in like Manner, and subject to the same Rules and Provisions, as though such Proceeding had been had between Subject and Subject; and it shall be lawful for the Commissioners of Her Majesty's Treasury and they are hereby required to pay such Costs out of any Monies which may be hereafter voted by Parliament for that Purpose. cessful against the Crown.

III. 'And whereas the Procedure and Practice in Informations, Suits, and other 'Proceedings instituted by or on behalf of the Crown in Her Majesty's Court of Exchequer 'is dilatory, and requires Amendment, and it is desirable that the same should be assimilated 'as nearly as may be to the Course of Practice and Procedure now in force in Actions and 'Suits between Subject and Subject:' Be it enacted, That it shall be lawful for the Barons of Her Majesty's Court of Exchequer in *England*, or any Three of them, and also for the Barons of Her Majesty's Court of Exchequer in *Ireland*, or any Three of them, in their respective Courts, to make all such General Rules and Orders for the Regulation of the Pleading and Practice in such Informations, Suits, and other Proceedings, and to frame such Writs and Forms of Proceedings, as to them may seem expedient for the Purpose aforesaid; and all such Rules, Orders, or Regulations shall be laid before both Houses of Parliament, if Parliament be then sitting, immediately upon the making of the same, or if Parliament be not sitting, then within Five Days after the next Meeting thereof; and no such Rule, Order, or Regulation shall have Effect until Three Months after the same shall have been so laid before both Houses of Parliament; and any Rule, Order, or Regulation so made shall, from and after such Time aforesaid, be binding and obligatory on the said Court, and on all Courts of Error into which any Judgment of the said Court shall be carried by any Writ of Error, and be of the like Force and Effect, as if the Provisions contained therein had been expressly enacted by Parliament: Provided always, that it shall be lawful for the Queen's most Excellent Majesty, by any Proclamation inserted in the *London Gazette*, or for either of the Houses of Parliament, by any Resolution passed at any Time within Three Months next after such Rules, Orders, and Regulations shall have been laid before Parliament, to suspend the whole, or any Part of such Rules, Orders, or Regulations, and in such Case the whole, or such Part thereof as shall be so suspended, shall not be binding and obligatory on the said Courts, or on any other Court of Common Law or Court of Error. Power to Judges to make Rules and Orders for Regulation of Pleading and Practice in Crown Suits.

## CAP. XCI.

### An Act to facilitate the Erection and Maintenance of Colonial Lighthouses, and otherwise to amend the Merchant Shipping Act, 1854. [14th *August* 1855.]

'WHEREAS it is expedient to make Provisions for facilitating the Erection and 'Maintenance of Lighthouses in the *British* Possessions abroad, and otherwise to 'amend the Merchant Shipping Act, 1854:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. This Act may be cited as "The Merchant Shipping Act Amendment Act, 1855," and shall be taken to be Part of the Merchant Shipping Act, 1854, and shall be construed accordingly. Short Title of Act.

II. In any Case in which any Lighthouse, Buoy, or Beacon has been or is hereafter erected or placed on or near the Coasts of any *British* Possession, by or with the Consent of the Legislative Authority of such Possession, Her Majesty may, by Order in Council, fix such Dues in respect thereof, to be paid by the Owner or Master of every Ship which passes the same or derives Benefit therefrom, as Her Majesty may deem reasonable, and may in like Manner from Time to Time increase, diminish, or repeal such Dues, and from the Time specified in such Order for the Commencement of the Dues thereby fixed, increased, *Colonial Lighthouses.* Her Majesty may by Order in Council fix Dues for Colonial Lighthouses.

increased, or diminished the same shall be leviable throughout Her Majesty's Dominions in manner herein-after mentioned.

No such Dues to be levied in any Colony without Consent of Colonial Legislature.

III. No such Dues as aforesaid shall be levied in any Colony unless and until the Legislative Authority in such Colony has, either by Address to the Crown, or by an Act or Ordinance duly passed, signified its Opinion that the same ought to be levied in such Colony.

Mode of collecting the said Dues.

