The Word "Magistrate" shall be taken to mean a Sheriff or Justice of the Peace or other Magistrate for the County, City, Burgh, Stewartry, or other Jurisdiction in which any Offence against this Act shall be committed, or in which the Matter requiring the Cognizance of such Sheriff, Justice of the Peace, or Magistrate shall arise:

The Word "Animal" shall be taken to mean any Horse, Mare, Gelding, Bull, Ox, Cow, Heifer, Steer, Calf, Mule, Ass, Sheep, Lamb, Hog, Pig, Sow, Goat, Dog, Cat, or any other domestic Animal:

The Word "Constable" shall be taken to mean any Sheriff Officer, Police Officer, Special Constable, Justice of Peace Constable, or any Person belonging to any Constabulary Force in any Part of the United Kingdom:

Words denoting the Singular Number shall include the Plural Number, and Words denoting the Masculine Gender shall include Persons and Animals of the Feminine Gender:

The Word "over-drive" shall also signify "over-ride."

Nothing in this Enactment to interfere with Prosecutions at Common Law.

XII. And be it enacted, That nothing contained herein shall prevent any Act which may be an Offence under this Act, but which could have been prosecuted and punished as an Offence at Common Law, or under any Act, if this Act had not passed, from being so prosecuted and punished as if this Act had not passed.

Act may be amended, &c.

XIII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

CAP. XCIII.

An Act for improving the Condition of Masters, Mates, and Seamen, and maintaining Discipline in the Merchant Service. [14th *August* 1850.]

'WHEREAS it is expedient to make Provision for improving the Condition of Masters, Mates, and Seamen, and for maintaining Discipline, in the *British* Merchant Service:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

I. *Short Title.*

1. That this Act may be cited as "The Mercantile Marine Act, 1850."

II. *Interpretation.*

2. And be it enacted, That in the Construction of this Act the following Words and Expressions shall have the Meanings hereby assigned to them, if not inconsistent with the Context or Subject Matter; (that is to say,)

Number and Gender:

Words of One Number or Gender shall import all Numbers and Genders:

"Her Majesty:"

The Expression "Her Majesty" shall include Her Majesty, Her Heirs and Successors:

"Her Majesty's Dominions:"

The Expression "Her Majesty's Dominions" shall include Her Majesty's Dominions strictly so called, and all Territories under the Government of the *East India* Company, and all other Territories (if any) governed by virtue of any Charter or Licence from the Crown or Parliament of *Great Britain*:

"United Kingdom:"

The Expression "United Kingdom" shall include *Great Britain* and *Ireland*:

"Board of Trade:"

The Expression "Board of Trade" shall mean the Committee of Her Majesty's Privy Council appointed for the Consideration of Matters relating to Trade and Foreign Plantations:

"Consular Officer:"

The Word "Consular Officer" shall include Consul-General, Consul, and Vice-Consul:

"Ship:"

The Word "Ship" shall include every Description of Sea-going Vessel:

"Home Trade Ship:"

The Expression "Home Trade Ship" shall include every "Ship" to which this Act applies employed in trading or going within the following Limits; (that is to say,) the Coasts of the United Kingdom, the Islands of *Guernsey*, *Jersey*, *Sark*, *Alderney*, and *Man*, and the Continent of *Europe*, between the River *Elbe* and *Brest* inclusive:

The

"Foreign-going Ship:" The Expression "Foreign-going Ship" shall include every "Ship" to which this Act applies employed in trading or going beyond the Limits aforesaid:

"Seaman:" The Word "Seaman" shall include every Person (except Masters and Apprentices duly indentured and registered) employed or engaged to serve in any Capacity on board any "Ship:"

"General Merchant Seamen's Act:" 7 & 8 Vict. c. 112. The Expression "General Merchant Seamen's Act" shall mean an Act passed in the Session holden in the Seventh and Eighth Years of the Reign of Her Majesty Queen *Victoria*, intituled *An Act to amend and consolidate the Laws relating to Merchant Seamen, and for keeping a Register of Seamen:*

"Seamen's Protection Act:" 8 & 9 Vict. c. 116. The Expression "Seamen's Protection Act" shall mean an Act passed in the Session holden in the Eighth and Ninth Years of the Reign of Her Majesty Queen *Victoria*, intituled *An Act for the Protection of Seamen entering on board Merchant Ships.*

Explanation and Alteration of Terms in 8 & 9 Vict. c. 116.

3. And be it declared and enacted, That the Words "Seaman" and "Seamen" in the said "Seamen's Protection Act" are meant to include any Person or Persons about to serve as Seamen, notwithstanding that they have not previously been at Sea, and are also meant to include Apprentices in the Sea Service and Persons about to become such Apprentices; and that the said "Seamen's Protection Act" shall, after the Thirty-first Day of *December* One thousand eight hundred and fifty, be read and construed as if the Expression "the Ship's Husband" were replaced by the Expression "a Mate of the Ship," and the Expression "Ship's Husband" were replaced by the Expression "Mate of the Ship."

III. *Extent of Operation.*

4. And be it enacted, That the several Parts of this Act which relate to any "Ships," or to the Owners, Masters, Mates, "Seamen," or Apprentices of any "Ships," shall, so far as the Context and Subject Matter admit, have the following Applications; (that is to say,)

As to Parts which affect or repeal former Acts; So much of this Act as repeals, alters, or explains any existing Enactment shall apply to the same "Ships" and to the same Matters and Persons to which such Enactment applies:

As to Remainder. The Remainder of this Act shall, so far as the Context and Subject admit, apply to all "Ships" registered or licensed in the "United Kingdom," (except such as are exclusively employed in fishing on the Coasts of the "United Kingdom," and such as belong to the Corporation of the *Trinity House of Deptford Strond*, the Commissioners of Northern Lighthouses, or the Corporation for preserving and improving the Harbour of *Dublin*, and also except Pleasure Yachts,) and also to all "Ships" registered or licensed in any other Part of "Her Majesty's Dominions," and employed in trading or going between any Place in the "United Kingdom" and any Place or Places not situate in the Territory or Colony in which such "Ship" is registered, and to the Owners, Masters, Mates, and Crews of such "Ships" respectively.

IV. *Time of Operation.*

5. And be it enacted, That the several Parts of this Act shall come into operation at the several Times following; (that is to say,)

As to Boards, &c., Shipping and Register Offices, and Examinations; So much of this Act as relates to the Appointment of new Officers of the "Board of Trade," and to the Powers hereby given to that Board, and to the Constitution and Powers of Local Marine Boards, and to the Register Office for "Seamen," and to the Establishment of Shipping Offices, and of Examinations for Masters and Mates, shall come into operation immediately on the passing hereof.

As to Production of Certificates, &c.: So much of this Act as relates to the compulsory Production of Certificates of Masters and Mates, Agreements with "Seamen," Advances and Allotments of Wages, Health on board Ship, Desertion, Discipline, Log Books, Payment of Wages, and Discharge of "Seamen," shall with respect to such "Ships" as are in the "United Kingdom" on the First Day of *January* One thousand eight hundred and fifty-one, and to the Owners, Masters, Mates, and Crews thereof, come into operation on that Day; and with respect to such "Ships" as are not within the "United Kingdom" on that Day, and to the Owners, Masters, Mates, and Crews thereof, as soon after the first subsequent Arrival of such "Ship" in the "United Kingdom" as Preparations are commenced for a further Voyage or Departure from any Place therein:

As to Remainder. And the Remainder of this Act shall come into operation on the First Day of *January* One thousand eight hundred and fifty-one.

6. And

V. *Board of Trade and Local Boards.*

New Duties and Powers generally.

6. And be it enacted, That the "Board of Trade" shall undertake the general Superintendence of Matters relating to the *British* Mercantile Marine, and shall be authorized to carry this Act into execution, and to enforce by legal Proceedings or by such other lawful Means as may seem to it expedient the Provisions of this Act and of all other Acts and Laws relating to the *British* Merchant Service, and may also open an Account or Accounts with the Bank of *England* in the Manner and for the Purposes herein-after mentioned.

Constitution and Functions of Local Marine Boards.

7. And be it enacted, That at such of the Seaports of the "United Kingdom" as have in "Ships" ordinarily employed as "Foreign-going Ships" a Registered Tonnage of Thirty thousand Tons or upwards, and at such other Places as the "Board of Trade" may appoint for this Purpose, Local Marine Boards shall be established for carrying into effect the Provisions of this Act, under the Superintendence of the "Board of Trade;" and each of such Local Marine Boards shall be constituted as follows; that is to say, the Mayor or Provost and the Stipendiary Magistrate, or such of the Mayors or Provosts and Stipendiary Magistrates of the Place (if more than One) as the "Board of Trade" may appoint, shall be a Member or Members *ex officio*, the "Board of Trade" shall appoint Four Members from Residents in the Place or within Seven Miles thereof, and the Owners of such Foreign-going Shipping as aforesaid registered at the Port shall elect Six Members to be qualified as herein-after mentioned; and such Appointments and Elections shall, in the first instance, take place on the Twenty-fifth Day of *October* One thousand eight hundred and fifty, and shall afterwards take place on the Twenty-fifth Day of *October* in every Third succeeding Year, except in the Case of occasional Vacancies by Death, Resignation, Disqualification, or otherwise, which shall be filled up within One Calendar Month after they occur; and every Person elected on an occasional Vacancy shall continue a Member until the next ordinary triennial Election; and the Mayor or Provost shall fix the Place and Mode of conducting such Elections, and also on occasional Vacancies the Day of Election, and shall give at least Ten Days Notice thereof; and the Board of Trade shall have Power to decide any Questions which may be raised concerning the Conduct of such Elections: Provided, that no Act of any Local Board shall be vitiated or prejudiced by reason of any Irregularity in the Election of any of its Members, or of any Error in the List of Voters herein-after mentioned, or of any Irregularity in the making or revising such List, or by reason of any Person who is not duly qualified as herein-after provided acting upon such Board: Provided also, that if in any Place, by reason of any Election not taking place, or of the constant Non-attendance of all or the greater Part of the elective Members, or from any other Cause, any Local Marine Board fails to meet or to discharge its Duties, the "Board of Trade" may, if such Failure occurs within Three Months before the next triennial Election of such Local Marine Board, undertake such Duties provisionally until such Election, or, if such Failure occurs more than Three Months before such Election, may direct a new Election of the Elective Members of such Local Marine Board to be had immediately.

Minutes and Business of Local Boards.

8. And be it enacted, That every Local Marine Board shall keep Minutes of its Proceedings, in such Mode as the Board of Trade may prescribe, and such Minutes, and all Books or Documents used or kept by any Local Marine Board, or by any Examiners, Shipping Masters, or other Officers, under the Control of any Local Marine Board, shall be open to the Inspection of the Board of Trade and its Officers; but every Local Marine Board may regulate the Mode in which its Meetings are to be held and its Business conducted.

Qualification of Voters for Members to Local Marine Boards.

9. And be it enacted, That Owners of "Foreign-going Ships" registered at any Seaport in which there is to be a Local Marine Board shall have Votes at the Election of Members of such Board, as follows; (that is to say,) every registered Owner of Two hundred and fifty Tons in the whole of such Shipping shall, on the Election of each Member, have One Vote for every Two hundred and fifty Tons owned by him, so that his Votes for any One Member do not exceed Ten; and for the Purpose of ascertaining such Qualification the following Rules shall be observed; (that is to say,) in the Case of a "Foreign-going Ship," registered in the Name of One Person, such Person shall be deemed to be the Owner; and in the Case of a "Foreign-going Ship" registered in distinct and several Shares in the Names of more Persons than One, the Tonnage shall be apportioned among the Owners

Board of Trade, &c.

as nearly as may be in proportion to their respective Shares, and each of such Persons shall be deemed the Owner of the Tonnage so apportioned to him; and in the Case of a "Foreign-going Ship," or Shares of a "Foreign-going Ship," registered jointly without Severance of Interest in the Names of more Persons than One, the Tonnage shall, if it is sufficient, either alone or together with other Tonnage (if any) owned by such joint Owners, to give a Qualification to each of them, be apportioned equally between the joint Owners, and each of such joint Owners shall be deemed the Owner of the equal Share so apportioned to him, but if the Tonnage aforesaid is not so sufficient, the whole of such Tonnage shall be deemed to be owned by such One of the joint Owners resident at the Port, or within Seven Miles thereof, as is first named on the Register; and in making Apportionment any Portion may be struck off so as to obtain a divisible Amount; and the whole Amount of Tonnage so owned by each Person, whether in "Ships" or Shares of or Interests in "Ships," shall be added together, and if sufficient shall constitute his Qualification; provided that no Person appearing by the Register to be a Mortgagee or Trustee for Sale shall be entitled to vote, but the Person who, subject to such Mortgage or Trust, is the registered Owner, shall for the Purpose of voting be considered the Owner as if no such Mortgage or Trust existed.

Register of Votes for Election of Members of Board.

10. And be it enacted, That the Collector of Her Majesty's Customs in every Seaport of the United Kingdom at which there is to be a Local Marine Board shall, with the Assistance of the Registrar of Seamen, on or before the Twenty-fifth Day of *September* in the present and in every Third succeeding Year, make out or cause to be made out an alphabetical List of all Persons who may be entitled by virtue of this Act to vote in the Election of a Member or Members to serve on the Local Marine Board of such Seaport; and in such List the Christian Name and Surname and Residence of every Person shall be written at full Length, together with the Number of Votes to which such Person is entitled; and the said Collector shall sign such List, and shall cause a sufficient Number of Copies of such List to be printed, and to be fixed on or near the Doors of the Custom House at such Seaport for Two entire Weeks next after such List has been made; and the said Collector shall likewise keep true Copies of such List, to be perused by any Person, without Payment of any Fee, at all reasonable Hours during such Two Weeks.

