master of the said ship or vessel and of the mariners thereof having been of a special nature, and such as the said Court of Vice-Admiralty could not adjudicate upon: And whereas great delay, inconvenience, and expense have been incurred by such arrests, and it is desirable that the same should in future be prevented: Be it therefore enacted by His Excellency the Governor of New South Wales, with the advice and consent of the Legislative Council thereof, That whenever any ship or vessel, or the master or commander thereof, shall be arrested by any process issuing out of the Vice-Admiralty Court of New South Wales, for any matter or thing not within the jurisdiction of the said Court of Vice-Admiralty, the complainant or complainants, or promovent or promovents in any such proceeding, and the proctor of such complainant or complainants, promovent or promovents, shall, and are hereby declared liable to pay the costs of all such proceedings, both in the Court of Vice-Admiralty, and in the Supreme Court, in case a writ of prohibition should be granted, to be taxed as between attorney and client, and in default of payment of such costs, a writ of attachment shall and may be issued out of the said Supreme Court, against the party or parties at whose suit such ship or vessel, or the master or commander thereof, shall have been arrested, and the proctor of such party or parties.

Damages from arrest.

2. And be it enacted, That it shall and may be lawful for

the master or commander of every such ship or vessel which shall have been so arrested in any such proceeding, or any other person or persons who shall or may directly or indirectly be injured or sustain any damage through or by means of any such ship or vessel, or the master or commander thereof, being arrested in any such proceeding, to sue for and recover of and from the party or parties causing such ship or vessel, or the master or commander thereof, to be arrested as aforesaid, or the proctor of such party or parties in any such proceeding as aforesaid, all and singular such damages as he or they may have sustained or be put to by any such arrest as aforesaid, in an action on the case, to be brought in any Court of competent jurisdiction in the said Colony.

Copy of ship's articles and of register.

3. And be it enacted, That a copy of the ship's articles and the signatures thereto, as well as a copy of the register (duly proved on any trial to be a true copy of such ship's articles or register), of any such ship or vessel which shall have been arrested under any process issuing out of the Vice-Admiralty Court, shall be evidence of the contents of such ship's articles and of the signatures thereto, and of the register of such ship or vessel as aforesaid, in all civil and criminal proceedings.

CHS. A. FITZ ROY, *Governor.*

POLICE (WATER).

16 VICTORIA, No. 33. An Act to abolish certain Dues on Shipping and to amend the Law relating to Seamen and Water Police. (22nd January, 1853.)

Preamble.

WHEREAS it is expedient to abolish the water police dues or tonnage duties now payable on shipping and to amend the law relating to water police and seamen as hereinafter mentioned Be it therefore enacted by His Excellency the Lieutenant Governor of the Colony of Victoria by and with

the advice and consent of the Legislative Council thereof as follows:—

Repeal of 4 Vict., No. 17, and 7 Vict., No. 21.

1. From and after the commencement of this Act an Act of the Governor and Legislative Council of the Colony of New South Wales passed in the fourth year of the reign of Her Majesty Queen Victoria intituled “*An Act for the further and better Regulation and Government of Seamen within the Colony of New South Wales and its dependencies and for establishing a Water Police*” and also an Act of the said Governor and Council passed in the seventh year of the reign of Her Majesty Queen Victoria intituled “*An Act to amend an Act intituled ‘An Act for the further and better Regulation and Government of Seamen within the Colony of New South Wales and its dependencies and for establishing a Water Police’ and further to amend the Law relating to the Government of Seamen in the Merchant Service*” shall be and the same are hereby repealed Provided that all offences which shall have been committed and all penalties and forfeitures which shall have been incurred previously to the commencement of this Act shall and may be punishable and recoverable under the said recited Acts respectively in the same manner as if this Act had not been passed.

Vessels may be boarded and searched.

2. It shall be lawful for any superintendent or officer of water police or any Justice of the Peace or constable with such assistance as they respectively may require to enter on board and search any ship or vessel entering or being within any port or harbor of the said Colony when and so often as he or they shall have reasonable ground for believing such search to be necessary in the execution of the duties imposed on them by this or any other Act of Council.

Penalty for wilfully obstructing or resisting persons in search of seamen, &c.

III. If the master of any ship or vessel or any other person shall resist or wilfully obstruct any superintendent of water police Justice of the Peace officer of customs water policeman constable or any of their respective assistants whilst searching for or endeavouring to secure any seaman

mariner or other person on board or reasonably suspected to be on board such ship or vessel or in any house or place on shore or shall rescue or attempt to rescue or assist any such seaman mariner or other person such person so offending shall be deemed guilty of a misdemeanor and upon conviction thereof shall suffer such punishment by fine and imprisonment with or without hard labor or by fine or imprisonment with or without hard labor for any term not exceeding two years as the Court before which such conviction shall be had shall determine.

Ships or houses may be searched for runaway scamen, penalties on seamen found secreted therein, and on parties harboring them.

4. It shall be lawful for the superintendent of water police in or at any port or harbor in the said Colony or any Justice of the Peace upon complaint on oath that any runaway seaman is harbored secreted or concealed or suspected to be harbored secreted or concealed on board any ship boat or other vessel or in any house or place whatsoever to issue a warrant directing any constable to search such ship boat or other vessel or such house or place and such seaman or any other seaman who shall be there found harbored secreted or concealed together with the master or other person having or being in charge of the ship boat or other vessel or the occupier of the house or place wherein any such seaman shall be so found to lodge in any watch-house there to be detained until brought before any Justice of the Peace who is hereby authorised and required to inquire into and determine the matter of such complaint and on conviction every such seaman so found harbored secreted or concealed as aforesaid unless he produce a certificate of discharge or a certificate of the registry thereof as by law required whether he be the party complained of or not shall forfeit and pay a penalty not exceeding twenty pounds and in case of non-payment thereof shall be committed to any gaol or house of correction for any term not exceeding three calendar months there to be kept to hard labor and if such master or other person having or being in charge of the ship boat or other vessel or such occupier of the house or place wherein any such seaman was so found harbored secreted or concealed shall not shew to the satisfaction of such Justice that he had not nor could have any knowledge or reasonable ground for suspicion

that such seaman had run away or absconded from his lawful service or was so harbored secreted or concealed such master or other person in charge or such occupier as aforesaid shall on conviction before such Justice in a summary way forfeit and pay for every such offence a penalty of not less than five pounds nor more than fifty pounds and in case of non-payment thereof shall be committed to any gaol or house of correction for any term not exceeding six calendar months.

Seamen guilty of insubordination may be brought before two Justices and imprisoned for four months.

5. Upon complaint on oath made by the master or other person having or being in charge of any ship or vessel within any port or harbor in the said Colony against any seaman mariner or other person employed or being in about or upon such ship or vessel for desertion insubordination or refusal to work or inciting or attempting to incite any other person engaged on board such ship or vessel as aforesaid to the commission of any such offences it shall be lawful for any Justice of the Peace to order such person to be arrested and brought before any two Justices of the Peace and it shall be lawful for the master or mate of any such ship or vessel or for any constable to apprehend any seaman mariner or other person found committing or who shall have committed any of such offences and to cause him to be conveyed before any two Justices of the Peace to be dealt with as hereinafter mentioned and any two Justices of the Peace shall and may inquire into the matter of such complaint and offence and upon due proof thereof either by such evidence as such Justices shall deem sufficient or on confession of the person complained of it shall be lawful for such Justices to commit such person to any common gaol house of correction or other place of imprisonment in the said Colony with or without hard labor as to such Justices shall seem meet for any term not exceeding four months.