IV. The said Dues shall in the United Kingdom be collected by the same Persons by whom, and by the same Means, in the same Manner, and subject to the same Conditions, so far as Circumstances permit, by, in, and subject to which the Light Dues leviable under the Merchant Shipping Act, 1854, are collected, and shall in each *British* Possession abroad be collected by such Persons as the Governor of such Possession abroad may appoint for the Purpose, and shall be collected by the same Means, in the same Manner, and subject to the same Conditions, so far as Circumstances permit, by, in, and subject to which the Light Dues leviable under the Merchant Shipping Act, 1854, are paid and collected, or by such other Means, in such other Manner, and subject to such other Conditions as the Legislative Authority in such Possession may direct.

Dues to be paid over to Her Majesty's Paymaster General.

V. All Dues levied under this Act shall be paid over to Her Majesty's Paymaster General at such Times and in such Manner as the Board of Trade may direct, and shall be applied, paid, and dealt with by him, for the Purposes herein-after mentioned, in such Manner as such Board may direct.

Dues to be applied to Expenses of Lighthouse, &c. for which they are levied.

VI. The Dues levied under the Authority of this Act in respect of any such Lighthouse, Buoy, or Beacon as aforesaid shall, after deducting any Expenses incurred in collecting the same, be applied for the Purpose of paying the Expenses incurred in erecting and maintaining such Lighthouse, Buoy, or Beacon, and for no other Purpose whatever.

Power to borrow Money on Security of Dues.

VII. For the Purpose of constructing or repairing any such Lighthouse, Buoy, or Beacon as aforesaid, the Board of Trade may raise, upon the Security of the Dues to be levied in respect thereof, such Sums of Money as they may deem fit; and the Commissioners of Her Majesty's Treasury, out of any Monies which may be provided by Parliament, the Public Works Loan Commissioners, or any other Person or Body of Persons, may advance the same accordingly, such Advances to be made in the same Manner, with the same Powers, and subject to the same Provisions, so far as Circumstances permit, in, with, and subject to which, under the Merchant Shipping Act, 1854, Advances may be made upon the Security of the Mercantile Marine Fund for the Construction and Repair of Lighthouses in the United Kingdom.

Accounts for each Lighthouse, &c. to be laid before Parliament, &c.

VIII. Accounts shall be kept of all Sums expended in the Construction, Repair, or Maintenance of every Lighthouse, Buoy, or Beacon in the *British* Possessions abroad for which Dues are levied under the Authority of this Act, and of the Dues received in respect thereof, in such Manner as the Board of Trade may direct, and shall be laid before Parliament annually; and the said Accounts shall be audited in such Manner as Her Majesty may by Order in Council direct.

*Registry of Ships.*

PART II. of Merchant Shipping Act, 1854.

Penalty on false Declarations under Part II. of said Act.

IX. Any Person who, in any Declaration made in the Presence of or produced to any Registrar of Shipping, in pursuance of the Second Part of the Merchant Shipping Act, 1854, or in any Documents or other Evidence produced to such Registrar, wilfully makes, or assists in making or procures to be made, any false Statement concerning the Title to or the Ownership of or the Interests existing in any Ship, or any Share or Shares in any Ship, or who utters, produces, or makes use of any Declaration or Document containing any such false Statement, knowing the same to be false, shall be guilty of a Misdemeanor.

Shares in Shipping within the Trustee Act, 1850.

X. Shares in Ships registered under the said Merchant Shipping Act, 1854, shall be deemed to be included in the Word "Stock," as defined by the Trustee Act, 1850, and the Provisions of such last-mentioned Act shall be applicable to such Shares accordingly.

Forms of Instruments.

XI. In any Case in which any Bill of Sale, Mortgage, or other Instrument for the Disposal or Transfer of any Ship or any Share or Shares therein or of any Interest therein

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is made in any Form or contains any Particulars other than the Form and Particulars prescribed and approved for the Purpose by or in pursuance of the Merchant Shipping Act, 1854, no Registrar shall be required to record the same without the express Direction of the Commissioners of Her Majesty's Customs.

Delivery of Certificate upon Transfer of Registry.