Revision of List of Voters.

11. And be it enacted, That Two of Her Majesty's Justices of the Peace, to be nominated triennially by the Mayor or Provost of every Seaport at which there is to be a Local Marine Board, and which Nomination the said Mayor or Provost is hereby required from Time to Time to make, shall, between the Eighth and Fifteenth Days of *October*, both inclusive, in the present and in every Third succeeding Year, having first given Three Days Notice of such Revision by advertising the same in One or more Newspapers in such Seaport, and by affixing such Notice on or near to the Doors of the Custom House of such Seaport, revise at such Custom House, or in some convenient Room or Place near thereto to be hired for the Purpose by the said Collector, the List so made out as aforesaid; and on every such Revision any Person whose Name has been omitted from such List may claim to be inserted therein, and any Person whose Name has been inserted in such List may object to any other Person as not being entitled to have his Name inserted therein; and the said Revisors may insert the Name of any such Person so claiming to be inserted in such List, on Proof of his being entitled to have his Name so inserted, and shall retain the Name of any Person so objected to, if the Objection shall not have been established to their Satisfaction, and shall retain in the said List the Name of every Person to whom no such Objection shall have been made; and the Decision of the said Revisors with respect to every such List shall be final and conclusive, without Appeal; and the said Revisors shall immediately after such Revision sign their Names at the Foot of the List so revised; and such List, so revised, shall be the Register of Voters in the Election of Members to the Local Marine Board of such Seaport for Three Years from the Twenty-fifth Day of *October* then next ensuing, inclusive, to the Twenty-fourth Day of *October* inclusive, in the Third succeeding Year; and when and so soon as the said List is so signed the same shall be delivered to the Mayor or Provost of the said Seaport, who shall cause a sufficient Number of Copies thereof to be printed, and delivered to any Voter applying for the same.

12. And

Board of Trade, &c.

Registers to be produced.

12. And be it enacted, That the Collector of Her Majesty's Customs of every such Seaport shall, for the Assistance of the said Revisors in revising the said List, produce to them the Books containing the Register of Ships registered at such Seaport, and such Revisors shall be allowed to inspect the same; and the Registrar of Seamen shall also produce or transmit to such Revisors such certified Extracts or Returns from the Books in his Custody as may be necessary for the same Purpose.

Expenses of Collector, Mayor, or Provost, to be repaid to him.

13. And be it enacted, That all Expenses incurred by the said Collector at any such Seaport in making and printing the said List, and in the Revision thereof, and all Expenses of the Mayor or Provost in printing the same, shall be certified by the said Justices, in Writing under their Hands, and shall be repaid to the said Collector, Mayor, and Provost by the Board of Trade; and the Board of Trade shall also repay to the said Mayor or Provost all Expenses properly incurred by them in Elections under this Act.

Persons on List qualified to vote.

14. And be it enacted, That every Person whose Name shall appear on such revised List, and no other Person, shall be qualified to vote at the Election of Members of the Local Marine Board at such Seaport to be held on the Twenty-fifth Day of *October* next after the Revision of such List, and at any occasional Election held at any Time between that Day and the next ordinary triennial Election of Members of the said Board.

Qualification of Members of Local Marine Boards.

15. And be it enacted, That every Male Person who is, according to such revised List, entitled to a Vote or Votes, and shall reside in the Seaport for which such List has been revised, or within Seven Miles thereof, shall be qualified to be elected a Member of the Local Marine Board of such Seaport: Provided always, that every such Person elected to such Board who after such Election ceases to be an Owner of such Quantity of Tonnage as would entitle him under this Act to One Vote as aforesaid, or to reside as aforesaid, shall no longer continue to act or be considered as a Member of such Board, and thereupon another Election of a qualified Member shall take place and be had in the Stead of such Member of the said Board ceasing to be entitled or to reside as aforesaid.

Certain Functions of Admiralty may be transferred to Board of Trade.

16. And be it enacted, That any Functions or Powers relating to "Seamen" or Apprentices not employed in Her Majesty's Service, which are now vested in or exercised by the Lord High Admiral or the Commissioners for executing his Office, may, with his or their Consent, be transferred to and exercised by the "Board of Trade."

New Officers and Servants to be appointed.

17. And be it enacted, That the "Board of Trade" shall nominate Two proper Persons to assist such Board in the Execution of this Act, and may from Time to Time remove and replace them, and appoint an annual Salary not exceeding Six hundred Pounds to each of them, and may also for the Purposes aforesaid from Time to Time appoint and remove such Officers, Clerks, and Servants as it may deem necessary, and fix and alter the Amount of Salaries and Wages to be paid to them.

Accounts to be laid before Parliament.

18. And be it enacted, That the "Board of Trade" shall cause Accounts of all Monies received or paid by it or by its Agents, in pursuance of this Act, during the preceding Year, and of all Monies or Investments applicable to any of the Purposes of this Act of which it may be possessed for the Time being, to be laid before each House of Parliament in the Month of *January* in every Year, if Parliament is then sitting, or, if Parliament is not then sitting, within One Month after the next Meeting thereof.

Minutes, &c. if sealed, to be received as Evidence.

19. And be it enacted, That all Documents purporting to be Originals or Copies of any Minutes or Orders of the "Board of Trade" on Matters connected with the Merchant Service or of any Scales of Fees settled by it in pursuance of this Act, and purporting to be sealed with the Seal of the "Board of Trade," shall be taken as Evidence of such Minutes, Orders, and Scales of Fees respectively, without any further Proof.

The Board to sanction Forms required by 7 & 8 Vict. c. 112.

20. And be it enacted, That the "Board of Trade" shall sanction Forms of the several Documents which are required to be in any particular Form by the "General Merchant Seamen's Act," or by so much thereof as is in force for the Time being, and may vary such Forms from those contained in the Schedules thereto, not omitting any essential Particulars.

Board of Trade, &c.

The Board to settle and issue Forms required by this Act.

21. And be it enacted, That the "Board of Trade" shall cause all such Forms as are hereby required to be sanctioned by it to be prepared, and to be sealed with such Seal as aforesaid, or to be marked with some other distinguishing Mark to be devised and employed for that Purpose, and shall cause such Forms to be issued and sold as herein-after mentioned; and all Books and Documents hereby required to be made in Forms so sanctioned shall, if made in Forms purporting to be so sealed or marked, be taken to have been made in such Forms, unless the contrary is proved; and no Book or Document hereby required to be in a Form so sanctioned shall be admissible in Evidence in any Civil Proceeding on the Part of any Owner or Master of a Vessel unless the same purports to be so sealed or marked: Provided, that the First Set of Forms to be so issued shall be circulated amongst the Local Marine Boards and otherwise published for Six Weeks previous to the First Day of *January* One thousand eight hundred and fifty-one, and after the First Day of *January* One thousand eight hundred and fifty-one no new Form shall be finally issued and brought into use, unless the same has, Three Months or upwards previously to such Issue, been circulated amongst the Local Marine Boards or otherwise published.

No Form not marked to be received as Evidence.

Forms to be published previously.

Forms to be exempt from Stamp Duty.

22. And be it enacted, That all Instruments hereby required to be made in Forms sanctioned by the "Board of Trade" shall, if made in such Forms, be exempt from Stamp Duty.

Penalties for Forgery of Seal, and fraudulent Alteration of Forms;

23. And be it enacted, That every Person who forges or procures to be forged or assists in forging such Seal or other distinguishing Mark as aforesaid, or who fraudulently alters or procures to be altered or assists in altering any Form issued by the "Board of Trade," with the view of evading any of the Provisions of this Act, or any Condition contained in such Form, for each Offence shall either be deemed guilty of a Misdemeanor, or shall be liable summarily to a Penalty not exceeding Fifty Pounds, or to Imprisonment not exceeding Three Months, with or without hard Labour, as the Justice or Court hearing the Case may think fit; and every Person who in any Case in which a Form sanctioned by the "Board of Trade" is hereby required, without reasonable Excuse uses any Form not purporting to be so sanctioned, or who sells, buys, or uses any Document purporting to be a Form so sanctioned, knowing the same not to be so sanctioned, or not to have been prepared and issued by the "Board of Trade," shall for each Offence be liable to a Penalty not exceeding Ten Pounds.

for not using Forms issued by the Board.

VI. *Conduct and Qualifications of Masters and Mates.*

Examinations to be instituted for Masters and Mates of "Foreign-going Ships."

24. And be it enacted, That Examinations shall be instituted for Persons who intend to become Masters or Mates of "Foreign-going Ships," or who wish to procure Certificates of Competency herein-after mentioned; and the "Board of Trade" shall from Time to Time determine on a general Plan for the Conduct thereof; and the Local Marine Boards of such Ports as have in "Ships" ordinarily employed as "Foreign-going Ships" a registered Tonnage of Thirty thousand Tons or upwards, and such other Local Marine Boards as the Board of Trade may appoint, shall provide for the Examinations at their respective Ports, and may appoint and from Time to Time remove and re-appoint Examiners to conduct the same, and may, subject to the general Superintendence of the "Board of Trade," regulate the same, and may, subject to the Sanction of the Board of Trade, fix the Remuneration of such Examiners; provided, that if it appears to the "Board of Trade" that the Examinations for any Two or more Ports can be conducted without Inconvenience by the same Examiners, it may require and authorize the Local Marine Boards of such Ports to act together as One Board in providing for and regulating Examinations and appointing and removing Examiners for such Ports; and all Examiners shall possess Certificates of Qualification to be from Time to Time granted by the "Board of Trade," and shall adhere to the general Plan of Examination instituted by it; and the "Board of Trade" may at any Time depute any of its Officers to be present and assist at any Examination, and any Members of the Local Marine Board of the Place where the Examination is held may also be present and assist at any such Examination.

Fees to be paid by Applicants.

25. And be it enacted, That all Applicants for Examination shall pay such Fees, not exceeding the Sums specified in Schedule (A.), as the "Board of Trade" may direct, to such Persons as it may appoint for that Purpose.

26. And

Masters and Mates.

Certificates of Competency to be granted to those who pass, &c.

26. And be it enacted, That the "Board of Trade" shall deliver to every Applicant who is reported by the Local Examiners to have passed the Examination satisfactorily, and to have given satisfactory Evidence of his Sobriety, Experience, Ability, and general good Conduct on Shipboard, a Certificate to the Effect that he is competent to act as Master or Mate, herein-after called a Certificate of Competency.

Certificates of Service to be delivered to Persons who are already Masters and Mates, and to Officers in the Service of Her Majesty and the East India Company.

27. And be it enacted, That Persons who have before the First Day of *January* One thousand eight hundred and fifty-one served as Masters or Mates in the *British* Merchant Service, or who have attained or hereafter may attain the Rank of Lieutenant, Master, Passed Mate, or Second Master, or any higher Rank, in the Naval Service of Her Majesty or of the *East India* Company, shall be entitled, without Payment of any Fee, to Certificates as Masters or Mates (as the Case may be), differing in Form from "Certificates of Competency," and herein-after called "Certificates of Service;" and each of such Certificates shall contain Particulars of the Name, Place, and Time of Birth, and of the Length and Nature of the previous Service of the Person to whom the same is delivered; and the "Board of Trade" shall deliver to any Person who proves himself to have served as Master in such Manner and before before such Time as aforesaid, or to have attained such Rank as aforesaid, and who also gives a full and satisfactory Account of the Particulars aforesaid, a "Certificate of Service" either as Master or Mate, as he may desire, and shall deliver to any Person who proves himself to have served as Mate in such Manner and before such Time as aforesaid, and who also gives a full and satisfactory Account of the Particulars aforesaid, a "Certificate of Service" as Mate; and the "Board of Trade" may also, in Cases in which it thinks fit so to do, give Certificates of Competency in lieu of Certificates of Service to any deserving Persons who have attained such Rank as above mentioned, or who before this Act comes into operation have obtained Certificates from the "Board of Trade," without requiring them to be examined.

Board may in some Cases give them Certificates of Competency.

Power to Board of Trade, under certain Conditions, to cancel or suspend Certificates.

28. And be it enacted, That if any Master or Mate is convicted of a Misdemeanor under this Act, or is superseded by the Order of a Naval Court constituted as herein-after mentioned, the "Board of Trade" may thereupon cancel or suspend his Certificate, whether of Competency or Service; and if the "Board of Trade" or any Local Marine Board has Reason to believe that any Master or Mate is from Incompetency or Misconduct unfit to discharge his Duties, such Board may either institute an Investigation, or, if expedient, the "Board of Trade" may direct the Local Marine Board at or nearest to the Place at which it may be convenient for the Parties and Witnesses to attend to institute the same; and thereupon such Persons as the "Board of Trade" may appoint for the Purpose, or, as the Case may be, the Local Marine Board, shall, with the Assistance of a Local Stipendiary Magistrate (if any), and if there is no such Magistrate, of a competent legal Assistant to be appointed by the "Board of Trade," conduct the Investigation, and may summon the Master or Mate to appear, and shall give him full Opportunity of making a Defence, either in Person or otherwise, and may exercise any of the Powers of procuring Evidence herein-after given to Special Inspectors appointed by the "Board of Trade," and shall on the Conclusion of the Investigation make a Report upon the Case to the "Board of Trade;" and if such Report is to the Effect that such Master or Mate is, either from Incompetency, or from habitual Drunkenness, or from tyrannical Habits, unfit to discharge his Duties, the "Board of Trade" may cancel or suspend his Certificate, whether of Competency or Service; and every Master or Mate whose Certificate is cancelled or suspended shall thereupon deliver it to the "Board of Trade," or as it may direct; and such Board may at any subsequent Time grant a fresh Certificate to any Person whose Certificate has been cancelled, and it may pay the Expense of any such Investigation as aforesaid, and may pay to such Magistrate or legal Assistant as aforesaid such Remuneration as it may deem fit: Provided always, that no Person interested in any Ship shall take part in any Investigation relating thereto or to the Conduct or Competency of any Master or Mate thereof.