Power to order convicted seaman or mariner to be put on board at after or during term of sentence.

6. It shall be lawful for the Lieutenant Governor of the said Colony or any one or more Justice or Justices of the Peace by or before whom any seaman or mariner may have been sentenced to any term or period of imprisonment with or without hard labor for any offence against any statute or

Act of Council now or hereafter to be passed or made to order and direct such seaman or mariner at or after the expiration or earlier determination of his sentence of imprisonment or at any time during the continuance thereof to be put forcibly or otherwise on board the ship or vessel to which he may belong Provided that an application for such order and direction has been previously made in writing by or on behalf of the owner or master of the ship or vessel to the Lieutenant Governor or such convicting Justice or Justices.

Summary proceedings. No Certiorari.

7. Every proceeding under this Act shall be had and taken in a summary way and no such proceeding shall be removed by *certiorari* or otherwise into the Supreme Court of the said Colony.

Application of penalties.

8. All fines and penalties recovered under this Act shall be paid and applied to the Police Reward Fund.

Repeal of Act 4, Vict. No. 17 not to prevent recovery of penalties under 10 Vict. No. 3.

9. Nothing in this Act contained shall prevent the suing for recovery and application of and appeal against any penalty under an Act of the Governor and Legislative Council of New South Wales passed in the tenth year of the reign of Her Majesty Queen Victoria intituled "*An Act to prevent the Desertion of Seamen belonging to Foreign Ships and Vessels*" but every such penalty may be sued for recovered and applied and appealed against under the said last-mentioned Act as if this Act had not been passed or the said first-recited Act had not been repealed.

Commencement of Act.

10. This Act shall commence and take effect from and after the thirty-first day of January One thousand eight hundred and fifty-three.



XIII.

ALPHABETICAL LIST OF REGISTERED VESSELS

BELONGING TO THE

PORTS OF THE COLONY OF VICTORIA,

With their Tonnage, Official Numbers, and the Signal Letters by which they are distinguished in the new "Commercial Code of Signals for the use of all Nations," authorised by the Board of Trade.

Substituted for the "List of Public Officers with whom the Masters will be brought in contact," as being of greater utility.

The Ensign to be shown at the Peak over the Code Pendant when the Signal Letters are hoisted.

† Denotes Steam Vessels, and the figures attached the horse power.

Official No.	Signal Letters.	Name of Vessel.	Port of Registry.	Tonnage.
31803	Q S L D	Abbey	Melbourne	99
31698	Q S C F	Ada † 40... ..	"	53
31659	Q R V L	Adah	"	37
31603	Q R N T	Adelaide	"	96
31997	Q T H C	Adelaide Packet...	"	130
40906	T B L C	Agenoria † 10	"	13
31656	Q R V H	Agnes	"	125
40193	S T K L	Albion	"	137
31718	Q S D L	Alexander	"	18
31741	Q S G B	Alexander	"	150
31729	Q S F G	Alice	"	25
31505	Q R G H	Alice	"	88
31536	Q R J H	Alice Martin	"	66
31691	Q S B P	Allegra	"	152
31820	Q S M G	Alligator	"	20

Official No.	Signal Letters.	Name of Vessel.	Port of Registry.	Tonnage.
31815	Q S L W	Alpha	Melbourne	39
32035	Q T K N	Ameer	"	459
32466	Q W G J	Ann	"	102
32596	Q W S B	Ann	"	194
40155	ST G W	Ann Lloyd	"	29
26361	P K T H	Annabella	"	199
31777	Q S J K	Anne and Jane	"	301
31610	Q R P G	Aphrasia † 40	"	94
40928	T B M L	Apprentice	"	143
31881	Q S T H	Aquila	"	52
31687	Q S B K	Argus	"	44
32499	Q W J M	Ariel	"	138
12850	L D N Q	Aurora	"	310
26267	P K L C	Australasian Packet	"	193
31653	Q R V D	Ajax	"	536
31911	Q S W H	Alfred	Portland	47
25830	P H N W	Bacalieu	Melbourne	105
2344	H N S F	Baron of Bramber	"	189
31837	Q S N J	Barrow	"	41
12851	L D N R	Bengal	"	314
31769	Q S H V	Benjamin Heape...	"	261
31752	Q S G R	Boomerang	"	100
31811	Q S L P	Bonnie Doon	"	216
31952	Q T D C	Boundary... ..	"	188
31793	Q S K L	Brilliant	"	112
31798	Q S K T	Briton	"	66
40911	T B L J	Brothers & Sister	"	26
40942	T B N K	Buonaparte	"	120
31679	Q R W T	Burra Burra	"	112
40941	T B N J	Boujah Maiden	Geelong	16
31882	Q S T J	Bright Planet	"	168
40898	T B K M	Cacique	Melbourne	141
31792	Q S K J	Callender	"	138
31596	Q R N H	Caroline	"	138
31717	Q S D K	Caroline	"	64
31744	Q S G F	Caroline	"	37
31680	Q R W V	Carrymore	"	178
31689	Q S B M	Carywell	"	80
31875	Q S R W	Cascade	"	38
31601	Q R N P	Cecilia	"	45
31694	Q S B V	Ceylon	"	179
40353	S V D F	Challenge... ..	"	174
40905	T B K W	Clarkstone	"	151
32176	Q V C B	Clyde	"	45
32206	Q V F B	Cobre † 43	"	46
31706	Q S C P	Commodore	"	61
31774	Q S J F	Content	"	148
31826	Q S M P	Cornwall	"	29
30988	Q N C T	Corsair	"	134
31794	Q S K M	Cygnets	"	30
31873	Q S R T	Catherine... ..	Geelong	51