XII. Upon the Transfer of the Registry of a Ship from one Port to another, the Certificate of Registry required by the Ninetieth Section of the Merchant Shipping Act, 1854, to be delivered up for that Purpose, may be delivered up to the Registrar of either of such Ports.

Exemption of certain Ships from having Name painted on Stern.

XIII. The Commissioners of Customs may, with the Consent of the Board of Trade, exempt any Pleasure Yacht from the Provision contained in the Thirty-fourth Section of the Merchant Shipping Act, 1854, which requires the Name of every Ship and the Port to which she belongs to be painted on her Stern.

Ships measured under Rule II. may be measured under Rule I.

XIV. The Owner of any Ship which is measured under Rule II. contained in the Twenty-second Section of the Merchant Shipping Act, 1854, may at any subsequent Period apply to the Commissioners of Customs to have the said Ship remeasured under Rule I. contained in the Twenty-first Section of the same Act, and the said Commissioners may thereupon, and upon Payment of such Fee not exceeding Seven Shillings and Sixpence for each Transverse Section as they may authorize, direct the said Ship to be remeasured accordingly, and the Number denoting the Register Tonnage shall be altered accordingly.

General Register Books in London.

XV. The Copy or Transcript of the Register of any *British* Ship which is kept by the Chief Registrar of Shipping at the Custom House in *London*, or by the Registrar General of Seamen, under the Direction of Her Majesty's Commissioners of Customs or of the Board of Trade, shall have the same Effect to all Intents and Purposes as the original Register of which the same is a Copy or Transcript.

*Masters and Seamen.*

PART III. of Merchant Shipping Act, 1854.

Extension of Provisions concerning the Relief of destitute Seamen.

XVI. The Board of Trade may issue Instructions concerning the Relief to be administered to distressed Seamen and Apprentices in pursuance of the Two hundred and eleventh and Two hundred and twelfth Sections of the Merchant Shipping Act, 1854, and may by such Instructions determine in what Cases and under what Circumstances and Conditions such Relief is to be administered; and all Powers of recovering Expenses incurred with respect to distressed Seamen and Apprentices, which by the Two hundred and thirteenth Section of the said Act are given to the Board of Trade, shall extend to all Expenses incurred by any Foreign Government for the Purposes aforesaid, and repaid to such Government by Her Majesty's Government, and shall likewise extend to any Expenses incurred by the conveying home such Seamen or Apprentices in Foreign as well as *British* Ships; and all Provisions concerning the Relief of distressed Seamen and Apprentices, being Subjects of Her Majesty, which are contained in the said Sections of the said Act, and in this Section, shall extend to such Seamen and Apprentices, not being Subjects of Her Majesty, as are reduced to Distress in Foreign Parts by reason of their having been shipwrecked, discharged, or left behind from any *British* Ship; subject nevertheless to such Modifications and Directions concerning the Cases in which Relief is to be given to such Foreigners, and the Country to which they are to be sent, as the Board of Trade may, under the Circumstances, think fit to make and issue.

Enactment concerning Saving-Bank extended.

XVII. The Enactment of the Merchant Shipping Act, 1854, relating to Savings Banks shall apply to all Seamen, and to their Wives and Families, whether such Seamen belong to the Royal Navy or to the Merchant Service, or to any other Sea Service.

Additional Powers of Naval Courts.

XVIII. Any Naval Court summoned, under the Provisions of the Merchant Shipping Act, 1854, to hear any Complaint touching the Conduct of the Master or any of the Crew of any Ship, shall, in addition to the Powers given to it by the said Act, have Power to try the said Master or any of the said Crew for any Offences against the Merchant Shipping Act, 1854, in respect of which Two Justices would, if the Case were tried in the United Kingdom, have Power to convict summarily, and by Order duly made to inflict the same Punishments for such Offences which Two Justices might in the Case aforesaid inflict upon summary Conviction; provided, that in Cases where an Offender is sentenced to Imprison-

ment the Sentence shall be confirmed in Writing by the Senior Naval or Consular Officer present at the Place where the Court is held, and the Place of Imprisonment, whether on Land or on board Ship, shall be approved by him as a proper Place for the Purpose, and Copies of all Sentences made by any Naval Court summoned to hear any such Complaint as aforesaid shall be sent to the Commander-in-Chief or Senior Naval Officer of the Station.