The Registrar to have Notice of Grants, Cancellations, &c. of Certificates,

29. And be it enacted, That all Certificates, whether of Competency or Service, shall be made in duplicate, and one Part shall be delivered to the Person entitled to the Certificate, and the other shall be kept and recorded by the Registrar of Seamen or by such other Person as the "Board of Trade" may direct so to do; and the Board shall give to the Registrar or such

and to record the same.

Duplicates and Entries to be Evidence.

In case of Loss a Copy to be granted.

such other Person immediate Notice of all Orders made by it for cancelling, suspending, altering, or otherwise affecting any Certificate; and the Registrar or such other Person as aforesaid shall thereupon make a corresponding Entry in the Record of Certificates; and a Copy purporting to be certified by the Registrar or his Assistant or by such Person as aforesaid of any Certificate shall be *primâ facie* Evidence of such Certificate, and a Copy purporting to be so certified as aforesaid of any Entry made as aforesaid in respect of any Certificate shall be *primâ facie* Evidence of the Truth of the Matters stated in such Entry; and in case any Master or Mate proves to the Satisfaction of the "Board of Trade" that he has innocently lost or been deprived of any Certificate already granted to him, the Board shall, upon Payment of such Fee (if any) as it may direct, cause a Copy of the Certificate to which by the Record so kept as aforesaid he appears to be entitled to be made out and certified as aforesaid, and to be delivered to him, and any Copy which purports to be so made and certified as aforesaid shall have all the Effect of the Original.

No Foreign-going Ship is to proceed to Sea without Production of the Certificates of the Master and Mates.

30. And be it enacted, That no "Foreign-going Ship" shall go to Sea, unless the Master and the First and Second Mates or the only Mate (as the Case may be), if engaged to serve in those Capacities at the Commencement of the Voyage, have obtained and possess valid Certificates either of Competency or Service appropriate to their several Stations; and no Officer of Customs shall clear Outwards any such "Ship" or permit any such "Ship" to proceed to Sea unless such appropriate Certificates are produced to him; and the Tide-waiters left on board shall be maintained at the Expense of the Master or Owner until such Certificates are produced, and Clearance may be delayed till such Expense is satisfied.

Penalties for false Representations;

for forging or altering or fraudulently using any Certificate;

for neglecting to give up Certificate when cancelled;

and for going to Sea without Certificate.

31. And be it enacted, That every Person who makes or procures to be made or assists in making any false Representation for the Purpose of obtaining for himself or for any other Person a Certificate either of Competency or Service, or who fraudulently forges or alters, or procures to be forged or altered, or assists in forging or altering, any such Certificate or any official Copy of any such Certificate, or who fraudulently makes use of any such Certificate or any Copy of any such Certificate which is forged, altered, cancelled, suspended, or to which he is not justly entitled, for each Offence shall either be deemed guilty of a Misdemeanor, or shall be liable summarily to a Penalty not exceeding Fifty Pounds, or to Imprisonment not exceeding Three Months, with or without hard Labour, as the Justice or Court hearing the Case may think fit; and every Person who neglects or refuses to give up a cancelled or suspended Certificate when required by the "Board of Trade" so to do, or who, having been engaged to serve as Master or as First or Second or only Mate of any "Foreign-going Ship," goes to Sea as such Master or Mate without being at the Time entitled to and possessed of a valid and appropriate Certificate, or who employs any Person as Master or Mate of any such "Ship" as aforesaid knowing him not to be entitled at the Time to a valid and appropriate Certificate, shall for each such Offence be liable to a Penalty not exceeding Fifty Pounds.

VII. *Registration.*

Transfer to Board of Trade of Control over Registrar.

7 & 8 Vict. c. 112.
5 & 6 W. 4. c. 19.

So much of 7 & 8 Vict. c. 112. as relates to Register Tickets dispensed with.

Power to alter or abolish the Office.

Treasury to regulate Salaries.

32. And be it enacted, That all Powers of controlling and regulating the General Register and Record Office for Seamen which are given to the Lord High Admiral or the Commissioners for executing the Office of Lord High Admiral by the said "General Merchant Seamen's Act," and by an Act passed in the Session of the Fifth and Sixth Years of the Reign of King *William* the Fourth, intituled *An Act to amend and consolidate the Laws relating to the Merchant Seamen of the United Kingdom, and for forming and maintaining a Register of all the Men engaged in that Service*, shall, from the Time when this Act comes into operation, be vested in the "Board of Trade;" and such Board may, with the Concurrence of the said Lord High Admiral or Commissioners, dispense with the Observance of all or any of those Parts of the "General Merchant Seamen's Act" which relate to Register Tickets of "Seamen;" and such Board may direct the Performance by the Registrar of Seamen of any other Duties than those now imposed on him, or may unite his Office and Duties with any other Office and Duties relating to the Merchant Service, or may abolish his Office, and direct any Duties thereof which the Board may think it desirable to continue to be performed by such Persons, being Servants or Agents of the Board, and in such Manner as the Board may think fit; and the Commissioners of Her Majesty's Treasury may make any Alterations in the Payment of the Salaries and Allowances of the Registrar, his Assistants

Assistants and Clerks, and may regulate the Salaries or Allowances to be paid to them or to any other Persons for performing any of his or their continuing Duties.

Registry, how to be kept in future.

33. And be it enacted, That the Registrar of Seamen or such other Person as the "Board of Trade" may direct so to do shall, so far as by means of the Documents transmitted to him he is able so to do, keep a Record of such Particulars relating to Persons in the Merchant Service as are now recorded by him, or such other Record of Matters relating to such Persons as the Board may direct.

Shipping Masters and other Officers to transmit Documents to Registrar, to be preserved.

Registrar to permit Inspection, to produce Originals, and give Copies.

34. And be it enacted, That all Shipping Masters and Officers of Customs shall take charge of all Documents which are delivered or transmitted to or retained by them in pursuance of this Act, and shall keep them for such Time (if any) as may be necessary for the Purpose of settling any Business arising at the Place, or for any other proper Purpose, and shall, if required, produce them for any of such Purposes, and shall then transmit them, excepting Log Books, to the Registrar of Seamen, or to such other Person as the "Board of Trade" may direct, to be by him recorded and preserved; and the Registrar, or such other Person as the Board may intrust with the Custody of any such Document, shall, on Payment of a moderate Fee to be fixed by the Board, or without Payment of any Fee if the Board so direct, allow any Person to inspect the same, and, in Cases in which the Production of the Original in any Court of Justice or elsewhere is essential, produce the same, and in other Cases make and deliver to any Person requiring it a certified Copy thereof or of any Part thereof; and every Copy purporting to be so made and certified shall be received in Evidence, and shall have all the Effect of the Original of which it purports to be a Copy.

VIII. *Shipping Offices.*

Local Boards may establish and regulate Shipping Offices.

35. And be it enacted, That in every Seaport in the "United Kingdom" in which there is a Local Marine Board such Board shall establish a Shipping Office or Shipping Offices, and may procure the requisite Premises, and appoint, and from Time to Time remove and re-appoint, Superintendents of such Offices, to be called Shipping Masters, with any necessary Deputies, Clerks, and Servants, and fix and from Time to Time alter their Salaries and Wages, and regulate the Mode of conducting Business at such Offices, and have complete Control over the same, subject to the Approval and immediate Direction of the "Board of Trade" so far as regards the Number of Persons appointed, the Amount of Salaries and Wages, and the Receipt and Payment of Money; and, subject as aforesaid, every Shipping Master shall obey the Directions of the Local Marine Board by which he is appointed; and all Shipping Masters, Deputies, Clerks, and Servants shall before entering upon their Duties give such Security (if any) for the due Performance thereof as the "Board of Trade" may require; and every Act done by or before any Deputy duly appointed shall have the same Effect as if done by or before the Shipping Master: Provided, that if in any Case any Two Members of any Local Marine Board complain to the "Board of Trade" that any Shipping Master, Deputy, Clerk, or Servant appointed by such Local Marine Board does not properly discharge his Duties, the "Board of Trade" may investigate the Case, and may, if the Complaint is substantiated, remove him from his Office, and may provide for the proper Performance of his Duties until another Person is properly appointed in his Place.

Business of such Offices generally.

36. And be it enacted, That it shall be the general Business of Shipping Masters appointed as aforesaid to afford Facilities for engaging "Seamen" by keeping Registries of their Names and Characters, to superintend and facilitate their Engagement and Discharge in manner herein-after mentioned, to provide Means for securing the Presence on board at the proper Times of Men who are so engaged, and to perform such other Duties in respect of "Seamen" as are hereby or may hereafter be committed to them.

Business may be transferred from Customs to Shipping Masters.

37. And be it enacted, That the "Board of Trade" may, with the Consent of Her Majesty's Commissioners of Customs, cause any Duties relating to "Seamen" or Apprentices which are now performed by Officers of Customs to be transferred to and performed by Shipping Masters appointed under this Act.

Fees to be paid upon Engagements and Discharges, not

38. And be it enacted, That Fees shall be payable upon Engagements and Discharges which in pursuance of this Act are to be effected before Shipping Masters as herein-after mentioned, so nevertheless that such Fees shall not exceed the Sums specified in Schedule B.; and,

exceeding Sums in Schedule B.

and, subject to such Restriction, the "Board of Trade" shall fix and may alter the Amount of such Fees, and shall cause Scales thereof to be prepared, and to be conspicuously placed in the Shipping Offices; and all Shipping Masters, their Deputies, Clerks, and Servants, may refuse to proceed with any Engagement or Discharge unless the Fees payable thereon are first paid.

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

39. And be it enacted, That every Owner or Master of a "Ship" engaging or discharging any Crew or "Seaman" in a Shipping Office or before a Shipping Master shall pay to the Shipping Master the whole of the Fees hereby made payable in respect of such Engagement or Discharge, and may, notwithstanding anything in the "Seamen's Protection Act" contained, for the Purpose of in part reimbursing himself, deduct in respect of each such Engagement or Discharge, from the Wages of all Persons (except Apprentices) so engaged or discharged, and retain, any Sums not exceeding the Sums specified in that Behalf in Schedule C.

Schedule C.

Shipping Masters taking other Remuneration to be liable to Penalty.

40. And be it enacted, That any Shipping Master, Deputy Shipping Master, Clerk, or Servant who demands or receives any Remuneration whatever, either directly or indirectly, for hiring, supplying, or providing any "Seaman" for any Merchant Ship, excepting the lawful Fees payable under this Act, shall for every such Offence be liable to a Penalty not exceeding Twenty Pounds.

Forms issued by the Board to be sold at Shipping Offices.

41. And be it enacted, That the "Board of Trade" shall cause printed Forms of all Agreements, Advance Notes, Allotment Notes, Receipts, Discharges, Official Log Books, and other Documents which in pursuance of this Act are issued or sanctioned by the Board for the Use of Persons engaged in or connected with the Merchant Service, to be supplied or sold at all Shipping Offices, at such Times, to such Persons, at such moderate Prices (if any), and in such Manner as the Board may direct, or by such other Persons as it may license so to do.

Business of Shipping Offices may be transacted at Custom Houses.

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

The Board may authorize Sailors Homes to take and retain Fees;

and may appoint Sailors Homes in London.

43. 'And whereas it is expedient to encourage Sailors Homes in the Seaports of the 'United Kingdom:"' Be it enacted, That if the "Board of Trade" or any Local Marine Board appoints any Superintendent or other Person connected with any such Home to be a Shipping Master, or constitutes any Office in any such Home a Shipping Office for all or any of the Purposes of this Act, the "Board of Trade" may authorize the whole or any Portion of the Fees paid at any such Office to be appropriated for the Use of such Home: Provided also, that in the Port of *London* the "Board of Trade" may appoint any Superintendent of any Sailors Home, or any other Person connected therewith, to be a Shipping Master, with such Deputies, Clerks, and Servants as may be necessary, and may appoint any Office in any such Home to be a Shipping Office, and may from Time to Time revoke and alter such Appointments; and all Shipping Masters, Deputies, Clerks, and Servants so appointed, and all Shipping Offices so constituted, in the Port of *London*, shall be subject to the immediate Control of the "Board of Trade," and not to the Local Marine Board of the Port.

The Board may in any Cases dispense with the Shipping Master's Superintendence.

44. And be it enacted, That the "Board of Trade" may from Time to Time in any Case or Class of Cases dispense with the Transaction before a Shipping Master or in a Shipping Office of any Matters required by this Act to be so transacted; and thereupon such Matters shall, if duly transacted as otherwise required by Law, be as valid as if transacted before a Shipping Master or in a Shipping Office.

