PART V. *Administration of Law, and Miscellaneous.*

Compensation to officers of local registries of deeds.

128. If any person who is at the commencement of this Act a registrar of or an officer in any of the said local registries, suffers any loss of fees or emoluments by reason of the business in such registry being diminished in consequence of this Act, he may petition the Commissioners of Her Majesty's Treasury for compensation, and the Commissioners of Her Majesty's Treasury shall inquire whether any, and if any, what compensation ought to be made to the petitioner, regard being had to the conditions on which his appointment was made, the nature of his office, the duration of his service, the character of his fees or emoluments, and all the circumstances of the case. The petitioner shall render to the Commissioners of Her Majesty's Treasury such account of the fees and emoluments received by him during any period not exceeding five years before the passing of this Act, and during such period before the date of his petition, and give such information as the Commissioners of Her Majesty's Treasury may require for the purpose of enabling them to ascertain whether the petitioner has suffered the loss alleged by him, and whether any, and if any, what compensation ought to be made to him.

If the Commissioners of Her Majesty's Treasury think that the claim of the petitioner to compensation is established, they may award to him, out of moneys to be provided by Parliament, such compensation, by annuity or otherwise, as under the circumstances of the case they think just and reasonable.

Repeal.

Repeal of 37 & 38 Vict. c. 78. s. 7.

129. The seventh section of the Vendor and Purchaser Act, 1874, is hereby repealed, as from the date at which it came into operation, except as to anything duly done thereunder before the commencement of this Act.

CHAPTER 88.

An Act to make provision for giving further powers to the Board of Trade for stopping unseaworthy Ships. [13th August 1875.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Appointment and powers of officers having authority to detain unseaworthy ships.

1. The Board of Trade may forthwith and from time to time by special order appoint a sufficient number of fit and proper persons, from their own staff or otherwise, to be officers having authority to detain unseaworthy ships, and may from time to time revoke any such appointment.

If any officer so appointed has reason to believe upon inspection or otherwise that any British ship is by reason of the defective condition of her hull, equipments, or machinery, or by reason of overloading or improper loading, unfit to proceed to sea without serious danger to human life, he may order that the ship be detained for the purpose of being surveyed.

Any such order shall have the same effect as if it were an order of the Board of Trade under section twelve of the Merchant Shipping Act, 1873.

For the purpose of ascertaining whether a British ship is fit to proceed to sea, any officer so appointed may go on board the ship and inspect the same, or any part thereof, or any of the machinery, boats, equipments, or other articles on board thereof, not unnecessarily detaining or delaying her from proceeding on her voyage; and any person who wilfully impedes him in the execution of his duty shall be liable to the same penalties, and may be dealt with in the same manner as if the officer were an inspector appointed by the Board of Trade under the Merchant Shipping Act, 1854.

When any officer so appointed orders a ship to be detained, he shall forthwith report his proceedings to the Board of Trade.

An officer so appointed shall receive such remuneration for his services under this Act as the Treasury from time to time direct, and such remuneration shall be paid out of moneys to be provided by Parliament.

Ship to be detained on complaint of crew.

2. Whenever a complaint is made to the Board of Trade or to any officer so appointed by one fourth of the seamen belonging to any British ship, that the ship is by reason of the defective condition of her hull, equipments, or machinery, or by reason of overloading or improper loading, unfit to proceed to sea without serious danger to human life, it shall be the duty of the Board or officer, as the case may be, if the complaint is made within time sufficient for that purpose before the sailing of the ship, without requiring any security for the payment of costs and expenses, to take proper steps for ascertaining whether the ship ought to be detained for the purpose of being surveyed under the Merchant Shipping Act, 1873.

Cargo of grain, &c.

3. From and after the first day of October one thousand eight hundred and seventy-five, no cargo of which more than one third consists of any kind of grain, corn, rice, paddy, pulse, seeds, nuts, or nut kernels, shall be carried on board any British ship, unless such grain, corn, rice, paddy, pulse, seeds, nuts, or nut kernels be contained in bags, sacks, or barrels, or secured from shifting by boards, bulkheads, or otherwise. This section shall not apply to any grain shipped previous to the first October one thousand eight hundred and seventy-five.