*Wrecks, Casualties, and Salvage.*

PART VIII. of Merchant Shipping Act, 1854.

In case of Wreck of Foreign Ships, Consul General to be deemed Agent of Owner.

XIX. Whenever any Articles belonging to or forming Part of any Foreign Ship which has been wrecked on or near the Coasts of the United Kingdom, or belonging to or forming Part of the Cargo thereof, are found on or near such Coasts, or are brought into any Port in the United Kingdom, the Consul General of the Country to which such Ship, or, in the Case of Cargo, to which the Owners of such Cargo, may have belonged, or any Consular Officer of such Country authorized in that Behalf by any Treaty or Agreement with such Country, shall, in the Absence of the Owner of such Ship or Articles, and of the Master or other Agent of the Owner, be deemed to be the Agent of the Owner, so far as relates to the Custody and Disposal of such Articles.

Remuneration for Services by Coast Guard.

XX. In Cases where Services are rendered by Officers or Men of the Coast Guard Service in watching or protecting shipwrecked Property, then, unless it can be shown that such Services have been declined by the Owner of such Property or his Agent at the Time they were tendered, or that Salvage has been claimed and awarded for such Services, the Owner of the shipwrecked Property shall pay in respect of the said Services Remuneration according to a Scale to be fixed by the Board of Trade, so, however, that such Scale shall not exceed any Scale by which Payment to Officers and Men of the Coast Guard for extra Duties in the ordinary Service of the Commissioners of Customs is for the Time being regulated; and such Remuneration shall be recoverable by the same Means and shall be paid to the same Persons and accounted for and applied in the same Manner as Fees received by Receivers appointed under the Merchant Shipping Act, 1854.

*Legal Procedure.*

PART X. of Merchant Shipping Act, 1854.

Jurisdiction in case of Offences on board Ship.

XXI. If any Person, being a *British* Subject, charged with having committed any Crime or Offence on board any *British* Ship on the High Seas or in any Foreign Port or Harbour, or if any Person, not being a *British* Subject, charged with having committed any Crime or Offence on board any *British* Ship on the High Seas, is found within the Jurisdiction of any Court of Justice in Her Majesty's Dominions which would have had Cognizance of such Crime or Offence if committed within the Limits of its ordinary Jurisdiction, such Court shall have Jurisdiction to hear and try the Case as if such Crime or Offence had been committed within such Limits: Provided, that nothing contained in this Section shall be construed to alter or interfere with the Act of the Thirteenth Year of Her present Majesty, Chapter Ninety-six.

*Miscellaneous.*

PART XI. of Merchant Shipping Act, 1854.

Relief of destitute Lascars.

XXII. It shall be the Duty of the *East India* Company to take charge of and send home or otherwise provide for all Persons, being Lascars or other Natives of the Territories under the Government of the said Company, who are found destitute in the United Kingdom; and if any such Person is relieved and maintained by any Guardians, Overseers, or other Persons administering the Relief of the Poor, such Overseers, Guardians, or other Persons may, by Letter sent through the Post or otherwise, give Notice thereof in Writing to the Secretary of the Court of Directors of the *East India* Company, specifying, so far as is practicable, the following Particulars; *viz.*,—

1. The Name of the Person so relieved or maintained:
2. The Presidency or District or Part of the Territories of the *East India* Company of which he professes to be a Native:
3. The Name of the Ship in which he was brought to the United Kingdom:
4. The Port or Place abroad from which such Ship sailed, and the Port or Place in the United Kingdom at which such Ship arrived, when he was so brought to the United Kingdom, and the Time of such Arrival:

And the said *East India* Company shall repay to the said Overseers, Guardians, or other Persons, out of the Revenues of the said Company, all Monies duly expended by them in relieving or maintaining such destitute Person, after the Time at which such Notice aforesaid is sent or otherwise given.