IX. *Engagement of Seamen and*

45. And be it enacted, That so much of the "General Merchant Seamen's Act" as relates to Agreements with "Seamen" shall be repealed from the Time when so much of this

this Act as relates to the same Particulars comes into operation, except as to Agreements entered into and Liabilities and Penalties incurred before that Time; and that such of the Provisions of the same Act as relate to the Delivery and Production of the Agreements thereby required to any Consular or Naval Officer or Officer of Customs abroad, and to Endorsements to be made thereon by any such Officer, shall apply to the Agreements hereby required.

Commencement of Employment.

Repeal of so much of 7 & 8 Vict. c. 112. as relates to Agreements, ss. 2, 3, 4, 5, 53. 55, 56.

46. And be it enacted, That every Master of a "Ship" shall, on carrying any "Seaman" to Sea as one of his Crew, enter into an Agreement with him in the Manner herein-after mentioned; and every such Agreement shall be in a Form to be sanctioned and issued by the "Board of Trade," and shall be dated at the Time of the First Signature thereof, and shall be signed by the Master before any "Seaman" signs the same, and shall contain the following Particulars as Terms thereof;

Agreements to be made with Seamen, containing certain Particulars.

1. The Nature, and, as far as practicable, the Length of the Voyage or Engagement on which the "Ship" is to be employed:
2. The Time at which each "Seaman" is to be on board or to begin Work:
3. The Capacity in which each "Seaman" is to serve:
4. The Amount of Wages which each "Seaman" is to receive:
5. A Scale of the Provisions which are to be furnished to each "Seaman:"
6. Any Regulations as to Conduct on board, and as to Fines, short Allowance of Provisions, or other lawful Punishments for Misconduct, which have been sanctioned by the "Board of Trade" as Regulations proper to be adopted, and which the Parties agree to adopt:

And shall be so framed as to admit of Stipulations, to be adopted at the Will of the Master and "Seaman" in each Case, as to Advance and Allotment of Wages; and may contain any other Stipulations which are not contrary to Law.

47. And be it enacted, That with respect to "Foreign-going Ships," every Agreement (except in the special Cases of Agreements made out of the "United Kingdom" and of Agreements with Substitutes herein-after mentioned) shall be signed by each "Seaman" in the Presence of a Shipping Master; and such Shipping Master shall cause the Agreement to be read over and explained to each "Seaman," or otherwise ascertain that each "Seaman" understands the same, before he signs it, and shall attest each Signature; and when the Crew is first engaged the Agreement shall be signed in Duplicate; and one Part shall be retained by the Shipping Master, and the other Part shall contain a special Place or Form for the Descriptions and Signatures of Substitutes or Persons engaged subsequently to the first Departure of the "Ship," and shall be delivered to the Master; and in the special Cases of "Seamen" engaged out of the "United Kingdom," and of Substitutes engaged in the Place of "Seamen" who have duly signed the Agreement, and whose Services are lost within Twenty-four Hours of the "Ship's" putting to Sea, by Death, Desertion, or other unforeseen Cause, the Engagement may, when practicable, be made before some Official Shipping Master duly appointed either in the "United Kingdom" or in Her Majesty's Dominions abroad for the Purpose of shipping "Seamen," and in the Manner herein-before specified for ordinary Cases happening in the "United Kingdom;" and in such special Cases, whenever the Engagement is not so made, the Master shall, before the "Ship" puts to Sea, if practicable, and if not, as soon afterwards as possible, cause the Agreement to be read over and explained to the "Seaman," either before some "Consular Officer," or before some Officer of Customs, or on board the "Ship;" and the "Seaman" shall thereupon sign the same in the Presence of such Officer, or of some other Witness, who shall attest his Signature; provided, that nothing herein contained shall dispense with the Sanction for shipping "Seamen" at Foreign Ports required by the "General Merchant Seamen's Act."

For Foreign-going Ships such Agreements, except in special Cases, to be made before and attested by a Shipping Master;

to be in Duplicate; one Copy to be retained, the other for the Master.

Provision for Engagements abroad and for Substitutes.

48. And be it enacted, That with respect to "Home Trade Ships," Crews or single "Seamen" may, if the Master thinks fit, be engaged or discharged before a Shipping Master in the Manner herein-before directed with respect to "Foreign-going Ships;" and in every Case in which the Engagement is not so made the Master shall, before the "Ship" puts to Sea, if practicable, and if not, as soon afterwards as possible, cause the Agreement to

In Home Trade Ships the Agreement to be entered into either before a Shipping Master or on board.

Engagement of Seamen.

to be read over and explained to each "Seaman," and the "Seaman" shall thereupon sign the same in the Presence of a Witness, who shall attest his Signature.

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

49. And be it enacted, That every Erasure, Interlineation, or Alteration in any such Agreement as aforesaid (except Additions so made as herein-before directed for shipping Substitutes or Persons engaged subsequently to the first Departure of the "Ship") shall be wholly inoperative, unless proved to have been made with the Consent of all the Persons interested by the written Attestation (if made in Her Majesty's Dominions) of some Shipping Master, Justice, Officer of the Customs, or other public Functionary, or (if made out of Her Majesty's Dominions) of a "Consular Officer," or, where there is no "Consular Officer," of Two respectable *British* Merchants.

Agreements to be produced by Foreign-going Ships, on Departure, and delivered on Arrival;

otherwise they are not to be cleared Inwards.

50. And be it enacted, That in the Case of "Foreign-going Ships" the Master shall, before quitting the first Port of Departure, produce and show to the Collector or Comptroller of Customs the Agreement so signed and attested as aforesaid, and no Officer of Customs shall clear any such "Ship" Outwards or permit any such "Ship" to proceed to Sea without such Production; and the Master shall also, within Forty-eight Hours after the "Ship's" Arrival at her final Port of Destination in the "United Kingdom," or upon the Discharge of the Crew, whichever first happens, deliver such Agreement to the Shipping Master, or, if there is no Shipping Master, to the Collector or Comptroller of Customs; and the Shipping Master or Officer of Customs shall thereupon give to the Master a Certificate of such Delivery; and no Officer of Customs shall clear Inwards any "Foreign-going Ship" without the Production of such Certificate; and in every Case in which any such "Ship" is delayed for Want of the Production of any Agreement or Certificate of the Delivery thereof the Tide-waiters left on board shall be maintained at the Expense of the Master or Owner until the same is produced, and Clearance may be delayed till such Expense is satisfied.

Agreements to be produced by Home Trade Ships half-yearly;

otherwise they are not to receive Transire, &c.

51. And be it enacted, That in the Case of "Home Trade Ships" no Agreement shall extend beyond the next following Thirtieth Day of *June* or Thirty-first Day of *December*, or the first Arrival of the "Ship" at her final Port of Destination in the United Kingdom" after such Date; and the Owner or Master of every such "Ship" shall, within Twenty-one Days after the Thirtieth Day of *June* and the Thirty-first Day of *December* in every Year, transmit or deliver to some Shipping Master or Officer of Customs in the "United Kingdom" every Agreement made within the Six Calendar Months next preceding such Days respectively; and the Shipping Master or Officer of Customs shall thereupon give to the Master or Owner a Certificate of such Transmission or Delivery; and no Officer of Customs shall give to the Master or Owner of any such "Ship" as aforesaid a Transire or any other Customs Document necessary for the Conduct thereof without the Production of such Certificate.

Seamen not bound to produce Agreement or Copy.

52. And be it enacted, That any "Seaman" may bring forward Evidence to prove the Contents of any Agreement or otherwise to support his Case without producing or giving Notice to produce the Agreement or any Copy thereof.

Seamen not to lose Lien for Wages.

Certain Stipulations to be void.

53. And be it enacted, That no "Seaman" shall by reason of any Agreement forfeit his Lien upon the Ship, or be deprived of any Remedy for the Recovery of his Wages to which he would otherwise have been entitled; and every Stipulation which is inconsistent with any Provision of this Act or of any other Act relating to Merchant "Seamen," and every Stipulation by which any "Seaman" consents to abandon his Right to Wages in the Case of the Loss of the Ship, or to abandon any Right which he may have or obtain in the Nature of Salvage, shall be wholly inoperative.

Copy of Agreement to be made accessible to Crew.

54. And be it enacted, That the Master shall at the Commencement of every Voyage or Engagement cause a legible Copy of the Agreement (omitting the Signatures) to be placed on board in such a Manner as to be accessible to the Crew.

Penalties on Masters; for taking Seamen to Sea

55. And be it enacted, That if in any Case any "Seaman" is carried to Sea without entering into an Agreement in the Form and Manner and at the Place and Time hereby in such Case required, or if any Agreement or such Copy thereof as aforesaid is not delivered

or

or transmitted to a Shipping Master or Officer of Customs at the Time and in the Manner hereby directed, the Master in the Case of a "Foreign-going Ship," and the Master or Owner in the Case of "a Home Trade Ship," shall for each of such Offences be liable to a Penalty not exceeding Five Pounds; and if a Copy of the Agreement is not placed on board in the Manner herein-before directed, the Master shall for such Offence be liable to a Penalty not exceeding Five Pounds; and every Person who fraudulently alters or procures to be altered, or assists in altering, or makes or procures to be made, or assists in making, any false Entry in, or delivers or procures to be delivered or assists in delivering a false Copy of any Agreement, for each such Offence shall either be deemed guilty of a Misdemeanor, or shall be liable summarily to a Penalty not exceeding Fifty Pounds, or to Imprisonment not exceeding Three Months, with or without hard Labour, as the Justice or Court hearing the Case may think fit.

without Agreement; for Non-production of Agreement; for not giving Agreement to Crew; for falsifying Agreement.

56. And be it enacted, That a "Seaman's" Right to Wages and Provisions shall be taken to commence either at the Time at which he commences Work or at the Time specified in the Agreement for his Commencement of Work or Presence on board, whichever first happens: Provided, that this Enactment shall not prejudice the Infliction of any lawful Punishment, Forfeiture, or Fine; nor shall any "Seaman" be entitled to Wages for any Period during which he refuses or neglects to work when required, whether before or after the Time fixed by the Agreement for his beginning Work.

Right to Wages and Provisions, when to begin.

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

Seamen discharged before Voyage to have Compensation.

X.
Advance and Allotment of Wages.

58. And be it enacted, That so much of the "Seamen's Protection Act" as relates to Advance of Wages and Advance Notes shall be repealed from the Time when those Parts of this Act which relate to the same Particulars come into operation, except as to Advances made and Advance Notes given before that Time.

Repeal of 8 & 9 Vict. c. 116. s. 7.

59. And be it enacted, That no Advance Note shall be made except in Forms sanctioned by the "Board of Trade," which are to contain Blanks for the Number of Days within which the Notes are to be payable and such other Blanks as may be necessary; and no such Form shall be altered except by duly filling up the Blanks therein; and no Advance of Wages shall be made or Advance Note given to any Person but the "Seaman" himself; and no Advance of Wages shall be made or Advance Note given unless the Agreement contains a Stipulation for the same and an accurate Statement of the Amount thereof; and no Advance Note shall be given to any "Seaman" who signs the Agreement before a Shipping Master, except in the Presence of such Shipping Master, or, except in the Case of a Substitute, until Four Hours after the Agreement has been so signed.

Regulation of Advances and Advance Notes.

60. And be it enacted, That if any Advance of Wages is made or any Advance Note given to any "Seaman" in any such Manner as to constitute a Breach of any of the above Provisions, the Wages of such "Seaman" shall be recoverable by him as if no such Advance had been made or promised; and in the Case of any Advance Note so given no Person shall be sued thereon unless he was a Party to such Breach.

Advances made contrary to the above Regulations to be no Discharge of Wages.

61. And be it enacted, That whenever any Advance Note is discounted for any "Seaman" such "Seaman" shall sign or set his Mark to a Receipt endorsed on the Note, stating the Sum actually paid or accounted for to him by the Person discounting the same; and such Person may, after the Expiration of Ten Days from the final Departure of the "Ship" from her last Port of Departure in the "United Kingdom," sue for and recover the Amount promised by the Note, with Costs, either from the Owner or from any Agent who has drawn or authorized the drawing of such Note, either in the County Court or in the summary Manner

Advance Notes to be receipted when discounted; may be sued on summarily;

certain Evidence to be sufficient.

in which "Seamen" are by the "General Merchant Seamen's Act" enabled to sue for and recover Wages not exceeding Twenty Pounds; and in any such Proceeding it shall be sufficient for such Person to prove that the Note was given by the Owner or by the Master or some other authorized Agent, and that the same was discounted to and receipted by the "Seaman;" and the "Seaman" shall be presumed to have gone to Sea with the "Ship," and to have duly earned or to be duly earning his Wages, unless the contrary is proved, either by the Production of his Register Ticket, or by the Official Statement of the Change in the Crew caused by his Absence made and signed by the Master as herein-after required, or in some other Manner.

Stipulations for Allotment to be inserted in Agreements.

62. And be it enacted, That all Stipulations for the Allotment of any Part of the Wages of a "Seaman" during his Absence shall be inserted in the Agreement, and shall state the Amounts and Times of the Payments to be made; and all Allotment Notes shall be in Forms sanctioned by the "Board of Trade."

XI. *Health, &c. on Voyage.*

Nine Feet Superficial Space appropriated to each Seaman, and to be properly constructed.

