ANNO VICESIMO QUINTO & VICESIMO SEXTO

VICTORIÆ REGINÆ.

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CAP. LXIII.

An Act to amend "The Merchant Shipping Act, 1854," "The Merchant Shipping Act Amendment Act, 1855," and "The Customs Consolidation Act, 1853."

[29th *July* 1862.]

WHEREAS it is expedient further to amend "The Merchant Shipping Act, 1854," "The Merchant Shipping Act Amendment Act, 1855," and "The Customs Consolidation Act, 1853:" 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: 17 & 18 Vict. c. 104. 18 & 19 Vict. c. 91. 16 & 17 Vict. c. 107.

1. This Act may be cited as "The Merchant Shipping Act Amendment Act, 1862," and shall be construed with and as Part of "The Merchant Shipping Act, 1854," herein-after termed the Principal Act. Short Title.

2. The Enactments described in Table (A.) in the Schedule to this Act shall be repealed as therein mentioned, except as to any Liabilities incurred before such Repeal. Enactments in Table (A.) repealed.

Registry and Measurement of Tonnage (Part II. of Merchant Shipping Act, 1854).

Equities not excluded by Merchant Shipping Act.

3. It is hereby declared that the Expression "Beneficial Interest," whenever used in the Second Part of the Principal Act, includes Interests arising under Contract and other equitable Interests; and the Intention of the said Act is that, without Prejudice to the Provisions contained in the said Act for preventing Notice of Trusts from being entered in the Register Book or received by the Registrar, and without Prejudice to the Powers of Disposition and of giving Receipts conferred by the said Act on registered Owners and Mortgagees, and without Prejudice to the Provisions contained in the said Act relating to the Exclusion of unqualified Persons from the Ownership of *British* Ships, Equities may be enforced against Owners and Mortgagees of Ships in respect of their Interest therein, in the same Manner as Equities may be enforced against them in respect of any other Personal Property.

Tonnage Rates under Local Acts may be levied on the registered Tonnage.

4. Any Body Corporate or Persons having Power to levy Tonnage Rates on Ships may, if they think fit, with the Consent of the Board of Trade, levy such Tonnage Rates upon the registered Tonnage of the Ships as determined by the Rules for the Measurement of Tonnage for the Time being in force under the Principal Act, notwithstanding that the Local Act or Acts under which such Rates are levied provides for levying the same upon some different System of Tonnage Measurement.

Certificates for Engineers (Part III. of Merchant Shipping Act, 1854).

Steam Ships to carry Certificated Engineers.

5. On and after the First Day of *June* One thousand eight hundred and sixty-three, every Steam Ship which is required by the Principal Act to have a Master possessing a Certificate from the Board of Trade shall also have an Engineer or Engineers possessing a Certificate or Certificates from the Board of Trade as follows; that is to say,

(1.) Engineers Certificates shall be of Two Grades, viz., "First-class Engineers Certificates," and "Second-class Engineers Certificates":

(2.) Every Foreign-going Steam Ship of One hundred nominal Horse Power or upwards shall have as its First and Second Engineers Two Certificated Engineers, the first possessing a "First-class Engineers Certificate," and the second possessing a "Second-class Engineers Certificate" or a Certificate of the higher Grade:

(3.) Every Foreign-going Steam Ship of less than One hundred nominal Horse Power shall have as its only or First Engineer an Engineer possessing a "Second-class Engineer's Certificate" or a Certificate of the higher Grade:

(4.) Every

(4.) Every Sea-going Home Trade Passenger Steam Ship shall have as its only or First Engineer an Engineer possessing a "Second-class Engineer's Certificate" or a Certificate of the higher Grade:

(5.) Every Person who, having been engaged to serve in any of the above Capacities in any such Steam Ship as aforesaid, goes to Sea in that Capacity without being at the Time entitled to and possessed of such Certificate as is required by this Section, and every Person who employs any Person in any of the above Capacities in such Ship without ascertaining that he is at the Time entitled to and possessed of such Certificate as is required by this Section, shall for each such Offence incur a Penalty not exceeding Fifty Pounds.

Examinations for Engineers Certificates of Competency.