The master of any British ship who shall knowingly allow any cargo or part of a cargo to be shipped therein for carriage contrary to the provisions of this section shall for every such offence incur a penalty not exceeding two hundred pounds.

Penalties on sending unseaworthy ships to sea.

4. Section eleven of "The Merchant Shipping Act, 1871," shall be repealed, and in lieu thereof it shall be enacted :—

1. Every person who sends a ship to sea in such unseaworthy state that the life of any person would be likely to be thereby endangered, and the managing owner of any British ship so sent to sea from any port in the United Kingdom, shall be guilty of a misdemeanor, unless he prove that he used all reasonable means to ensure her being sent to sea in a seaworthy state, or prove that her going to sea in such unseaworthy state was, under the circumstances, reasonable and justifiable ; and, for the purpose of giving such proof, such person may give evidence in the same manner as any other witness :

2. Every person who attempts or is party to any attempt to send to sea any ship in such unseaworthy state that the life of any person would be likely to be thereby endangered, shall be guilty of a misdemeanor, unless he give such proof as aforesaid, and for the purpose of giving such proof such person may give evidence as aforesaid :

3. Every master of a British ship who knowingly takes the same to sea in such unseaworthy state that the life of any person would be likely to be thereby endangered shall be guilty of a misdemeanor, unless he prove that her going to sea in such unseaworthy state was, under the circumstances, reasonable and justifiable, and for the purpose of giving such proof such person may give evidence as aforesaid :

4. The owner of every British ship shall from time to time register at the custom house of the port in the United Kingdom at which such ship is registered the name of the managing owner of such ship, and if there be no managing owner, then of the person to whom the management of the ship is entrusted by and on behalf of the owner ; and in case the owner fail or neglect to register the name of such managing owner or manager as aforesaid he shall be liable, or if there be more owners than one, each owner shall be liable in proportion to his interest in the ship, to a penalty not exceeding in the whole five hundred pounds each time that the said ship leaves any port in the United Kingdom, after the first day of November one thousand eight hundred and seventy-five, without the name being duly registered as aforesaid :

5. The term "managing owner" in sub-section one shall include every person so registered as managing owner or as having the management of the ship for and on behalf of the owner:

6. No prosecution under this section shall be instituted except by or with the consent of the Board of Trade:

7. No misdemeanor under this section shall be punishable upon summary conviction.

Provided that the repeal enacted by this section shall not affect any punishment incurred or to be incurred in respect of any offence against the enactment hereby repealed, or any legal proceeding in respect of any such punishment, and any such legal proceeding may be carried on as if this Act had not passed.

Marking of deck lines.

5. Every British ship registered on or after the first day of November one thousand eight hundred and seventy-five shall before registry, and every British ship registered before that day shall, on or before that day, be permanently and conspicuously marked with lines of not less than twelve inches in length and one inch in breadth, painted longitudinally on each side amidships, or as near thereto as is practicable, and indicating the position of each deck which is above water.

The upper edge of each of these lines shall be level with the upper side of the deck plank next the waterway at the place of marking.

The lines shall be white or yellow on a dark ground, or black on a light ground.

Provided that—

(1.) This section shall not apply to ships employed in the coasting trade or in fishing, nor to pleasure yachts; and

(2.) If a registered British ship is not within a British port of registry at any time before the first day of November one thousand eight hundred and seventy-five, she shall be marked as by this section required within one month after her next return to a British port of registry subsequent to that date.

Statement of load-line.