176 VESSELS REGISTERED IN COLONY OF VICTORIA.

Official No.	Signal Letters.	Name of Vessel.	Port of Registry.	Tonnage.
31880	Q S T G	Champion ...	Geelong	71
31871	Q S R N	Cuba ...	"	81
31677	Q R W P	Deborah ...	Melbourne	176
31814	Q S L V	Despatch ...	"	104
31654	Q R V F	Diana ...	"	103
26257	P K J L	Dido ...	"	195
32214	Q V F M	Diligence ...	"	25
32185	Q V C N	Dobson ...	"	111
32309	Q V M T	Don Juan ...	"	130
31773	Q S J D	Dove ...	"	52
31996	Q T H B	Drover ...	"	173
6060	J M F W	Durham ...	"	149
31842	Q S N R	David ...	Geelong	25
31667	Q R W C	Eclair ...	Melbourne	30
31731	Q S F J	Edward ...	"	87
40939	T B N G	Effort ...	"	30
31682	Q S B D	Emmalege ...	"	143
31593	Q R N D	Emma Prescott ...	"	160
40903	T B K S	Emergency ...	"	27
31586	Q R M P	Emily Allison ...	"	99
31802	Q S L C	Eleonora ...	"	180
31620	Q R P W	Ellen & Elizabeth	"	38
40935	T B M W	Eliezer ...	"	56
23458	N R Q T	Eliza Goddard ...	"	192
31907	Q S W C	Elizabeth ...	"	79
31934	Q T B V	Elizabeth ...	"	109
32223	Q V G D	Elizabeth ...	"	69
40919	T B L V	Elizabeth ...	"	22
32580	Q W P V	Esperanza ...	"	141
40310	S T W G	Esther ...	"	53
40934	T B M V	Eureka ...	"	139
31818	Q S M D	Europe ...	"	557
31613	Q R P K	Evergreen ...	"	19
40940	T B N H	Expert † 9 ...	"	16
31622	Q R S C	Emma ...	Geelong	81
31843	Q S N T	Esther Ann ...	"	41
31688	Q S B L	Fairy Queen ...	Melbourne	39
31730	Q S F H	Falstaff ...	"	312
31733	Q S F L	Fame ...	"	210
31795	Q S K N	Fanny A. Garraques	"	189
40944	T B N M	Fettercairn ...	"	292
31604	Q R N V	Fisherman ...	"	11
31673	Q R W K	Flinders ...	"	35
32527	Q W L J	Frances ...	"	216
40924	T B M G	Frolic ...	"	13
40185	S T J W	Gazelle ...	"	175
40931	T B M Q	Gazelle † 30 ...	"	73
40901	T B K Q	Gem ...	"	103
31822	Q S M J	George ...	"	257
31931	Q T B P	Glencoe ...	"	159
31705	Q S C N	Gondola † 12 ...	"	20

Official No.	Signal Letters.	Name of Vessel.	Port of Registry.	Tonnage.
31695	Q S B W	Governor Arthur	Melbourne	35
31878	Q S T D	Governor Hotham	"	39
40933	T B M S	Guiana	"	172
31876	Q S T B	Gilbert Jamieson	Geelong	108
31701	Q S C J	Gil Blas	"	175
31661	Q R V N	GlasgowCitizen † 71	"	109
40914	T B L N	Harbinger	Melbourne	98
31821	Q S M H	Harlequin	"	65
31813	Q S L T	Harmony	"	133
40912	T B L K	Hazard	"	25
31861	Q S R B	Helen	"	69
24689	P B T V	Henrietta	"	129
31626	Q R S H	Henry	"	32
31675	Q R W M	Henry Edward	"	83
31910	Q S W G	Herminie	"	175
31919	Q S W T	Highland Lassie	"	179
31590	Q R M W	Harriette	Geelong	29
32497	Q W J K	Harriette	"	166
31772	Q S J C	Indus	Melbourne	368
31920	Q S W V	Iona	"	29
31775	Q S J G	Iris	"	94
31555	Q R K N	Island Lady	"	130
31611	Q R P H	Isabella	"	31
31602	Q R N S	Jane	"	19
31827	Q S M R	Jane	"	190
32042	Q T L C	Jane	"	142
40904	T B K V	Jane	"	29
31644	Q R T L	James Paxton	"	71
32175	Q V B W	Jet	"	70
32307	Q V M R	John Bull	"	70
31810	Q S L N	John Nussey	"	148
31796	Q S K P	John Scott	"	157
24562	P B J L	Joven Dolores	"	214
31642	Q R T J	Julia	"	36
31839	Q S N L	James and Amelia	Geelong	31
31627	Q R S J	Kate	Melbourne	41
31749	Q S G M	Kate	"	51
32420	Q W C H	Koh-i-noor	"	101
31697	Q S C D	Kangaroo † 32	"	52
31578	Q R M D	Kossuth	"	130
31732	Q S F K	Lady Harvey	"	146
31836	Q S N H	Lady Robillard	"	53
40910	T B L H	Laurita	"	101
32383	Q V T R	Little Pet	"	80
31683	Q S B F	Lioness † 60	"	26
31663	Q R V S	Lorenzo Sabine	"	173
31816	Q S M B	Lucy James	"	32
6054	J M F P	Lydia	"	173
40926	T B M J	Maggie	"	19
40938	T B N F	Maid of Alicante	"	98
40937	T B N D	Maid of the Mill	"	19

178 VESSELS REGISTERED IN COLONY OF VICTORIA.

Official No.	Signal Letters	Name of Vessel.	Port of Registry.	Tonnage.
31696	Q S C B	Maitland † 60 ...	Melbourne	103
40945	T B N P	Marchioness ...	"	177
31728	Q S F D	Margaret Chessell ...	"	71
31678	Q R W S	Margaret Nicol ...	"	118
31734	Q S F M	Marie Leocadie ...	"	170
31703	Q S C L	Maria ...	"	29
31690	Q S B N	Marine Plant ...	"	142
32320	Q V N M	Martha Ellen ...	"	126
25821	P H N J	Mary Ann ...	"	475
32330	Q V P G	Mary Grant ...	"	166
40232	S T N C	Medway ...	"	34
31707	Q S C R	Medway ...	"	258
31886	Q S T N	Meg Merrilies ...	"	79
40897	T B K L	Missie ...	"	197
31686	Q S B J	Melbourne ...	"	28
40936	T B N C	Melbourne ...	"	491
31824	Q S M L	Mercy ...	"	47
31712	Q S D C	Messenger ...	"	155
32475	Q W G V	Montezuma ...	"	135
31823	Q S M K	Morning Star ...	"	131
31609	Q R P F	Moscheto ...	"	35
31817	Q S M C	Mystery ...	"	16
40932	T B M R	Margaret ...	Geelong	49
31869	Q S R L	Mary Ann ...	"	133
31801	Q S L B	Mount Alexander ...	"	88
31998	Q T H D	Mariquita ...	Warrnambool	74
31692	Q S B R	Norna ...	Melbourne	196
6059	J M F V	Norway ...	"	300
15413	L S F M	Ocean ...	"	197
40943	T B N L	Oliver Frost ...	"	150
32558	Q W N K	Onyx ...	"	240
40923	T B M F	Osiris ...	"	18
32600	Q W S G	Osprey ...	"	66
40927	T B M K	Otway ...	"	27
31877	Q S T C	Osprey ...	Geelong	166
31588	Q K M T	Obe on † 25 ...	Port Albert	66
31674	Q R W L	Pauline ...	Melbourne	106
25945	P J C Q	Perthshire ...	"	536
31784	Q S J V	Pilot ...	"	114
31608	Q R P D	Pomona ...	"	13
31812	Q S L R	Prince Albert † 100 ...	"	125
31808	Q S L K	Prince Patrick ...	"	128
40918	T B L S	Princess Victoria ...	"	129
40909	T B L G	Proserpine ...	"	70
31897	Q S V J	Pearl ...	Port Fairy	151
31612	Q R P J	Rambler ...	Melbourne	72
40921	T B M C	Ranger ...	"	46
40899	T B K N	Ratler ...	"	123
31559	Q R K V	Rebecca ...	"	189
31758	Q S H D	Red Jacket ...	"	72
31510	Q R G N	Robertina ...	"	213