63. And be it enacted, That every Place in any "Ship" occupied by "Seamen" or Apprentices, and appropriated to their Use, shall have a Space of not less than Nine Superficial Feet for every Adult measured on the Deck or Floor of such Place, which shall be kept free from Stores or Goods of any kind not being their Personal Property in use during the Voyage; and every such Place shall be securely and properly constructed and well ventilated.

Board to issue Scale of Medicines according to 7 & 8 Vict. c. 112. s. 18.

64. And be it enacted, That the Duty of issuing a Scale of Medicines and Medicaments, which is by the "General Merchant Seamen's Act" imposed on the Lord High Admiral or the Commissioners for executing his Office, shall be transferred to the "Board of Trade."

Board may dispense with Lime Juice, &c. in certain Cases.

65. And be it enacted, That in the Case of "Ships" bound to any Ports in "Her Majesty's Dominions" in *North America* the "Board of Trade" may, by general Regulations, dispense with the Observance of so much of the "General Merchant Seamen's Act" as relates to Lime or Lemon Juice, Sugar, and Vinegar, and may limit such Dispensation to any Class of such "Ships," and impose any Conditions it may think fit, and may revoke any such Dispensation.

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

66. And be it enacted, That the "Board of Trade" and the Local Marine Boards may appoint proper Medical Inspectors to inspect the Medicines, Medicaments, Lime or Lemon Juice, Sugar, and Vinegar required by the "General Merchant Seamen's Act," and may, subject to the Sanction of the "Board of Trade," fix the Remuneration of such Persons; and such Medical Inspectors shall for the Purposes of such Inspection have the same Powers as the Special Inspectors herein-after mentioned; and whenever any such Medical Inspector reports to the Collector or Comptroller of Customs in any Port, and at the same Time to the Master, Owner, or Consignee of any "Ship" lying therein which is required to carry such Articles, that in such "Ship" the said Articles or any of them are deficient in Quantity or Quality, or are placed in improper Vessels, the Master of such "Ship," before proceeding to Sea, shall produce to such Collector or Comptroller a Certificate under the Hand of such Medical Inspector or of some other Medical Inspector, to the Effect that such Deficiency has been supplied or remedied, or that such improper Vessels have been replaced by proper Vessels, as the Case may be; and if such "Ship" proceeds to Sea without the Production of such Certificate, the Owner, Master, or Consignee thereof shall be liable to a Penalty not exceeding Twenty Pounds: Provided, that every such Inspector, if required by timely Notice in Writing from the Master, Owner, or Consignee, shall make his Inspection Three Days at least before the "Ship" proceeds to Sea, and if the Result of the Inspection is satisfactory shall not again make Inspection before the Commencement of the Voyage, unless he has Reason to suspect that some of the Articles inspected have been subsequently removed, injured, or destroyed.

Persons selling bad Drugs liable to Penalty.

67. And be it enacted, That any Person who sells or supplies any Medicines, Medicaments, Lime or Lemon Juice, of bad Quality, for the Use of any Ship, shall for each Offence be liable to a Penalty not exceeding Twenty Pounds.

68. And

68. And be it enacted, That every Master shall keep on board proper Weights and Measures, for the Purpose of determining the Quantities of the several Provisions and Articles served out, and shall allow the same to be used at the Time of serving out in the Presence of a Witness, whenever any Dispute arises about such Quantities.

Masters to keep Weights and Measures on board.

69. And be it enacted, That if any Place in any "Ship" occupied by "Seamen" or Apprentices, and appropriated to their Use, is not in the whole sufficiently large to give such Space as herein-before required, or if any such Place is not securely and properly constructed and well ventilated, the Owner shall for every such Offence be liable to a Penalty not exceeding Twenty Pounds; and if any such Space as aforesaid is not kept free from Goods and Stores as aforesaid, or if proper Weights and Measures are not kept or allowed to be used as herein-before directed, the Master shall for every Offence be liable to a Penalty not exceeding Ten Pounds.

Penalties for Want of Space; for improper Construction or Ventilation; for not keeping Weights and Measures.

XII. *Provisions for checking Desertion.*

70. And be it enacted, That if any "Seaman," after signing the Agreement as herein-before required, or any Apprentice, wilfully neglects or refuses to join his "Ship," or deserts, and then or afterwards is found or arrives at any Place in which there is a Court or Justice capable of exercising Jurisdiction under this Act, he shall, on due Proof of the Offence, and, when practicable, of a proper Entry thereof in the Official Log Book, be summarily punished by Imprisonment for a Period not exceeding Twelve Weeks, with or without hard Labour, at the Discretion of the Court or Justice inflicting the same; provided that, in case the Master or the Owner or his Agent so requires, such Court or Justice may, instead of committing the Offender to Prison, cause him to be conveyed on board for the Purpose of proceeding on the Voyage, or may deliver him to the Master or any Mate of the "Ship," or the Owner or his Agent, to be by them so conveyed, and may in such Case order any Costs and Expenses properly incurred by or on behalf of the Master or Owner by reason of the Offence to be paid by the Offender, and, if necessary, to be deducted from any Wages which he may have then earned, or which by virtue of his then existing Engagement he may afterwards earn.

Refusal to join and Desertion, Three Months Imprisonment; with Power to Justice to send the Offender on board.

71. And be it enacted, That whenever a "Seaman" or Apprentice neglects or refuses to join, or absents himself without Leave or deserts from, any "Ship" in which he is engaged to serve, the Master or any Mate, or the Owner, Ship's Husband, or Consignee, may, for the Purpose of carrying him before a Justice, apprehend or require any Police Officer or Constable to apprehend him, without first procuring a Warrant, but so nevertheless as not to detain him in Custody more than Twenty-four Hours, or such shorter Time as may in the particular Case be reasonable, before the Case is heard or a proper Warrant is procured; but if any such Apprehension appears to the Court or Justice before whom the Case is brought to have been made on improper or on insufficient Grounds, the Master, Mate, Owner, Ship's Husband, or Consignee who made the same, or caused the same to be made, shall be liable to a Penalty not exceeding Twenty Pounds.

Master or Owner may give Deserters, &c. in charge without Warrant.

72. And be it enacted, That if in the course of a Voyage any "Seaman" or Apprentice is found absenting himself from his "Ship" without Leave, the Master or any Mate, or the Owner, Ship's Husband, or Consignee, may, in any Place in Her Majesty's Dominions, with or without the Assistance of the local Authorities, who are hereby directed to give the same, if required, and also at any Place out of Her Majesty's Dominions, if and so far as the Laws in force at such Place will permit, apprehend him, and shall thereupon, if he so requires, and if practicable, convey him before some Court or Justice capable of hearing his Complaint, to be dealt with according to Law, or may, if he does not so require, or if there is no such Court or Justice at or near the Place, at once convey him on board.

On Voyage Seamen found absent without Leave may be carried on board.

73. And be it enacted, That such Wages or Parts of Wages forfeited for Desertion as are, by the Section of the "General Merchant Seaman's Act" numbered IX. in the Copy printed by the Queen's Printer, applicable to the Reimbursement of the Expenses occasioned by such Desertion to the Master or Owner of the "Ship" from which the "Seaman" has deserted, may be recovered by such Master or by the Owner or his Agent in the same Manner as the "Seaman" might have recovered the same if they had not been forfeited; and any Court or Justice may in any Proceeding relating to such Wages order the same to be paid accordingly.

Wages forfeited for Desertion to be recoverable by Master, &c. who has suffered by the Desertion. 7 & 8 Vict. c. 112. s. 9.

Provisions for checking Desertion.

Entries and Certificates of Desertion abroad to be copied, sent home, and admitted in Evidence. 7 & 8 Vict. c. 112. ss. 9. 46.

74. And be it enacted, That in all Cases of Desertion from any "Ship" in any Place abroad the Master shall produce the Entry of such Desertion in the Official Log Book to the Person or Persons required by the "General Merchant Seamen's Act" to endorse on the Agreement a Certificate of such Desertion; and such Person or Persons shall thereupon make and certify a Copy of such Entry and also a Copy of the said Certificate of Desertion; and if such Person is a public Functionary he shall, and in other Cases the said Master shall, forthwith transmit such Copies to the Registrar of Seamen in *England*; and the said Registrar shall, if required, cause the same to be produced in any legal Proceeding; and such Copies, if purporting to be so made and certified as aforesaid, and if shown to have come from the Custody of the said Registrar, shall in any legal Proceeding relating to such Desertion be received as Evidence of the Entries therein appearing.

False Statement as to last Ship or Name to be Forfeiture.

75. And be it enacted, That if any "Seaman" on or before being engaged wilfully and fraudulently makes a false Statement of the Name of his last "Ship" or last alleged "Ship," or wilfully and fraudulently makes a false Statement of his own Name, he shall forfeit out of the Wages he may earn by virtue of such Engagement a Sum not exceeding Five Pounds; and such Sum shall, subject to Reimbursement of the Loss and Expenses (if any) occasioned by any previous Desertion, be paid to the "Board of Trade."

Board may dispense with Sanction for Discharge of Men in Colonies required by 7 & 8 Vict. c. 121. s. 46.

76. And be it enacted, That the "Board of Trade" may, by Regulations duly published, dispense with the Necessity of obtaining such Sanctions for the Discharge of "Seamen" in "Her Majesty's Dominions" abroad as are required by the "General Merchant Seamen's Act," and may limit such Dispensation to any particular Class of "Ships" or Voyages, and may impose any Conditions it may think fit, and may revoke any such Dispensation; and whilst any such Dispensation is in force any Master, whose Agreement permits of his so doing, may discharge his Crew or any Members thereof, without such Sanction as aforesaid, in any Place to which such Dispensation may apply.

XIII. *Discipline on Voyage.*

Misconduct endangering the Ship or Life or Limb a Misdemeanor.

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

Certain Offences to be punishable on Arrival in Port.

78. And be it enacted, That any "Seaman" or Apprentice who whilst on Service commits any of the following Offences, and who then is or afterwards arrives or is found at any Place in which there is a Court or Justice capable of exercising summary Jurisdiction under this Act, may, on due Proof of the Offence, and of such Entry thereof in the Log Book as herein-after directed, be summarily punished by Imprisonment, with or without hard Labour, not exceeding in Duration the several Periods following; (that is to say,)

Theft, or wilful Damage;

1. Twelve Weeks for wilfully damaging the "Ship," or embezzling or wilfully damaging any of her Stores or Cargo:

Assaulting Officers;

2. Twelve Weeks for assaulting any Master or Mate:

Disobedience;

3. Four Weeks for wilful Disobedience to any lawful Command:

Continued Disobedience or Neglect of Duty;

4. Twelve Weeks for continued wilful Disobedience to lawful Commands, or for continued wilful Neglect of Duty:

Combining to disobey or neglect Duty.

5. Twelve Weeks for combining with any other or others of the Crew to disobey lawful Commands, or to neglect Duty, or to impede the Navigation of the "Ship" or the Progress of the Voyage:

Provided always, that nothing herein-before contained shall take away or abridge any Powers which a Master has over his Crew.

Fines to be deducted from Wages, and

79. And be it enacted, That whenever any Act of Misconduct is committed which is by the Agreement subject to a Fine, the appropriate Fine shall, if an Entry of the Offence is made and attested in the Official Log Book as herein-after directed, and if the Offence is proved

proved to the Satisfaction of the Shipping Master to whom the Fine is to be paid, be deducted from the Wages of the Offender; and the Master or Owner shall pay over every Fine so deducted as follows; that is to say, in the Case of "Foreign-going Ships" to the Shipping Master before whom the Crew is discharged, and in the Case of "Home Trade Ships" to the Shipping Master at or nearest to the Place at which the Crew is discharged; and any Master or Owner who neglects or refuses to pay over any such Fine as aforesaid shall for each Offence be liable to a Penalty not exceeding Six Times the Amount of the Fine retained by him: Provided always, that if, before the final Discharge of the Crew in the United Kindom, any such Offender as aforesaid enters into any of Her Majesty's Ships, or is discharged abroad, the Offence shall then be proved to the Satisfaction of the Officer in command of the Ship into which he so enters, or of the Consular Officer, Officer of Customs, or other Person by whose Sanction he is so discharged; and the Fine shall thereupon be deducted as aforesaid; and an Entry of such Deduction shall then be made in the Official Log Book, and signed by such Officer or other Person; and such Fine shall, on the Return of the Ship to the United Kingdom, in the Case of "Foreign-going Ships," be paid to the Shipping Master before whom the Crew is discharged, and in the Case of "Home Trade Ships" to the Shipping Master at or nearest to the Place at which the Crew is discharged.

paid to Shipping Master.

Penalty.

80. And be it enacted, That whenever in any Proceeding under the General Merchant Seamen's Act or this Act any Question arises concerning any Offence committed by a "Seaman" or Apprentice which is punishable under either of such Acts, the Court or Justice hearing the same may, if the Justice of the Case requires, order the Offender to be punished, both by lawful Imprisonment appropriate to the Case, and, in addition, may make such Order in regard of Wages accruing due in the meantime as to such Court or Justice may seem fit.

Both Imprisonment and Forfeiture may be inflicted, if Justice so requires.

81. And be it enacted, That no "Seaman" or Apprentice shall be entitled to any pecuniary Allowance on account of any Reduction in the Quantity of Provisions furnished to him during such Time as he wilfully and without sufficient Cause refuses or neglects to perform his Duty, or is lawfully under Confinement for Misconduct either on board or on shore, or during such Time as such Quantity may be reduced in accordance with any Regulation for Reduction by way of Punishment contained in the Agreement.