6. The Board of Trade shall from Time to Time cause Examinations to be held of Persons who may be desirous of obtaining Certificates of Competency as Engineers: For the Purpose of such Examinations the Board of Trade shall from Time to Time appoint and remove Examiners, and award the Remuneration to be paid to them; lay down Rules as to the Qualification of Applicants, and as to the Times and Places of Examination; and generally do all such Acts as it thinks expedient in order to carry into effect the Examination of such Engineers as aforesaid.

Fees to be paid by Applicants for Examination.

7. All Applicants for Examination shall pay such Fees, not exceeding the Sums specified in the Table marked (B.) in the Schedule hereto, as the Board of Trade directs; and such Fees shall be paid to such Persons as the said Board appoints for that Purpose, and shall be carried to the Account of the Mercantile Marine Fund.

Certificates of Competency to be granted to those who pass.

8. The Board of Trade shall deliver to every Applicant who is duly reported to have passed the Examination satisfactorily, and to have given satisfactory Evidence of his Sobriety, Experience, and Ability, a Certificate of Competency, as First-class Engineer or as Second-class Engineer, as the Case may be.

Engineers Certificates of Service to be delivered on Proof of certain Service.

9. Certificates of Service for Engineers, differing in Form from Certificates of Competency, shall be granted as follows; that is to say,

(1.) Every Person who before the First Day of *April* One thousand eight hundred and sixty-two has served as First Engineer in any Foreign-going Steam Ship of One hundred nominal Horse Power or upwards, or who has attained or attains the Rank of Engineer in the Service of Her Majesty or of the *East India* Company, shall be entitled to a "First-class Engineers Certificate" of Service:

(2.) Every

(2.) Every Person who before the First Day of *April* One thousand eight hundred and sixty-two has served as Second Engineer in any Foreign-going Steam Ship of One hundred nominal Horse Power or upwards, or as First or only Engineer in any other Steam Ship, or who has attained or attains the Rank of First-class Assistant Engineer in the Service of Her Majesty, shall be entitled to a "Second-class Engineers Certificate" of Service:

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

Certain Provisions of Merchant Shipping Act to apply to Engineers Certificates.

10. The Provisions of the Principal Act, with respect to the Certificates of Competency or Service of Masters and Mates, contained in the 138th, 139th, 140th, 161st, and 162d Sections of the said Act, shall apply to Certificates of Competency or Service granted under this Act in the same Manner as if Certificates of Competency and Service to be granted to Engineers under this Act were specially mentioned and included in the said Sections.

Power of Board of Trade and Local Marine Board to investigate Conduct of Certificated Engineers.

11. The Power by the 241st Section of the Principal Act given to the Board of Trade or to any Local Marine Board of instituting Investigations into the Conduct of any Master or Mate whom it has reason to believe to be from Incompetency or Misconduct unfit to discharge his Duties, shall extend to any Certificated Engineer whom the Board of Trade or any Local Marine Board has reason to believe to be from Incompetency or Misconduct unfit to discharge his Duties, in the same Manner as if in the said Section the Words "Certificated Engineer" had been inserted after "Master" wherever "Master" occurs in such Section.

Declaration of Engineer Surveyor to contain Statement concerning Engineers Certificate.

12. The Declaration required to be given by the Engineer Surveyor under Section 309 of the Principal Act shall, in the Case of a Ship by this Act required to have a Certificated Engineer, contain, in addition to the Statements in the said Section mentioned, a Statement that the Certificate or Certificates of the Engineer or Engineers of such Ship is or are such and in such Condition as is required by this Act.

Masters and Seamen (*Part III. of Merchant Shipping Act*, 1854).

Third Part of Act to apply to Fishing Boats, Light-

13. The following Vessels; that is to say,

(1.) Registered Seagoing Ships exclusively employed in Fishing on the Coasts of the United Kingdom;

(2.) Seagoing

(2.) Seagoing Ships belonging to any of the Three General Light-house Boards;

(3.) Seagoing Ships being Pleasure Yachts;

Shall be subject to the whole of the Third Part of the Principal Act; except,—Sections 136, 143, 145, 147, 149, 150, 151, 152, 153, 154, 155, 157, 158, 161, 162, 166, 170, 171, 231, 256, 279, 280, 281, 282, 283, 284, 285, 286, and 287.