Official No.	Signal Letters.	Name of Vessel.	Port of Registry.	Tonnage.
31641	Q R T H	Rolla	Melbourne	165
31643	Q R T K	Rose Anna	"	43
31645	Q R T M	Rosetta	"	33
31632	Q R S P	Ruby	"	154
31693	Q S B T	Ruby	"	25
31704	Q S C M	Sailors' Friend	"	147
31676	Q R W N	Sarah Bell	"	149
40470	S V M W	Scotch Lassie	"	101
31545	Q R J W	Scotia	"	111
31567	Q R L J	Scotia	"	148
31597	Q R N J	Sebim	"	111
24946	P C W B	Senator	"	99
32174	Q V B T	Shannon	"	41
5757	J K W R	Signet	"	539
31684	Q S B G	Sisters	"	53
31750	Q S G N	Skyrocket	"	85
30876	Q M P H	Sophia	"	225
32545	Q W M N	Sophia	"	35
31664	Q R V T	Spec	"	14
32696	R B G Q	Squaw	"	165
31591	Q R N B	St. Martin	"	58
31639	Q R T F	Struan	"	207
31929	Q T B M	Swan	"	149
32023	Q T J S	Sapphire	Geelong	255
31518	Q R H D	Swallow	"	125
31870	Q S R M	Sarah Ann	"	27
40197	S T K G	Sisters	"	27
31960	Q T D N	Sea Nymph	"	188
26305	P K N Q	Sydney Griffiths	Portland	368
32021	Q T J P	Tarbert Castle	Melbourne	189
32579	Q W P T	Terror	"	377
31600	Q R N M	Tiger	"	72
40915	T B L P	Tigris	"	113
31614	Q R P L	Thistle	"	28
31623	Q R S D	Thomas Lord	"	70
16355	M B F J	Thos. Ann Cole	"	585
31740	Q S F W	Torca	"	58
31757	Q S H C	Twins	"	41
31985	Q T G H	Tyne	"	93
31607	Q R P C	Triumph	"	45
31699	Q S C G	Vesta † 32	"	68
31809	Q S L M	Victoria	"	37
40920	T B L W	Victoria	"	40
31825	Q S M N	Village Belle	"	127
31494	Q R F M	Voyager	"	137
31547	Q R K C	Vivid	"	148
40164	S T H M	Vixen	"	168
31764	Q S H M	Van Tromp	Geelong	32
31619	Q R P V	Velocity	"	138
31866	Q S R H	Vibilia	"	121
31819	Q S M F	Waitemata	Melbourne	51

180 VESSELS REGISTERED IN COLONY OF VICTORIA

Official No.	Signal Letters.	Name of Vessel.	Port of Registry.	Tonnage
40913	T B L M	Wave	Melbourne	66
31496	Q R F P	Wa'er Lily	"	50
31768	Q S H T	Waterwitch	"	22
31767	Q S H R	Williamstown	"	168
31739	Q S F V	William Thomas... ..	"	43
40902	T B K R	Wings of the Wind	"	941
40157	S T H C	Wonga Wonga †30	"	750
40900	T B K P	Wyvern	"	127
31868	Q S R K	William	Geelong	31
31957	Q T D J	William Hill	"	119
31872	Q S R P	William&Margaret	"	21
40925	T B M H	Xarifa	Melbourne	208
31681	Q S B C	Xylon	"	600
31685	Q S B H	Yarra	"	37

CROSS INDEX.

Signal Letters.	Name of Vessel.	Signal Letters.	Name of Vessel.
H N S F	Baron of Bramber	Q R N P	Cecilia
J K W R	Signet	Q R N S	Jane
J M F P	Lydia	Q R N T	Adelaide
J M F V	Norway	Q R N V	Fisherman
J M F W	Durham	Q R P C	Triumph
L D N Q	Aurora	Q R P D	Pomona
L D N R	Bengal	Q R P F	Moscheto
L S F M	Ocean	Q R P G	Aphrasia † 40
M B F J	Thos. Ann Cole	Q R P H	Isabella
N R Q T	Eliza Goddard	Q R P J	Rambler
P B J L	Joven Dolores	Q R P K	Evergreen
P B T V	Henrietta	Q R P L	Thistle
P C W B	Senator	Q R P V	Velocity
P H N W	Bacalieu	Q R P W	Ellen & Elizabeth
P H N J	Mary Ann	Q R S C	Emma
P J C Q	Perthshire	Q R S D	Thomas Lord
P K J L	Dido	Q R S J	Kate
P K L C	Australasian Packet	Q R S H	Henry
P K N Q	Sydney Griffiths	Q R S P	Ruby
P K T H	Annabella	Q R T F	Struan
Q K M T	Oberon † 25	Q R T H	Rolla
Q M P H	Sophia	Q R T J	Julia
Q N C T	Corsair	Q R T K	Rose Anna
Q R F M	Voyager	Q R T L	James Paxton
Q R F P	Water Lily	Q R T M	Rosetta
Q R G H	Alice	Q R V D	Ajax
Q R G N	Robertina	Q R V F	Diana
Q R H D	Swallow	Q R V H	Agnes
Q R J H	Alice Martin	Q R V L	Adah
Q R J W	Scotia	Q R V N	Glasgow Citizen † 71
Q R K C	Vivid	Q R V S	Lorenzo Sabine
Q R K N	Island Lady	Q R V T	Spec
Q R K V	Rebecca	Q R W C	Eclair
Q R L J	Scotia	Q R W K	Flinders
Q R M D	Kossuth	Q R W L	Pauline
Q R M P	Emily Allison	Q R W M	Henry Edward
Q R M W	Harriette	Q R W N	Sarah Bell
Q R N B	St. Martin	Q R W P	Deborah
Q R N D	Emma Prescott	Q R W S	Margaret Nicol
Q R N H	Caroline	Q R W T	Burra Burra
Q R N J	Sebin	Q R W V	Carrymore
Q B N M	Tiger	Q S B C	Xylon