6. With respect to the marking of a load-line on British ships, the following provisions shall have effect:

(1.) From and after the first day of November one thousand eight hundred and seventy-five the owner of every British ship shall, before entering his ship outwards from any port in the United Kingdom upon any voyage for which he is required so to enter her, or if that is not practicable, as soon after as may be, mark upon each of her sides amidships, or as near thereto as is practicable, in white or yellow on a dark ground, or in black on a light ground, a circular disc, twelve inches in diameter, with a horizontal line eighteen inches in length, drawn through its centre:

(2.)The centre of this disc shall indicate the maximum load-line in salt water to which the owner intends to load the ship for that voyage:

(3.) He shall also, upon so entering her, insert in the form of entry delivered to the collector or other principal officer of customs, a statement in writing of the distance in feet and inches between the centre of this disc and the upper edge of each of the lines indicating the position of the ship's decks which is above that centre:

(4.) If default is made in delivering this statement in the case of any ship, any officer of customs may refuse to enter the ship outwards:

(5.) The master of the ship shall enter a copy of this statement in the agreement with the crew before it is signed by any member of the crew, and no superintendent of any mercantile marine office shall proceed with the engagement of the crew until this entry is made:

(6.) The master of the ship shall also enter a copy of this statement in the official log book:

(7.) When a ship has been marked as by this section required, she shall be kept so marked until her next return to a port of discharge in the United Kingdom.

Penalty for offences in

7. Any owner or master of a British ship who neglects to cause his ship to be marked as by this Act required, or to keep her so marked, and any person who conceals, removes,

relation to marks on ships.

alters, defaces, or obliterates, or suffers any person under his control to conceal, remove, alter, deface, or obliterate any of the said marks, except in the event of the particulars thereby denoted being lawfully altered, or except for the purpose of escaping capture by an enemy, shall for each offence incur a penalty not exceeding one hundred pounds.

If any of the marks required by this Act is in any respect inaccurate, so as to be likely to mislead, the owner of the ship shall incur a penalty not exceeding one hundred pounds.

Proceedings may be taken against the Board of Trade by action against the principal secretary.

8. Where a claim of compensation under the Merchant Shipping Act, 1873, is made against the Board of Trade, and liability to pay compensation, or the amount thereof is in dispute, proceedings may be taken against the Board of Trade by action against the principal secretary thereof as nominal defendant.

Liability of shipowner to crew

9. In every contract of service, express or implied, between the owner of a ship and the master or any seaman thereof, and in every instrument of apprenticeship whereby any person is bound to serve as an apprentice on board any ship, there shall be implied, notwithstanding any agreement to the contrary, an obligation on the part of the owner of the ship to the master, seaman, or apprentice, that the owner of the ship, his agents and servants, shall use all reasonable efforts to insure the seaworthiness of the ship for the voyage at the commencement thereof, and to keep her in a seaworthy condition during the voyage.

Provided that nothing in this section shall make the owner of a ship liable for the death of or any injury to a master, seaman, or apprentice belonging to any ship when caused by the wrongful act, neglect, or default of a seaman or apprentice belonging to the same ship, in any case where he would not otherwise be so liable.

Short title.

10. This Act may be cited as the Merchant Shipping Act, 1875, and shall be construed as one with the Merchant Shipping Act, 1854, and the Acts amending the same, and the said Acts and this Act may be cited collectively as the Merchant Shipping Acts, 1854 to 1875.

Duration of Act.

11. This Act shall continue in force until the first day of October one thousand eight hundred and seventy-six.

CHAPTER 89.

An Act to consolidate with Amendments the Acts relating to Loans for Public Works. [13th August 1875.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Preliminary.

Short title.

1. This Act may be cited as the "Public Works Loans Act, 1875."

Commencement of Act.

2. This Act shall, save as otherwise provided in this Act, come into operation on the first day of April one thousand eight hundred and seventy-six, which date is herein-after referred to as the commencement of this Act.

Extent of Act.

3. This Act shall extend to the Isle of Man.

Public Works Loan Commissioners.

Constitution, &c. of Public Works Loan Commissioners.

4. For the purpose of loans out of moneys issued in pursuance of this Act, and for the purpose of the execution of this Act and of any enactment passed or hereafter to be passed authorising or referring to such loans, there shall be a body of Commissioners (in this Act