No Allowance for Reduction in Provisions during Neglect of Duty or Confinement, or by Agreement. 7 & 8 Vict. c. 112. s. 12.

XIV. *Naval Court on Voyage.*

82. And be it enacted, That if, whilst any "Ship" is out of "Her Majesty's Dominions," a Complaint is made by the Master or by any of the certificated Mates, or by One Third or more of the "Seamen" in her Crew, or by the Consignee, to any Naval Officer in Command of any "Ship" of Her Majesty, or, in the Absence of such Naval Officer, to any "Consular Officer," such Naval or Consular Officer shall thereupon, if Circumstances admit, and if he thinks the Case requires immediate Investigation, but not otherwise, summon a Court consisting of not more than Five and not less than Three Members, of whom, if possible, One shall be a Naval Officer not below the Rank of Lieutenant, One a "Consular Officer," and One a Master of a *British* Merchant Ship, and the rest shall be either Naval Officers, Masters of *British* Merchant Ships, or *British* Merchants, and such Court may include the Naval or Consular Officer summoning the same, but shall not include the Master or Consignee of the "Ship" to which the Parties complaining or complained against may belong; and the Naval or Consular Officer on such Court, if there is only One such Officer on the Court, and if there is more than One, the Naval or Consular Officer who according to any Regulations for settling their respective Ranks for the Time being in force is of the highest Rank, shall be the President of such Court; and such Court shall hear the Case, and may for that Purpose summon and compel the Attendance of Parties and Witnesses, and administer Oaths and Affirmations, and order the Production of Documents, and may discharge any "Seaman" from his "Ship," and may, if the Court is unanimous that the Safety of the "Ship" or Crew, or the Interests of the Owner, absolutely require it, supersede the Master, and appoint another Person to act in his Stead, such Appointment to be made with the Consent of the Consignee of the "Ship," if then at the Place, and shall, whether any Order is made or not, make a Report containing a Statement of the Proceedings and of the Evidence, and send it to the "Board of Trade;" and such Report, if purporting to be signed by

Naval Court for hearing Complaints on the High Seas and abroad; its Constitution;

and Powers.

Report to be sent home.

Naval Court on Voyage.

by the senior Naval Officer or Master, or to be sealed with the Consular Seal, and if produced out of the Custody of the "Board of Trade" or its Officers, shall be admitted in Evidence in any legal Proceeding.

Costs of Proceeding and Compensation for Delay.

83. And be it enacted, That such Court may order the Costs of the Proceeding before it (if any), or any Portion thereof, to be paid by any of the Parties thereto, and may order any Person making a frivolous or vexatious Complaint to pay Compensation for any Loss or Delay caused thereby; and any Cost or Compensation so ordered shall be paid by such Person accordingly, and may be recovered in the same Manner as other Sums hereby made recoverable, or may, if the Case admits, be deducted from his Wages; and the "Board of Trade" may, in any Case in which it thinks fit so to do, pay any Costs of any such Proceeding, and make any reasonable Compensation for any Damage or Delay caused thereby.

Penalty for preventing Complaint.

84. And be it enacted, That any Person who wilfully and without due Cause prevents or obstructs the making or Investigation of any such Complaint as aforesaid, shall for each Offence be liable to a Penalty not exceeding Fifty Pounds, or to Imprisonment, with or without hard Labour, for a Period not exceeding Twelve Weeks.

XV. *Log Books.*

The Board is to sanction Forms of Log Books, which are to be invariably employed and properly kept.

85. And be it enacted, That the Board of Trade shall sanction Forms of Official Log Books, which may be different for different Classes of "Ships," and shall contain, amongst other things, Blanks for the Entries herein-after required, and for Entries as to the Character and Conduct of the several Members of the Crew; and an Official Log of every "Ship" shall be kept in the sanctioned Form, and all the Blanks therein shall be duly filled up; and in all Cases the Entries shall be made as soon as possible after the Occurrences to which they relate, and in no Case shall any Entry be made more than Twenty-four Hours after the Arrival of the "Ship" at her final Port of Entry or Discharge in respect of any Occurrence happening previously to such Arrival; and the Official Log may, at the Discretion of the Master or Owner, be either united with or kept distinct from the ordinary Ship's Log; and in Cases in which they are kept distinct, and in which the Official Log is properly kept, nothing herein contained shall apply to the ordinary Ship's Log.

Entries of Fines and Punishments to be made in the Log and attested;

86. And be it enacted, That the Master of every "Ship" shall, upon every legal Conviction of any Member of his Crew, and upon every Infliction of Punishment on any such Member, and upon the Commission of every Offence by any such Member for which it is intended to procure Punishment to be inflicted or to enforce a Forfeiture or exact a Fine, immediately cause a Statement of the Offence, and in the Case of a Conviction or of Punishment actually inflicted a Statement of such Conviction or Punishment, to be entered in the Official Log Book, and shall cause such Entry to be signed by a Mate of the "Ship," or, if there is no Mate, by the Carpenter, Boatswain, or One of the oldest Members of the Crew; and the Master shall also from Time to Time or at some Time before the Discharge of the Crew fill up the Blanks left for that Purpose in the Official Log Books with true Entries concerning the Conduct and Character of the several Members of the Crew, or may, in a Blank to be left for that Purpose, state that he declines to give any Opinion thereupon.

also Entries as to Conduct generally.

Entries of Illness, Injury, and Death to be made in Log Books;

87. And be it enacted, That every Master shall, in every Case of Illness or Injury causing Suspension of Work or of Death happening to any "Seaman" or Apprentice during a Voyage, cause an Entry thereof, and also, in the Case of Illness or Injury, of the Nature thereof and of the Medical Treatment adopted, and, in the Case of Death, of the Cause of Death, to be made in the Official Log Book, such Entry to be signed by the Mate, or, if there is no Mate, by the Carpenter, Boatswain, or one of the oldest Members of the Crew, and by the Surgeon or Medical Man on board, if any, and shall also, in case of any "Seaman" or Apprentice ceasing to be a Member of the Crew otherwise than by Death on board, thereupon immediately cause an Entry of the Place, Time, Manner, and Cause of such "Seaman" or Apprentice ceasing to be a Member of the Crew to be made in the Official Log Book, such Entry to be signed by the Mate, or, if there is no Mate, by the Carpenter, Boatswain, or one of the oldest Members of the Crew.

also of Seamen leaving Ship.

List in Schedule (G.) 7 & 8 Vict. c. 112. s. 26. not required.

88. And be it enacted, That no Lists made in the Form set forth in Schedule (G.) to the "General Merchant Seamen's Act" shall be required from any Master who has engaged his

his Crew before a Shipping Master; but the Master of every "Foreign-going Ship" of which the Crew has been so engaged shall, before finally leaving the "United Kingdom," sign and send to the nearest Shipping Master a full and accurate Statement, in a Form to be sanctioned by the "Board of Trade," of every Change which takes place in his Crew before finally leaving the "United Kingdom." Changes in Crew to be reported.

89. And be it enacted, That in the Case of "Foreign-going Ships" the Master shall within Forty-eight Hours after the "Ship's" Arrival at her final Port of Destination in the "United Kingdom" or upon the Discharge of the Crew, whichever first happens, deliver to the Shipping Master, or, if there is no Shipping Master, to the Collector or Comptroller of Customs, the Official Log Book of the Voyage; and the Shipping Master or Officer of Customs shall thereupon give to the Master a Certificate of such Delivery, and no Officer of Customs shall clear Inwards any "Foreign-going Ship" without the Production of such Certificate; and in every Case in which any such "Ship" is delayed for Want of such Certificate the Tide-waiters left on board shall be maintained at the Expense of the Master or Owner until the same is produced, and Clearance may be delayed till such Expense is satisfied. Official Logs to be delivered by Foreign-going Ships on Arrival; otherwise they are not to be cleared.

90. And be it enacted, That in the Case of "Home Trade Ships" the Owner or Master shall within Twenty-one Days after the Thirtieth Day of *June* and the Thirty-first Day of *December* in every Year transmit or deliver to some Shipping Master or Officer of Customs in the "United Kingdom" the Official Log Book for the preceding Half Year, and the Shipping Master or Officer of Customs shall thereupon give to the Master or Owner a Certificate of such Transmission or Delivery; and no Officer of Customs shall give to the Master or Owner of any such "Ship" as aforesaid a Transire or other Customs Document necessary for the Conduct thereof, without the Production of such Certificate. Official Logs to be delivered by Home Trade Ships half-yearly; otherwise they are not to receive Transire.

91. And be it enacted, That if any "Ship" is so transferred as no longer to be within the Operation of this Act, the Master or Transferor thereof shall, within One Month if such Transfer is made in the "United Kingdom," and within Six Months if the same is made elsewhere, deliver or transmit to the Shipping Master or Comptroller or Collector of Customs at the "Port" to which the "Ship" previously belonged the Official Log Book duly made out to the Time of such Transfer; and if any "Ship" is lost, the Master or Owner thereof shall, if practicable, and as soon as possible, deliver or transmit to the Shipping Master or Comptroller or Collector of Customs at the Port to which the "Ship" belonged the Official Log Book duly made out to the Time of such Loss. Logs to be sent home in case of Transfer of Ship; and in case of Loss.

92. And be it enacted, That every Shipping Master or Officer of Customs to whom any Log Book is delivered in pursuance of this Act shall, at any Time after the Expiration of Forty-eight Hours after such Delivery, re-deliver the same to the Master or Owner, if required so to do; and such Master or Owner shall at any Time within Two Years of such Re-delivery, if required by the "Board of Trade," produce the same for Inspection, as it may direct. Logs to be re-delivered to Master or Owner.

93. And be it enacted, That if any Log Book hereby required to be kept or made in a particular Manner is not so kept, or if any Entry hereby directed to be made in any Log Book is not made at the Time and in the Manner hereby directed, or if, in case of any such Change in a Crew before leaving the "United Kingdom" as herein-before mentioned, such Statement thereof is not signed and sent as herein-before directed, the Master shall for each Offence be liable to a Penalty not exceeding Five Pounds; and if any Log Book hereby required to be delivered, transmitted, or produced is not delivered, transmitted, or produced as hereby directed, the Master or Owner (as the Case may require) shall for each Offence be liable to a Penalty not exceeding Twenty Pounds; and every Person who makes or procures to be made or assists in making any Entry in any Official Log Book more than Twenty-four Hours after the "Ship" has arrived at her final Port of Discharge in respect of any Occurrence happening previously to such Arrival, shall be liable to a Penalty not exceeding Thirty Pounds; and every Person who wilfully makes or procures to be made or assists in making any false or fraudulent Entry or Omission in any Log Book, for each Offence shall either be deemed guilty of a Misdemeanor, or shall be liable summarily to a Penalty Penalties for not keeping Log; for not reporting Change in Crew; for not delivering Log; for making Entries in Log more than 24 Hours after Arrival; for making false Entries.

Penalty not exceeding Fifty Pounds, or to Imprisonment not exceeding Three Months, with or without hard Labour, as the Court or Justice hearing the Case may think fit.

XVI. *Payment of Wages and Discharge of Crews.*

No Seaman to sue for Wages abroad except in Cases of personal Danger.

94. And be it enacted, That no "Seaman" who is engaged for a Voyage or Engagement which is to terminate in the "United Kingdom" shall be entitled to sue abroad for Wages in any Court or before any Justice, unless he is discharged in the Manner required by the "General Merchant Seamen's Act," and with the written Consent of the Master, or proves such Ill-usage on the Part of the Master, or by his Authority, as to warrant reasonable Apprehension of Danger to the Life of such Seaman by remaining on board; but if any "Seaman" on his Return to the "United Kingdom" proves that the Master or Owner has been guilty of any Conduct or Default which, but for this Enactment, would have entitled the "Seaman" to sue for Wages before the Termination of the Voyage or Engagement, he shall be entitled to recover, in addition to his Wages, such Compensation, not exceeding Twenty Pounds, as the Court or Justice hearing the Case may think reasonable.

Remedy on Return to the United Kingdom.

Masters to deliver Accounts to Seamen.

95. And be it enacted, That, except in Cases in which "Seamen" expressly require to be paid without waiting for an Account, every Master shall, not less than Twenty-four Hours before paying off or discharging any "Seaman," deliver to him, or, if the "Seaman" is to be discharged before a Shipping Master, to such Shipping Master, a full Account, in a Form sanctioned by the Board, of his Wages, and of all Deductions to be made therefrom on any Account whatever; and no such Deduction (except in the Cases above excepted, and also except in respect of any Matter happening after such Delivery,) shall be allowed unless a Statement thereof is so made and delivered.

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

96. And be it enacted, That in the Case of "Foreign-going Ships" all "Seamen" discharged in the "United Kingdom" shall be discharged and receive their Wages in the Presence of a Shipping Master duly appointed hereunder.

Shipping Master may decide Questions which Parties refer to him.

97. And be it enacted, That the Shipping Master shall hear and decide any Question whatever between a Master or Owner and any of his Crew which both Parties agree in Writing to submit to him; and every Decision so made by him shall be binding on both Parties, and shall, in any legal Proceeding which may be taken in the Matter before any Court or Justice, be deemed to be conclusive as to the Rights of the Parties; and such written Submission, though unstamped, signed by the Parties, with an unstamped Certificate of the Decision signed by the Shipping Master, shall be sufficient Evidence that the same has been duly made.

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

and to be kept;

and to be a Discharge;

and no other Receipt to be a Discharge.