Signal Letters.	Name of Vessel.	Signal Letters.	Name of Vessel.
Q S B D	Emmalege	Q S J K	Anne and Jane
Q S B F	Lioness † 60	Q S J V	Pilot
Q S B G	Sisters	Q S K J	Callender
Q S B H	Yarra	Q S K L	Brilliant
Q S B J	Melbourne	Q S K M	Cygnat
Q S B K	Argus	Q S K N	Fanny A. Garraques
Q S B L	Fairy Queen	Q S K P	John Scott
Q S B M	Carywell	Q S K T	Briton
Q S B N	Marine Plant	Q S L B	Mount Alexander
Q S B P	Allegra	Q S L C	Eleonora
Q S B R	Norna	Q S L D	Abbey
Q S B T	Ruby	Q S L K	Prince Patrick
Q S B V	Ceylon	Q S L M	Victoria
Q S B W	Governor Arthur	Q S L N	John Nussey
Q S C B	Maitland † 60	Q S L P	Bonnie Doon
Q S C D	Kangaroo † 32	Q S L R	Prince Albert † 100
Q S C F	Ada † 40	Q S L T	Harmony
Q S C G	Vesta † 32	Q S L V	Despatch
Q S C J	Gil Blas	Q S L W	Alpha
Q S C L	Maria	Q S M B	Lucy James
Q S C M	Sailors' Friend	Q S M C	Mystery
Q S C N	Gondola † 12	Q S M D	Europe
Q S C P	Commodore	Q S M F	Waitemata
Q S C R	Medway	Q S M G	Alligator
Q S D C	Messenger	Q S M H	Harlequin
Q S D K	Caroline	Q S M J	George
Q S D L	Alexander	Q S M K	Morning Star
Q S F D	Margaret Chessell	Q S M L	Mercy
Q S F G	Alice	Q S M N	Village Belle
Q S F H	Falstaff	Q S M P	Cornwall
Q S F J	Edward	Q S M R	Jane
Q S F K	Lady Harvey	Q S N H	Lady Robillard
Q S F L	Fame	Q S N J	Barrow
Q S F M	Marie Leocadie	Q S N L	James and Amelia
Q S F V	William Thomas	Q S N R	David
Q S F W	Toroa	Q S N T	Esther Ann
Q S G B	Alexander	Q S R B	Helen
Q S G F	Caroline	Q S R H	Vibilia
Q S G M	Kate	Q S R K	William
Q S G N	Skyrocket	Q S R L	Mary Ann
Q S G R	Boomerang	Q S R M	Sarah Ann
Q S H C	Twins	Q S R N	Cuba
Q S H D	Red Jacket	Q S R P	William & Margaret
Q S H M	Van Tromp	Q S R T	Catherine
Q S H R	Williamstown	Q S R W	Cascade
Q S H T	Waterwitch	Q S T B	Gilbert Jamieson
Q S H V	Benjamin Heape	Q S T C	Osprey
Q S J C	Indus	Q S T D	Governor Hotham
Q S J D	Dove	Q S T G	Champion
Q S J G	Iris	Q S T H	Aquila
Q S J F	Content	Q S T J	Bright Planet

Signal Letters.	Name of Vessel.	Signal Letters.	Name of Vessel.
Q S T N	Meg Merrilies	S T J W	Gazelle
Q S V J	Pearl	S T K G	Sisters
Q S W C	Elizabeth	S T K L	Albion
Q S W G	Herminie	S T N C	Medway
Q S W H	Alfred	S V D F	Challenge
Q S W T	Highland Lassie	S V M W	Scotch Lassie
Q S W V	Iona	S T W G	Esther
Q T B M	Swan	T B N J	Boujah Maiden
Q T B P	Glencoe	T B K L	Missie
Q T B V	Elizabeth	T B K M	Cacique
Q T D C	Boundary	T B K N	Ratler
Q T D J	William Hill	T B K P	Wyvern
Q T D N	Sea Nymph	T B K Q	Gem
Q T G H	Tyne	T B K R	Wings of the Wind
Q T H B	Drover	T B K S	Emergency
Q T H C	Adelaide Packet	T B K V	Jane
Q T H D	Mariquita	T B K W	Clarkstone
Q T J P	Tarbert Castle	T B L C	Agenoria † 10
Q T J S	Sapphire	T B L G	Prosepine
Q T K N	Ameer	T B L H	Laurita
Q T L C	Jane	T B L J	Brothers & Sister
Q V B T	Shannon	T B L K	Hazard
Q V B W	Jet	T B L M	Wave
Q V C B	Clyde	T B L N	Harbinger
Q V C N	Dobson	T B L P	Tigris
Q V F B	Cobre † 43	T B L S	Princess Victoria
Q V F M	Diligence	T B L V	Elizabeth
Q V G D	Elizabeth	T B L W	Victoria
Q V M R	John Bull	T B M C	Ranger
Q V M T	Don Juan	T B M F	Osiris
Q V N M	Martha Ellen	T B M G	Frolic
Q V P G	Mary Grant	T B M H	Xarifa
Q V T R	Little Pet	T B M J	Maggie
Q W C H	Koh-i-noor	T B M K	Otway
Q W G J	Ann	T B M L	Apprentice
Q W G V	Montezuma	T B M R	Margaret
Q W J K	Harriette	T B M S	Guiana
Q W J M	Ariel	T B M Q	Gazelle † 30
Q W L J	Frances	T B M V	Eureka
Q W M N	Sophia	T B M W	Eliezer
Q W N K	Onyx	T B N C	Melbourne
Q W P T	Terror	T B N D	Maid of the Mill
Q W P V	Esperanza	T B N F	Maid of Alicante
Q W S B	Ann	T B N G	Effort
Q W S G	Osprey	T B N H	Expert † 9
R B G Q	Squaw	T B N K	Buonaparte
S T G W	Ann Lloyd	T B N L	Oliver Frost
S T H C	Wonga Wonga † 30	T B N M	Fettercairn
S T H M	Vixen	T B N P	Marchioness

GENERAL INDEX.

A.

	Page
AGREEMENT WITH SEAMEN	xiv. 59
Under 80 tons not required	xiv.
Form for Whalers	xv.
To be delivered to Shipping masters	xv.
Regulations on Engagements	xxiii.
Advance and Allotment	xxviii. 65, 106
Admiralty Notice as to Light and Fog Signals	164
APPRENTICES	73
Indentures	xv. 97
Opinion of Registrar General on	xxix.

C.

COLONIAL LEGISLATURE—	
May adopt M. S. Act	xiii. 57
COLONIES—	
Ships belonging to. Act 13 Vic. No. 28	xiv. 58
Colonial Foreign-going Ship, definition of	xxii.
Colonial Home trade Ship, definition of	xxii.
Consuls, authority of, &c.	xxxii.
Customs (principal officer of), authority of	xxi.
Clifford's Patent, apparatus for stowing and lowering boats	160

D.

DISCHARGE OF SEAMEN—	
Former discharge required before shipping	xv. 59
Regulations respecting	xxv. 66, 105
Discharge of Cargo by crew	63
DESERTION	
Harboring Deserters	65, 171

E.

ENGAGEMENT OF SEAMEN —	
Agreement or Articles	xiv
Regulations respecting	xxiii

F.

	Page
Foreign Seamen's Act	xvi. 99
Destitute Foreign Seamen	90
Fog Signals	164

L.

Legal Procedure	xiii. 51
LOG BOOK (Official) to be produced to Shipping Master...	xv.
Ship's Log Book in Victoria	xxix.
Entries required	64

M.

MEDICINES to be kept on board	xvi. 70
Lime Juice, Molasses, and Vinegar	xxxi.
Scale of	162
MANNING	xxii.
Masters, wages	xxvii.
MERCHANT SHIPPING ACT—	viii.
Part II.	3
Part X.	51
Part XI.	56
Sec. 228 (Sick Seamen)	167

N.

Natives of India, agreements with	xiii. 56
Naval Officers, authority of	xxxii.