XXIII. It

XXIII. It shall be lawful for any Master or Owner of a Ship or his Agent to enter into Agreements with Lascars or Natives of the Territories of the *East India* Company, binding them to proceed to any Port or Ports in the United Kingdom, either as Seamen or as Passengers, and there to enter into a further Agreement to serve as Seamen in any Ship which may happen to be there, and to be bound to any Port in the Territories of the *East India* Company; provided, that every such original Agreement shall be made in such Form, and shall contain such Provisions, and shall be executed in such Manner, and under such Conditions for securing the Return of such Lascars or Natives to their own Country, and for other Purposes, as the Governor General of *India* in Council, or the Governors of the respective Presidencies in which the original Agreement is made, in Council may direct; and if any Lascar or other Person who has bound himself by any such original Agreement is, on arriving in the United Kingdom, required to enter into a further Agreement to serve as a Seaman in any Ship bound to any Port in the Territories of the *East India* Company, and if it is certified by some Officer appointed for that Purpose by the *East India* Company that such further Agreement is a proper Agreement in all respects for such Lascar or other Person to enter into, and is in accordance with the original Agreement, and that the Ship to which such further Agreement relates is in all respects a proper Ship for such Lascar or other Person to serve in, and that there is not, in the Opinion of such Officer, any Objection to the full Performance of the said original Agreement, such Lascar or other Person shall be deemed to be engaged under such further Agreement, and to serve as a Seaman in the Ship to which it relates, and shall thereupon be deemed to be for all Purposes One of the Crew of the Ship; and for every Lascar or other Person in respect of whom such Certificate is applied for, the Person applying for the same shall pay to such Officer as aforesaid such Fee as the *East India* Company may appoint, not exceeding Ten Shillings.

Contracts may be made with Natives in India, under certain Conditions, binding them to go to the United Kingdom, and then to serve in other Ships back to India or elsewhere.

XXIV. Nothing herein contained shall be deemed to repeal or affect any Provisions contained in the Twenty-fifth, Twenty-sixth, Twenty-seventh, Twenty-eighth, Twenty-ninth, Thirtieth, Thirty-first, or Thirty-fourth Sections of the Act of the Fourth Year of King *George* the Fourth, Chapter Eighty, or in the Sixteenth Section of the Act of the Eighteenth Year of Her present Majesty, Chapter One hundred and twenty.

Saving of former Enactments.

## CAP. XCII.

An Act for appropriating the Corps of the Prebend or Portion of *Netherhall Ledbury* in the Diocese and County of *Hereford*, and for constituting the Living of *Ledbury* a Rectory with Cure of Souls, and for augmenting the Endowments thereof. [14th *August* 1855.]

'WHEREAS there are in the Diocese and County of *Hereford* Two Prebends or Portions of a Prebend respectively, called the Prebend of *Overhall* and the Prebend of *Netherhall, Ledbury*, founded in the Cathedral Church of *Hereford*, and in the Gift or Patronage of the Bishop of *Hereford*, the respective Prebendaries or Portionists whereof had the alternate Right of Patronage or Presentation of or to the Vicarage and Parish Church of *Ledbury:* And whereas the said Vicarage was formerly endowed with a certain Portion of Tithes, which was commuted in the Year One thousand eight hundred and thirty-nine, under the Acts of Parliament for the Commutation of Tithes in *England* and *Wales*, for a yearly Rentcharge of Four hundred and sixty Pounds Two Shillings, variable according to the Provisions of the said Acts, and payable to the Vicar for the Time being of the said Vicarage, and the sole Cure of Souls in the said Parish of *Ledbury* has been for many Years past and still is exercised by the said Vicar for the Time being: And whereas at the Time of the passing of the Act of the Third and Fourth Years of Her Majesty's Reign, Chapter One hundred and thirteen, the Prebend or Portion of *Overhall* had by the Death of the Reverend *Henry Stonhouse Vigor*, late Prebendary or Portionist thereof, become and was then vacant, and by virtue of such Act all the Lands, Tithes, and other Hereditaments, and all other Emoluments and Endowments belonging thereto, (excepting