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

98. And be it enacted, That upon the Completion before a Shipping Master of any Discharge and Settlement the Master or Owner and each "Seaman" shall respectively in the Presence of the Shipping Master sign a mutual Release of all Claims in respect of the past Voyage or Engagement, in a Form to be sanctioned by "the Board of Trade," and the Shipping Master shall also sign and attest it, and shall retain and transmit it as hereinbefore directed; and such Release so signed and attested shall operate as a mutual Discharge and Settlement of all Demands between the Parties thereto in respect of the past Voyage or Engagement; and a Copy of such Release, certified under the Hand of such Shipping Master to be a true Copy, shall be given by him to any Person who may be a Party thereto, and may require the same; and such Copy shall be receivable in Evidence upon any future Question touching such Claims as aforesaid, and shall have all the Effect of the Original of which it purports to be a Copy; and in Cases in which Discharge and Settlement before a Shipping Master is required, no Payment, Receipt, Settlement, or Discharge otherwise made shall operate or be admitted as Evidence of the Release or Satisfaction of any Claim; and upon any Payment being made by a Master before a Shipping Master the Shipping Master shall, if required, sign and give to such Master a Statement of the whole Amount so paid; and such Statement shall, as between the Master and his Employer, be received as Evidence that he has made the Payments therein mentioned.

Master to make Reports of Character.

99. And be it enacted, That every Master shall, upon any Discharge being effected before a Shipping Master, make and sign in Duplicate, in a Form sanctioned by the "Board of Trade," a Report of the Conduct, Character, and Qualifications of the Persons discharged, or may state in a Column to be left for that Purpose in the said Form that he declines

to

to give any Opinion thereupon; and the Shipping Master shall retain one Copy, and shall transmit the other to the Registrar of Seamen, or to such other Person as the Board may direct, to be recorded, and shall, if desired so to do by any "Seaman," give to him or endorse on his Certificate of Discharge a Copy of so much of such Report as concerns him.

Payment and Discharge.

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

100. And be it enacted, That any Shipping Master may, in any Proceeding relating to the Wages, Claims, or Discharge of any "Seaman" hereby directed to be carried on before him, call upon the Owner or his Agent, or upon the Master or any Mate or other Member of the Crew, to produce any Log Books, Papers, or other Documents in their respective Possession or Power relating to any Matter in question in such Proceeding, and may call before him and examine any of such Persons, being then at or near the Place, on any such Matter.

Penalties for not discharging before Shipping Master;

for not giving Account to Seamen;

for not giving Evidence;

for falsifying, forging, or fraudulently using Certificates of Character.

101. And be it enacted, That any Master or Owner who, in any Case in which Discharge and Settlement for Wages are hereby directed to be made before a Shipping Master, discharges any "Seaman" or settles with him for his Wages otherwise than as herein-before directed, shall for each Offence be liable to a Penalty not exceeding Ten Pounds; and any Master who fails to deliver such Account as herein-before required at the Time and in the Manner herein-before directed shall for each Offence be liable to a Penalty not exceeding Five Pounds; and every Owner, Agent, Master, Mate, or other Member of the Crew, who when called upon by the Shipping Master does not produce any such Paper or Document as herein-before in that Behalf mentioned, if in his Possession or Power, or does not appear and give Evidence, and does not show some reasonable Excuse for such Default, shall for each Offence be liable to a Penalty not exceeding Five Pounds; and every Person who makes or procures to be made or assists in making any false Certificate or Report of the Service, Qualifications, Conduct, or Character of any "Seaman," knowing the same to be false, or who fraudulently forges or alters, or procures to be forged or altered, or assists in forging or altering, any such Certificate or Report, or who fraudulently makes use of any Certificate or Report which is forged or altered or does not belong to him, for each Offence shall either be deemed guilty of a Misdemeanor, or shall be liable summarily to a Penalty not exceeding Fifty Pounds, or to Imprisonment not exceeding Three Months, with or without hard Labour, as the Justice or Court hearing the Case may think fit.

XVII. *Powers of Investigation.*

Power of procuring Returns, &c.

102. And be it enacted, That all "Consular Officers" and all Officers of Customs abroad, and all Local Marine Boards, and Shipping Masters, shall make and send to the "Board of Trade" such Returns or Reports on any Matter relating to the *British* Merchant Service or to Persons employed therein as it may require; and all Shipping Masters shall, when required, produce to the "Board of Trade" or to its Officers all Log Books and other Documents which in pursuance of this Act are delivered to them, and the "Board of Trade" may require the Attendance of any Officer of Customs or other public Officer or Servant in the "United Kingdom" whom it thinks fit to examine concerning any such Matter as aforesaid, and may require from him any Answers or Returns as to any such Matter, and may examine him on Oath or Affirmation, and cause him to produce before it any Documents in his Possession relating to any such Matter.

Shipping Masters, Naval Officers, Consuls, and Officers of Customs may call for Log, &c.

103. And be it enacted, That every Shipping Master, and every Officer and Agent of the "Board of Trade," and every Commissioned Officer of any of Her Majesty's "Ships," and every *British* "Consular Officer," and every Chief Officer of Customs in any Place in "Her Majesty's Dominions" abroad, may require the Production of the Official Log Book and any Documents relating to the Crew in the Possession of the Owner, Master, or any of the Crew, for the Purpose of inspecting the same, and of seeing that the Provisions of this Act, and of every other Act relating to Merchant "Seamen," are complied with.

In Cases of Accident, Misconduct, and of gross Violation of Law, the Board may appoint special

104. And be it enacted, That whenever the "Board of Trade" has Reason to apprehend that any serious Accident occasioning Loss of Life or Property has been sustained or caused by or has happened on board of any "Ship," or that any "Ship" has been lost or has received material Damage, or that any of the Provisions of this Act or of any other Act relating to Merchant "Ships" or Merchant Sailors are so grossly neglected or disobeyed as to require

Inspectors to report.

special Investigation, it may appoint the local Examiners or any other proper Person or Persons as special Inspector or Inspectors to inquire into and to report thereupon; and every Person so authorized may at all reasonable Times, upon producing his Authority (if required), go on board and inspect any "Ship" the Inspection of which appears to him requisite for the Purpose of the Investigation, and every Part thereof, not detaining the "Ship" from proceeding on her Voyage, and enter and inspect any Premises the Entry or Inspection of which appears to him requisite for the same Purpose, and may make such Inquiries in the Matter as he may think fit.

Inspectors may call for the Production of Evidence.

105. And be it enacted, That every such special Inspector as aforesaid may, by Summons under his Hand, require the Attendance of all such Persons as he may think fit to call before him upon any Matter connected with the Execution of any of the Powers and Duties vested in him as such Inspector, and may require Answers or Returns to any Inquiries he may think fit to make, and may require and enforce the Production of all Log Books, Accounts, Agreements, or other Papers or Writings in anywise relating to any such Matter, and may also require every such Person to make and subscribe a Declaration of the Truth of the Statements made by him in his Examination: Provided always, that no such Person need for the Purpose of obeying any such Summons travel more than Ten Miles from his actual Abode at the Time of receiving the same, unless Tender is made to him of such reasonable Expenses in respect of his Attendance to give Evidence and his Journeys to and from the Place where he is required to attend for that Purpose as would be allowed to any Witness attending on Subpœna to give Evidence before any of Her Majesty's Courts at *Westminster;* and in case of any Dispute as to the Amount of such Expenses the same shall be referred by the Inspector to One of the Masters of Her Majesty's Court of Queen's Bench, who is hereby required, on a Request made to him for that Purpose under the Hand of the said Inspector, to ascertain and certify the proper Amount of such Expenses.

Expenses of Witnesses.

Penalties for obstructing Inspectors in the Execution of their Duty;

and for not giving Evidence to Inspector.

106. And be it enacted, That every Person who wilfully impedes any special Inspector appointed by the "Board of Trade" or any other Person hereby authorized to enter and inspect any "Ship" or other Premises in the Execution of his Duty, whether on board any "Ship" or elsewhere, may be seized and detained by such Inspector or other Person, or by any Person or Persons whom he may call to his Assistance, until such Offender can be conveniently taken before some Justice of the Peace or other Officer having proper Jurisdiction; and every such Offender, and also every Person who refuses to attend as a Witness before any special Inspector 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 any special Inspector or other such Person as aforesaid is hereby empowered to require, shall for each Offence be liable to a Penalty not exceeding Ten Pounds.

XVIII. *Procedure.*

Misdemeanors to be prosecuted by Information or Indictment.

Penalties and other Sums to be recovered and Offences punished summarily.

11 & 12 Vict. c. 43.

7 & 8 Vict. c. 112.

107. And be it enacted, That all Misdemeanors mentioned or created by this Act may be prosecuted by Information at the Suit of Her Majesty's Attorney General, or by Indictment, or by such other legal Proceeding as is applicable in the like Cases in any Court having appropriate Criminal Jurisdiction in any of "Her Majesty's Dominions," and shall be punishable with Fine or Imprisonment, with or without hard Labour, or both, as such Court may think fit, and the Court may, if it shall think fit, order Payment of the Costs and Expenses of the Prosecution; and all Penalties and other Sums of Money hereby made payable or recoverable may be recovered, with Costs, and all Offences hereby made punishable otherwise than solely as Misdemeanors may be prosecuted and punished, and the Costs of such Prosecution recovered, by some appropriate summary Proceeding, before One or more Justice or Justices, Sheriff or Sheriffs, or other Officer or Officers exercising a similar Jurisdiction in any Part of "Her Majesty's Dominions;" and all such summary Proceedings, if instituted in *England* or *Wales*, may, so far as is consistent with the Provisions of this Act, be carried on either in the Manner directed by an Act passed in the Session of the Eleventh and Twelfth Years of the Reign of Her Majesty Queen *Victoria*, intituled *An Act to facilitate the Performance of the Duties of Justices of the Peace out of Sessions within* England *and* Wales *with respect to summary Convictions and Orders*, or, if the Case admits, in the Manner directed by the "General Merchant Seamen's Act" as to Penalties thereby imposed.

108. And

108. And be it enacted, That 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 to be where Offence committed or Offender is.

109. And be it enacted, That Service of any Summons or other Matter in any legal Proceeding under the "General Merchant Seamen's Act" or the "Seamen's Protection Act" or 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. Personal Service, or on board, good. 7 & 8 Vict. c. 112. 8 & 9 Vict. c. 116.

110. And be it enacted, That in any legal Proceeding of a Civil Nature under the "General Merchant Seamen's Act" or the "Seamen's Protection Act" or this Act, every Person, whether a Party to the Proceeding or not, shall be a competent Witness, and be allowed to give Evidence accordingly. Evidence. 7 & 8 Vict. c. 112. 8 & 9 Vict. c. 116.

111. And be it enacted, That any Justice or Justices or other Court or Officer imposing any Penalty under this Act for 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 or Persons for any Wrong or Damage which he may have sustained by the Act or Default in respect of which such Penalty is imposed; and, subject to such Directions or specific Application as aforesaid, all Penalties recovered in the "United Kingdom" shall be paid over to the "Board of Trade" or applied as it directs, and all Penalties recovered in "Her Majesty's Dominions" abroad shall be paid over into the public Treasury of the Place, and form Part of the public Revenue thereof; and all Sums of Money hereby made recoverable, not being Penalties, shall be paid to the Persons hereby enabled to recover the same; and all Penalties and Forfeitures which by the General Merchant Seamen's Act or the Seamen's Protection Act are made payable to the Seamen's Hospital Society shall be paid to the Board of Trade, or as it may direct. Amount and Application of Penalties.

112. And be it enacted, That no Conviction, Order, or other Proceeding under the "General Merchant Seamen's Act" or this Act shall be quashed or vacated for Want of Form. No Proceeding to be void for Informality.

113. And be it enacted, That no Distress levied in any Proceeding under the "General Merchant Seamen's Act" or the "Seamen's Protection Act" or this Act shall be deemed unlawful, nor shall any Person making the same be deemed a Trespasser, on account of any Defect of Form in the Summons, Order, Conviction, Warrant of Distress, or other Proceeding relating thereto, nor shall such Party be deemed a Trespasser *ab initio* on account of any Irregularity afterwards committed by him, but any Person aggrieved by such Defect or Irregularity may recover Satisfaction for the special Damage in an Action. Distress not unlawful for Want of Form. 7 & 8 Vict. c. 112. 8 & 9 Vict. c. 116.

114. And be it enacted, That every legal Proceeding under this Act shall, in case the Offence is committed or the Cause of Complaint arises within Twenty Days before the Commencement or during the Continuance of any Voyage made either by the Person complaining or the Person offending complained against, be commenced not later than Twelve Calendar Months after the first subsequent Arrival of such Person or of both of such Persons in the "United Kingdom," and in all other Cases within Twelve Calendar Months after the Offence or Cause of Complaint has been committed or arisen. Limitation of Time.

XIX. *Evidence taken abroad.*

115. And be it enacted, That whenever, in any legal Proceeding in *England* in respect of any Matter in which *British* "Consular Officers" have the Power of taking Depositions, it is proved that a Witness who has been examined before any "Consular Officer" abroad is out of the "United Kingdom," or cannot be found or produced on the Trial or Hearing, the Deposition of such Witness taken before such "Consular Officer" in the Matter, and, if the Proceeding is criminal, in the Presence of the Party accused, and certified by such "Consular Officer" under his official Seal to have been so taken, shall be admitted in Evidence in such Proceeding; and any Deposition purporting to be so certified as aforesaid shall be deemed to have been so taken and certified as aforesaid, unless the contrary is proved. Depositions before Consuls Evidence, when Witness not produced. 7 & 8 Vict. c. 112. s. 59.