O.

OWNERS --	
Ownership	xi.
Liability of	xi. 42

P.

PROTECTION OF SEAMEN ACT	xvii. 104
Detention of Property	65
Passenger Acts	57
PILOTAGE ACT	xix. 132
Regulations	138
Port Regulations for Victoria	xix. 149
PROVISIONS	
Scale of and right to	xxx. 66
Seamen may complain of, &c.	xxx

R.

	Page
REGISTRY	xi. 12
Ownership	xi. 4, 42
Measurement	xi. 5
Registered Ships belonging to Victoria, List of, with Cross Index	174

S.

SHIPS (Colonial)	
Alphabetical List of Ships Registered in Vic- toria, &c., with a Cross Index	174
Vexatious arrests of, Act	168
Under and above 80 tons	xiv.
Whalers	xv.
Above 10 tons to deliver Crew List ..	xv.
SAILOR'S HOME	xxxii.
SEAMEN'S HOSPITAL	
Regulations as to admission ..	xxxii.
Sick Seamen—Regulations respecting	xvi. 167
Injured in service of ship ..	xvi. 71
SEAMEN—	
Complaints by	xxi.
Qualification of an A. B.	xxii.
Qualification of an O. S.	xxii.
Engagement of	xxiii.
Discharge of	xxv.
Offences of	61, 172
Seamen (deceased)	72
Detention of Property	65, 107
STEAM NAVIGATION ACT	xviii. 111
Steamers in Victoria	9
Scale of Fees	160
Stowing and lowering ships' boats	160
Shipping Master—his office, duties, and powers	xx.
Shipping Agents (licensed)	xxiv. 104
Signals at Melbourne and Geelong	159
Light and Fog Signals (Admiralty Notice)	164

W.

WAGES	
Right to	xxvii.
Cease by wreck, &c.	65, 67, 106
Time for payment	
Masters have same rights and compensation	
Table for Calculating Wages	161
Water Police Act	169



DOVE & OSWALD,

SHIP CHANDLERS,

MELBOURNE & WILLIAMSTOWN,

OWNERS OF STEAM TUGS

'BLACK EAGLE' & 'SAMSON,'

AND OF THE

FLOATING DOCK,

AND

COAL HULK,

'SIR WILLIAM MOLESWORTH,'

&c., &c.,

OFF WILLIAMSTOWN

Goods Delivered in the Bay Free of Charge.

INGLES, ADAM, & GRESHAM,
SHIP CHANDLERS,
GROCCERS & PROVISION DEALERS,
 RAILWAY STATION, SANDRIDGE.

I. A. & G. invite the attention of Captains and others requiring supplies, to their large and well-selected Stock of Stores of every description suitable for each department of the ship.

Ship Chandlery.

Canvas
 Ropes
 Blocks
 Oils
 Paints
 Pitch
 Tar
 Oakum
 Nails
 Varnishes
 Brushes
 Buckets
 Anchors
 Chains
 Shackles
 Copper Sheet and Nails
 Yellow Metal
 Charts
 Hawsers
 &c. &c. &c.

Ship Stores.

Beef
 Pork
 Flour
 Biscuit
 Tea
 Coffee
 Sugar
 Rice
 Peas
 Oatmeal
 Barley
 Fish
 Treacle
 Lime Juice
 Rum
 Tobacco
 Soap
 Lamp Oil
 Lamps
 &c. &c. &c.

Cabin Stores.

Flour
 Hams
 Bacon
 Cheese
 Butter
 Candles, Sperm, &c.
 Currants and Raisins
 Spices
 Jams
 Dried Fruits
 Sauces
 Ale
 Porter
 Wines and Spirits
 Meats, Soups, and Fish
 Sugars, Loaf, &c.
 Pickled Suet
 Coffee, Raw and Ground
 Tea, Black and Green
 &c. &c. &c.

*Clothing, Boots and Shoes, Cutlery, Ironmongery, Crochery,
 Glassware, Hardware, Holloware, Timber, Spars,
 Berth Boards, Water Casks, &c.*

SAILS MADE TO ORDER.

Owing to the advantages afforded by their position, I. A. & G. can offer unusual facility for despatch in the Supply and Delivery of Orders entrusted to their care.

H. B. DONALDSON & CO.,

SHIP CHANDLERS,

PROVISION MERCHANTS

AND

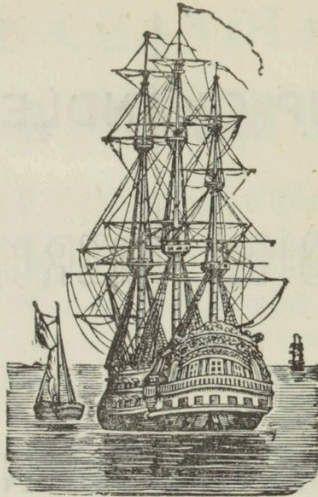
SALESMEN,

SANDRIDGE.

~~~~~  
SHIPS' MASTS, YARDS, PLANKING, WATER CASKS,  
COPPERS, BOATS., &c.,  
ALWAYS ON HAND.  
~~~~~

*N.B.—All Goods Delivered in the Bay or Town Free
of Charge.*

LICENSED SHIPPING OFFICE,



31 WILLIAM STREET.

OWEN MORGAN,

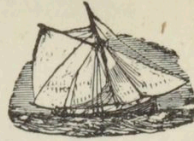
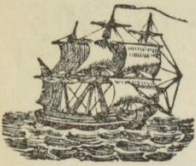
ESTABLISHED 1844.

Mr. MORGAN begs to inform Captains of Vessels trading to and from *Melbourne, Victoria*, that he has held a License to engage and supply seamen for merchant vessels for the past fourteen years, from the Governor and Executive Council in Sydney, previous to Separation; since then from the Governor and Executive Council of Victoria.

Mr. M. also begs to refer Captains to all the principal agents in Melbourne, for whose houses, he feels happy to say, he has transacted business as Shipping Agent for the several vessels consigned to them.

Mr. M. would also state it has been, and is still, his anxious desire to further the interests of all captains who may favour him with their orders.

Several similar agencies having been appointed in Victoria, Mr. M. feels obliged to impress on the minds of all commanders of ships that he has no connection whatever with any such agencies. He rests wholly on his own original foundation, 1844.

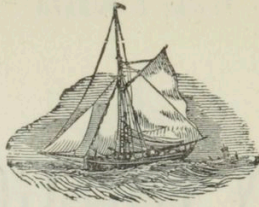


JOHN GREGORY,
LICENSED SHIPPING AGENT,
COMMISSION AGENT,
AND
BALLAST CONTRACTOR.

OFFICES:
No. 39 MARKET STREET,

AND AT
WILLIAMSTOWN.

N.B.—Vessels supplied with River Sand, or Stone, Ballast, on the shortest notice, and on the most Reasonable Terms.



WRIGHT & PYLE,

LICENSED

Seamen's Shipping Agents,

In returning thanks for the large amount of Patronage hitherto bestowed upon them by Masters of Merchant Ships frequenting Hobson's Bay, beg respectfully to announce that they have had the fast-sailing Boat,

“FAUG-A-BALLAGH,”

built expressly to meet the requirements of their extending business. Seamen will now be put on board ships at any hour, as may be required; and Captains of Vessels may rely upon every effort being made by the Subscribers to retain the Patronage which has been already so largely bestowed.

WRIGHT & PYLE,

SHIPPING AGENTS,

102 COLLINS STREET WEST.

NOTICE TO SHIPMASTERS.

P. F. LYNCH,

(Late of Wilkie & Lynch, Liverpool)

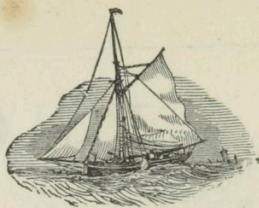
Licensed Seamen's Shipping**AGENT,**

Begs to announce that he has

COMMENCED BUSINESS IN MELBOURNE,

And respectfully Solicits the Work of SHIPMASTERS Visiting
Hobson's Bay.

MR. LYNCH would particularly solicit the Patronage of Masters of Merchant Ships, who, during a period of Twenty-two years supported him in Liverpool; and the numerous testimonials in his possession from *Liverpool Merchants*, for whose ships the Advertiser has furnished crews, will prove a sufficient recommendation to Captains in want of men.



BRUCE, NORTON & CO.,

STEAM TUG

AND

L I G H T E R

AGENTS,

83 FLINDERS STREET WEST,

T. M. BENNET,

Ship & Insurance Broker,

AND

GENERAL COMMISSION AGENT,

7 MINCING LANE,

MELBOURNE.

VESSELS PROVIDED WITH FREIGHT OR CHARTER.

SHIPS & CARGOES SOLD BY PRIVATE CONTRACT.

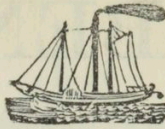
Goods Lightered to, or from, the Wharf and
Hobson's Bay.

REGULAR TRADERS TO

G E E L O N G

FROM

MELBOURNE DOCK AND THE BAY.



STEAM TUG

AND

LIGHTERAGE.

RALEIGH'S WHARF.

C. L. THROCMORTON.

GEORGE HURRY,

WHARF,

SHIPPING,

AND

Licensed Custom House Agent,

ALSO,

LICENSED GAUGER.

OFFICE,

71 FLINDERS LANE WEST,

MELBOURNE.

SYKES, YOUNG & CO.

BOILER MAKERS,

IRON SHIP BUILDERS,

AND

SHIP SMITHS,

SOUTH YARRA BOILER WORKS,

OPPOSITE COLE'S WHARF,

MELBOURNE.

TENDERS GIVEN IF REQUIRED.

ALL ORDERS EXECUTED ON THE SHORTEST NOTICE.

PIGOTT BROTHERS & CO.,

SHIP BROKERS,

Commission and Custom House

AGENTS,

COAL AND TIMBER

MERCHANTS,

45 WILLIAM STREET,

Back of the Government Shipping Office,

MELBOURNE.

MELBOURNE BRANCH
HOBART TOWN & LAUNCESTON
Marine Insurance Company.

ESTABLISHED 1835.

HEAD OFFICE, STONE BUILDINGS, HOBART TOWN.

Directors:

ASKIN MORRISON
 WM. CROSBY
 HENRY HOPKINS

THOMAS GIBLIN
 JOHN FOSTER

THOMAS MACDOWELL, Manager.
 MICHAEL EVANS, Accountant.

Agents:

Melbourne—**DOWNING, GRIFFITH AND CO.**

JOSEPH LUKEY, Surveyor.

Agent at Launceston—**JAMES PETERS.**

Agents at Adelaide—**F. J. BECK AND CO.**

Agents at Geelong—**SWANSTON, WILLIS, AND STEPHEN.**

Agents at London—**FENWICK, LA ROCHE AND CO.,**
 36 St. Mary-at-Hill.

This Company having made arrangements for the payment in London of claims for loss or average on Policies effected by them in England, are now prepared to issue Policies payable in London, the same, if required, granted in triplicate.

DOWNING, GRIFFITH AND CO., Agents,
 QUEEN STREET.

MELBOURNE BRANCH
TASMANIAN FIRE INSURANCE COMPANY,

ESTABLISHED 1835.

Head Office, Stone Buildings, Hobart Town.

Directors:

HENRY HOPKINS
 THOMAS GIBLIN
 HENRY MILLER

THOMAS Y. LOWE
 WILLIAM CROSBY

Manager:

THOMAS MACDOWELL.

Agents at Melbourne:

DOWNING, GRIFFITH AND CO.
 QUEEN STREET.

FOXTON'S FREE STORES,

100 FLINDERS LANE,

AND

87 FLINDERS STREET, WHARF,

MELBOURNE.

GOODS OF ALL DESCRIPTIONS STORED.

Cool Cellarage for Butter, Beer, &c.,

AT LOWEST CURRENT RATES.

*All Business connected with the Clearing, Lightering,
Landing, and Carting of Goods carefully transacted.*

**FOXTON & HUNT,
CUSTOM HOUSE**

AND

**SHIPPING AGENTS,
CUSTOM HOUSE,
MELBOURNE.**

Established 1842.

STEAM TO PORTLAND.

THE POWERFUL IRON STEAMSHIP

“QUEEN,”

CAPTAIN BLACKBOURN,

SAILS FOR

PORTLAND

VIA PORT FAIRY AND WARRNAMBOOL,

Every SATURDAY at 10 o'Clock.

McMECKAN, BLACKWOOD & CO.

STEAM TO ADELAIDE.

THE FAVORITE PASSENGER STEAMSHIPS

HAVILAH	-	Captain D. M'Fie
WHITE SWAN	„	J. M'Lean
BURRA BURRA	„	A. A. Harper

SAIL FOR THE ABOVE PORT TWICE A WEEK.

McMECKAN, BLACKWOOD & Co.,

AGENTS,

KING STREET.

TO CAPTAINS & OFFICERS OF SHIPS.

SIR CHARLES HOTHAM

Family & Commercial

H O T E L .

JAMES ORKNEY,

PROPRIETOR.

GOOD ATTENDANCE.—CHARGES MODERATE.

PLOCK & KÖHLER,
CLOTHIERS & OUTFITTERS,

45 and 47 Flinders Street West,

OPPOSITE THE ICE HOUSE.

PASSENGERS' OUTFITS TO ALL PARTS OF THE WORLD.

Mess Utensils, Marine Soap, Beds, Towels, &c.

CAPTAINS AND SEAMEN SUPPLIED.

WATERPROOF CLOTHING—

A LARGE STOCK KEPT.

**CASH ADVANCED ON INVOICES AND OTHER
APPROVED SECURITIES.**

SAILORS'
ADVANCE NOTES CASHED,

At a Reasonable Rate of Discount.

STEWART, CARRICK & Co.,

(LATE STEWART, TAYLOR & Co.,)

SHIP CHANDLERS,

PROVISION MERCHANTS,

WINE & SPIRIT DEALERS,

WILLIAMSTOWN.