XX. *Application of Monies.*

116. And be it enacted, That every Shipping Master, Officer of Customs, or other public Officer or Servant, who receives or recovers within the "United Kingdom" any Sum of Money for the Sale of any Forms supplied to him by the "Board of Trade," or any Fee, Fine, Shipping Masters and other public

Servants receiving or recovering Money to pay or account for the same to the Board.

Fine, or Penalty hereby made payable, shall be deemed to be the Agent of such Board in respect thereof, and shall, according to its Instructions, either transmit the same to or to the Account of such Board, or retain or apply the same as it may direct, and shall, at such Times as such Board may direct, render to it a full Account of all Monies so received and of the Application thereof.

Monies not presently required to be invested in Parliamentary Securities.

117. And be it enacted, That all Monies coming to the Hands of the "Board of Trade" under the Provisions of this Act which are not presently required for any of the Purposes herein-after mentioned, and of which no other Application is hereby specially directed, shall be paid into the Bank of *England* to an Account or Accounts to be there opened in the Name of such Board; and such Board may, at its Discretion, invest any such Monies in Parliamentary Securities, but in no other Security, and may from Time to Time either accumulate the annual Produce of such Investments, or apply the same to any of the Purposes herein-after mentioned, and may from Time to Time sell any Part of the Principal, and apply the Proceeds to any of such Purposes.

Monies to be applied in Payment of Expenses, &c.

118. And be it enacted, That the "Board of Trade" shall, out of the Monies which come to its Hands or to the Hands of its Agents as aforesaid (except Monies of which some other Application is hereby specially directed), and the Produce of the Investments of such Monies, in the first place pay all Salaries, Wages, Remunerations, Payments, and Expenses hereby authorized, and all Expenses properly incurred by the Board or its Agents in pursuance of any of the Provisions of this Act, and in the next place pay annually to the Seamen's Hospital Society the following Sums, that is to say, in case the net Amount arising from such Fines and Forfeitures as have hitherto been received by the said Society equals or exceeds One thousand one hundred and fifty Pounds, then the Sum of One thousand one hundred and fifty Pounds, or in case such net Amount is less than One thousand one hundred and fifty Pounds, then a Sum equal to such net Amount, and shall apply the Remainder of such Monies for the Benefit of Persons engaged in or connected with the Merchant Service in such Manner as it may think fit.

XXI. *East Indies and Colonies.*

Certain Provisions in 7 & 8 Vict. c. 112. extended to India.

119. And be it enacted, That in construing the "General Merchant Seamen's Act" the Expressions "Her Majesty's Dominions," "Her Majesty's Possessions," "Her Majesty's Colonies," "Her Majesty's Plantations," "*British* Possessions," and "*British* Colonies," shall, from the Thirty-first Day of *December* One thousand eight hundred and fifty, be taken to include the Territories under the Government of the *East India* Company, and all other Territories (if any) governed by virtue of any Charter or Licence from the Crown or Parliament of *Great Britain*.

East Indian and Colonial Governments may appoint Officers, and give Directions for enforcing 7 & 8 Vict. c. 112. and this Act.

120. And be it enacted, That the Governor General of *India* in Council and the respective Legislative Authorities in Her Majesty's Colonies and Possessions abroad may, by any Acts, Orders, or other appropriate Means, appoint any Functionaries to perform any of the Duties and exercise any of the Powers within their respective Jurisdictions which are by this Act or by the "General Merchant Seamen's Act" committed to Justices, Officers of Customs, or other public Servants, and may direct in what Manner the Offences thereby made punishable shall be prosecuted and punished, and in what Manner the Penalties thereby imposed and Sums of Money thereby made recoverable shall be recovered in Places within their respective Jurisdictions, and in what Manner and to what Uses such Penalties and Sums of Money shall be applied; and every such Appointment and Direction shall be valid, notwithstanding anything in the "General Merchant Seamen's Act" or in this Act contained.

The Provisions of 7 & 8 Vict. c. 112., 8 & 9 Vict. c. 116., and this Act, when applied by East Indian and Colonial Governments to their own Ships, may be enforced throughout the Empire.

121. And be it enacted, That if the Governor General of *India* in Council or the respective Legislative Authorities in any of Her Majesty's Colonies or Possessions abroad think fit, by any Acts, Orders, or other appropriate legal Means, to apply or adopt any of the Provisions in the "General Merchant Seamen's Act" or in the "Seamen's Protection Act" or in this Act contained to any *British* "Ships" registered at, trading with, or being at any Place within their respective Jurisdictions, and to the Owners, Masters, Mates, and "Crews" thereof, such Provisions, when so applied and adopted as aforesaid, and as long as they remain in force, shall, in respect of the "Ships" and Persons to which the same are applied, be enforced and Penalties and Punishments for the Breach thereof shall be recovered and inflicted throughout "Her Majesty's Dominions," in the same Manner as if such Provisions

sions had been hereby so adopted and applied, and such Penalties and Punishments had been hereby expressly imposed: Provided that if in any Matter relating to any "Ship," or to any Member of the Crew of any "Ship," there appears to be a Conflict of Laws, the Case shall be governed by the Law of the Place in which such "Ship" is registered or licensed. Conflict of Laws.

122. Provided also, and be it enacted, That every Act, Order, or other Form of Law to be passed or promulgated by the Governor General of *India* in Council or by any other Legislative Authority, in pursuance of this Act, shall respectively be subject to the same Right of Disallowance or Repeal, and require the same Sanction or other Acts and Formalities, and be subject to the same Conditions in all respects, as exist and are required in order to the Validity of any other Act, Order, or other Form of Law passed by such Governor General or other Legislative Authority respectively. East Indian and Colonial Acts to be subject to Disallowance, and require Sanction as in other Cases.

123. And be it enacted, That any Person who secretes himself and goes to Sea in any "Ship" without the Consent of either the Owner, Consignee, or Master, or of any Mate, or of any Person in charge of such Ship, or of any other Person entitled to give such Consent, shall be liable to a Penalty not exceeding Twenty Pounds, or to Imprisonment, with or without hard Labour, for a Period not exceeding Four Weeks, at the Discretion of the Court or Justice inflicting the same. Penalty for obtaining Passage surreptitiously.

124. And be it enacted, That the Municipal Corporation of any Borough, being a Seaport, in the United Kingdom, and any Body Corporate, Association, or Trustees in any such Seaport existing or constituted for any public Purposes relating to the Government or Benefit of Persons engaged in the *British* Merchant Service, or to the Management of Docks and Harbours, or for any other public Purposes connected with Shipping or Navigation, may, with the Consent of Her Majesty's Principal Secretary of State for the Home Department, appropriate any Lands vested in them, or in Trustees for them, as a Site or Sites for a Sailors Home or Sailors Homes, and may for that Purpose either retain and apply the same accordingly, or convey the same to Trustees, with such Powers for appointing new Trustees and continuing the Trust, as they may think fit. Corporations, &c. may grant Sites for Sailors Homes.

125. And be it enacted, That this Act may be amended or repealed by any Act to be passed during this present Session of Parliament. Act may be amended, &c.

SCHEDULES referred to in the foregoing Act.

SCHEDULE A.

Scale of Fees on Examinations.

	£	s.	d.
For a Master's Certificate	2	0	0
For a Mate's Certificate	1	0	0

SCHEDULE B.

Scale of Fees for Matters transacted at Shipping Offices.

1. Engagement of Crews.

	£	s.	d.
Vessels under 60 Tons	0	5	0
60 to 100 „	0	10	0
100 to 200 „	0	15	0
200 to 300 „	1	0	0
300 to 400 „	1	5	0

	£	s.	d.
400 to 500 Tons - - - - -	1	10	0
500 to 600 „ - - - - -	1	15	0
600 to 700 „ - - - - -	2	0	0
700 to 800 „ - - - - -	2	2	6
800 to 900 „ - - - - -	2	5	0
900 to 1,000 „ - - - - -	2	7	6
Above 1,000 „ - - - - -	2	10	0

2. Engagement of Seamen separately.

Two Shillings for each.

3. Discharge of Crews.

	£	s.	d.
Vessels under 60 Tons - - - -	0	5	0
60 to 100 „ - - - -	0	10	0
100 to 200 „ - - - -	0	15	0
200 to 300 „ - - - -	1	0	0
300 to 400 „ - - - -	1	5	0
400 to 500 „ - - - -	1	10	0
500 to 600 „ - - - -	1	15	0
600 to 700 „ - - - -	2	0	0
700 to 800 „ - - - -	2	2	6
800 to 900 „ - - - -	2	5	0
900 to 1,000 „ - - - -	2	7	6
Above 1,000 „ - - - -	2	10	0

4. Discharge of Seamen separately.

Two Shillings for each.

SCHEDULE C.

Sums to be deducted from Wages by way of partial Repayment of the Fees in Schedule B.

1. In respect of Engagements and Discharges of Crews.

	s.	d.
From Wages of a First Mate, Purser, Engineer, or Surgeon of every Ship of 200 Tons or upwards -	2	6
„ Every other Mate of any Ship - -	1	6
„ Carpenter of any Ship - - -	2	6
„ Steward of any Ship - - -	1	6
„ All others (except Apprentices) belonging to any Ship - - - -	1	0

2. In respect of Engagements and Discharges of Seamen separately.

	s.	d.
From Wages of each Seaman - - - -	1	0

CAP. XCIV.

An Act to amend the Acts relating to the Ecclesiastical Commissioners for *England*. [14th *August* 1850.]

'WHEREAS an Act was passed in the Seventh Year of the Reign of His late Majesty, intituled *An Act for carrying into effect the Reports of the Commissioners appointed to consider the State of the Established Church in* England *and* Wales, *with reference to Ecclesiastical Duties and Revenues, so far as they relate to Episcopal Dioceses, Revenues, and Patronage;* and an Act was passed in the Fourth Year of the Reign of Her Majesty, intituled *An Act to carry into effect, with certain Modifications, the Fourth Report of the Commissioners of Ecclesiastical Duties and Revenues;* and an Act was passed in the Fifth Year of the Reign of Her Majesty, intituled *An Act to explain and amend Two several Acts relating to the Ecclesiastical Commissioners for* England: And whereas it is expedient that the said recited Acts should be amended:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for Her Majesty, by Warrant under Her Royal Sign Manual, to appoint Two Lay Members of the United Church of *England* and *Ireland* to be Commissioners for the Purposes of this Act, by the Title of First and Second Church Estates Commissioners; and it shall be lawful for Her Majesty upon every Vacancy in the Office of First or Second Church Estates Commissioner to appoint in like Manner some other Lay Member of the said Church to such Office; and it shall be lawful for the Archbishop of *Canterbury* for the Time being to appoint, under his Hand and Archiepiscopal Seal, One Member of the said Church to be a Commissioner for the Purposes of this Act, by the Title of a Church Estates Commissioner, and upon every Vacancy in the Office of a Church Estates Commissioner so appointed to appoint in like Manner some other Member of the said Church to such Office; and every Church Estates Commissioner appointed by Her Majesty shall hold his Office during Her Majesty's Pleasure; and every such Commissioner appointed by the said Archbishop shall hold his Office during the Pleasure of the said Archbishop for the Time being; and every Church Estates Commissioner shall, by virtue of such Appointment, and so long as he shall hold his Office of Church Estates Commissioner, be an Ecclesiastical Commissioner, and a Member of the Body Corporate of "The Ecclesiastical Commissioners for *England*," in addition to the other Members for the Time being of such Body Corporate: Provided always, that any of the Lay Ecclesiastical Commissioners for the Time being appointed by Name, and not by virtue of any Office, shall be capable of being appointed as aforesaid to the Office of Church Estates Commissioner, but any such Ecclesiastical Commissioner may after his Removal from or Resignation of the Office of Church Estates Commissioner continue to hold his Appointment as Ecclesiastical Commissioner so long as he shall well demean himself as such Ecclesiastical Commissioner (unless he expressly resign such last-mentioned Appointment).

6 & 7 W. 4. c. 77.

3 & 4 Vict. c. 113.

4 & 5 Vict. c. 39.

Appointment of Church Estates Commissioners.

II. And be it enacted, That there shall be paid to the First Church Estates Commissioner a Salary not exceeding the yearly Sum of One thousand two hundred Pounds, and to the Church Estates Commissioner appointed by the said Archbishop a Salary not exceeding the yearly Sum of One thousand Pounds, to be determined by the Commissioners of Her Majesty's Treasury; and such Salaries shall be paid out of the Monies from Time to Time in the Hands of the Ecclesiastical Commissioners for *England*.

Salaries to First Church Estates Commissioner and Commissionerappointed by Archbishop.

III. And be it enacted, That the First Church Estates Commissioner for the Time being shall be capable of being elected and of sitting and voting as a Member of the House of Commons.

First Church Estates Commissioner may sit in the House of Commons.

IV. And be it enacted, That every Church Estates Commissioner so appointed as aforesaid, before he proceed to do any Act by virtue of his Appointment, shall (unless at the Time of such Appointment he be an Ecclesiastical Commissioner, and have subscribed the Declaration herein-after mentioned,) subscribe the like Declaration as by the recited Acts is required to be subscribed by the other Lay Members of the said Corporation.

Church Estates Commissioners to sign Declaration.

V. And