GEORGE BURRELL & Co.,

SHIP CHANDLERS, SAILMAKERS,

WINE, SPIRIT

AND

Provision Merchants,

WHOLESALE & RETAIL,

WILLIAMSTOWN.

STORES SHIPPED DUTY FREE, PURCHASE FALLS & BLOCKS ON HAND.

STEELE & WOOD,
SHIPPING & GENERAL BUTCHERS,
145 FLINDERS STREET WEST,

201 KING STREET,

AND 42 JEFFCOTT STREET,

MELBOURNE.

PRIME MESS BEEF WARRANTED FOR ANY CLIMATE.

Corned Beef, Poultry, Bread and Vegetables, in
Regular Supply.

4 A

FULTON FOUNDRY,
FLINDERS STREET WEST.

THOMAS FULTON AND CO.,

ENGINEERS,

SHIPS MITHS,

BOILER MAKERS,

AND

IRONMONGERS,

&c., &c., &c.

SHIP AND STEAMER WORK EXECUTED WITH DESPATCH.

THOMAS FULTON & CO.,

FULTON FOUNDRY,

FLINDERS STREET WEST.

H. A. COFFEY,

AUCTIONEER,

SHIP BROKER, &C.,

MELBOURNE.

WHITE STAR

LINE OF



PACKETS,

SAILING FROM

MELBOURNE FOR LIVERPOOL MONTHLY

AND FROM

LIVERPOOL TO MELBOURNE

On 20th and 27th day of each month.

Passengers forwarded at Through Rates to all parts of Australia and Great Britain.

Prepaid Passage Certificates issued by the Undersigned, and Parties desirous of sending for their Friends can have them conveyed out by any of the celebrated Clippers comprising this Line, viz. :

<i>SHIP.</i>	<i>TONS.</i>	<i>COMMANDER.</i>
RED JACKET	- 2460	- M. H. O'Halloran
WHITE STAR	- 2500	- T. C. Kerr
GOLDEN ERA	- 1800	- H. A. Brown
MERMAID	- 1600	- Edward Devey
SHALIMAR	- 1650	- J. R. Brown
ANNIE WILSON	1500	- J. Duckitt
SULTANA	- 1450	- D. C. Taylor
BEN NEVIS	- 1500	- Wm. Herron

The Vessels of this favorite Line, so long employed in the conveyance of the Royal Mails to and from this Country, have been constructed solely for the Australian Passenger Trade (ventilation and space being of the highest order), and are commanded by Gentlemen of experience whose urbanity and attention to all classes of Passengers has won for them a universal reputation.

For further particulars, and all information, apply to

H. T. WILSON & CO.,

122 COLLINS STREET WEST, MELBOURNE.

WATERLOO LIFE ASSURANCE COMPANY

INCORPORATED BY ACT OF PARLIAMENT.

SUBSCRIBED CAPITAL, £400,000,

With Upwards of 600 Shareholders.

Head Offices:

355 STRAND, LONDON.

Policies issued immediately, without previous reference to London.

Annuities and Endowments granted.

Second-class lives assured at equitable rates.

No extra charge for voyages to Europe and back.

Medical Referee:

A. C. BROWNLESS, Esq., M.D., Lonsdale Street East.

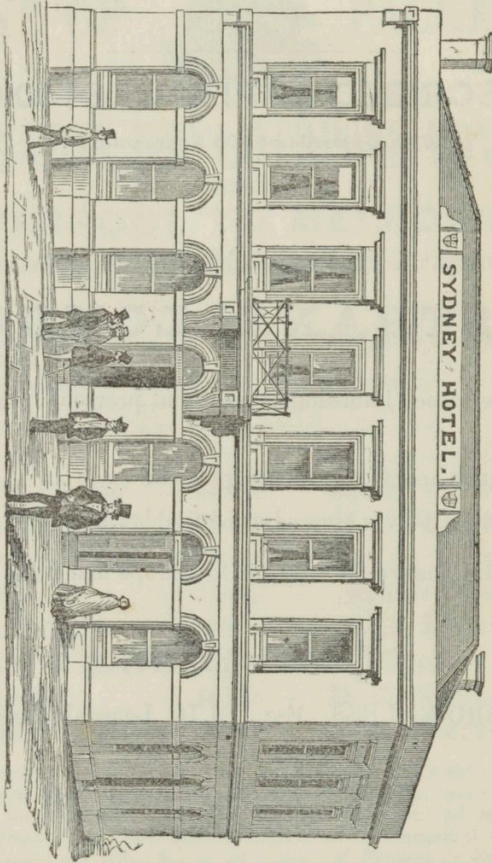
MELBOURNE AGENCY, conducted by

B. R. MATHEWS & SON,

5 MARKET STREET.

SYDNEY HOTEL,

WILLIAM STREET, MELBOURNE,
OPPOSITE THE CUSTOM HOUSE.



CAPTAINS, OFFICERS and PASSENGERS
will find this Hotel will afford Every Comfort
and Convenience, combined with the most
Moderate Charges.

A. DEMPSTER, Proprietor.

J. F. DOW & Co.,

Port Phillip Foundry,

FLINDERS STREET WEST,

MELBOURNE,

ENGINEERS,

FOUNDERS, BLACKSMITHS,

BOILER MAKERS, &c.

Orders punctually and expeditiously attended to.

COLE'S WHARF,
MELBOURNE.

STEAM TUGS:

"ADA" "LIONESS"
 "GEELONG" "KANGAROO"
 "VESTA"

STEAMERS:

"PRINCE ALBERT" "RUBY"
 "DIAMOND."

LIGHTERAGE:

TO AND FROM THE BAY, AND ALSO
 TO GEELONG.

STORAGE:

BONDED GOODS IN MINCING LANE
 STORE;
 FREE GOODS IN HOTHAM BUILDINGS
 STORE.

GEORGE WARD COLE,

PROPRIETOR.

MELBOURNE, 1ST AUGUST, 1858.

T. SWALLOW,

SHIP-BREAD BAKER,

SANDRIDGE.

ELWORTHY AND Co.,

SHIPPING BUTCHERS,

NEAR THE RAILWAY PIER,

SANDRIDGE.



WILSMORE, BOX & CO.,



Graziers, Wholesale and Retail Butchers,

WILLIAMSTOWN.

FAT CATTLE AND SHEEP FOR SHIPMENT, CORNED BEEF,
POULTRY, BREAD AND VEGETABLES, &c.

N. B.—SHIPPING SUPPLIED DAILY.

WILLIAM & GEORGE WHITE,

(FROM COWES, ISLE OF WIGHT,)

Shipwrights, Shipsmiths,

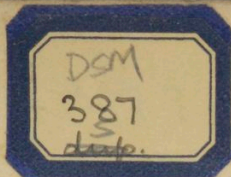
BOATBUILDERS & MARINE SURVEYORS,



WILLIAMSTOWN.

An 4371779





DSM/ 983.7/ S
The Australian shipmaster's
guide : a handbook of
mercantile and maritime
information relating to
merchant ships and seamen

**STATE LIBRARY
OF N.S.W.**



N1793527

387
dup.