Light-house Vessels, and Pleasure Yachts, with certain Exceptions.

14. Whereas Doubts have been entertained whether Local Marine Boards have the Power of determining a Quorum: It is hereby declared, That the Power by the 119th Section of the Principal Act given to every Local Marine Board of regulating the Mode in which its Meetings are to be held and its Business conducted includes the Power of determining a Quorum; nevertheless, after the passing of this Act such Quorum shall never consist of less than Three Members.

Local Marine Board may determine Number of Quorum.

15. The Offices termed Shipping Offices in the Principal Act shall be termed Mercantile Marine Offices, and the Officers termed Shipping Masters and Deputy Shipping Masters in the Principal Act shall be termed Superintendents and Deputy Superintendents of such Offices; but nothing in this Section contained shall invalidate or affect any Act which may be done at any such Office under the Title of a Shipping Office, or any Act which may be done by, with, or to any of the said Officers under the Title of Shipping Master or Deputy Shipping Master.

Titles of Shipping Masters.

16. Any Person appointed to any Office or Service by or under any Local Marine Board shall be deemed to be a Clerk or Servant within the Meaning of the Sixty-eighth Section of the Act of the Twenty-fifth Year of the Reign of Her present Majesty, Chapter Ninety-six:

Punishment for Embezzlement in Shipping Offices.

If any such Person fraudulently applies or disposes of any Chattel, Money, or valuable Security received by him whilst employed in such Office or Service for or on account of any such Local Marine Board, or for or on account of any other public Board or Department, to his own Use or any Use or Purpose other than that for which the same was paid, entrusted to, or received by him, or fraudulently withholds, retains, or keeps back the same or any Part thereof contrary to any lawful Directions or Instructions which he is required to obey in relation to such Office or Service, he shall be deemed guilty of Embezzlement within the Meaning of the said Section:

Any such Person shall, on Conviction of such Offence as aforesaid, be liable to the same Pains and Penalties as are thereby imposed upon any Clerk or Servant for Embezzlement:

In any Indictment against such Person for such Offence it shall be sufficient to charge any such Chattel, Money, or valuable Security as the Property either of the Board by which he was appointed, or of the Board or Department for or on account of which he may have received the same; and no greater Particularity in the Description of the Property shall be required in such Indictment in order to sustain the same, or in proof of the Offence alleged, than is required in respect of an Indictment or the Subject Matter thereof by the Seventy-first Section of the said last-mentioned Act.

Examinations of Masters and Mates at Ports where there are no Local Marine Boards.

17. Whereas it is expedient to make Provision in certain Cases for holding Examinations of Applicants for Certificates of Competency at Places where there are no Local Marine Boards: Be it enacted, That the Board of Trade, if satisfied that serious Inconvenience exists at any Port in consequence of the Distance which Applicants for Certificates have to travel in order to be examined, may, with the Concurrence of any Local Marine Board, send the Examiner or Examiners of that Local Marine Board to the Port where such Inconvenience exists; and thereupon the said Examiner or Examiners shall proceed to such Port, and shall there examine the Applicants in the Presence of such Person or Persons (if any) as the Board of Trade may appoint for the Purpose; and such Examinations shall be conducted in the same Manner and shall have the same Effect as other Examinations under the said Act.

Construction of Sect. 182 of Principal Act. Stipulations concerning Salvage.

18. It is hereby declared that the 182d Section of the Principal Act does not apply to the Case of any Stipulation made by the Seamen belonging to any Ship, which according to the Terms of the Agreement is to be employed on Salvage Service, with respect to the Remuneration to be paid to them for Salvage Services to be rendered by such Ship to any other Ship or Ships.

Payment of Wages to Seamen abroad under Section 209 of Principal Act.

19. The Payment of Seamen's Wages required by the 209th Section of the Principal Act shall, whenever it is practicable so to do, be made in Money and not by Bill; and in Cases where Payment is made by Bill drawn by the Master, the Owner of the Ship shall be liable to pay the Amount for which the same is drawn to the Holder or Indorsee thereof; and it shall not be necessary in any Proceeding against the Owner upon such Bill to prove that the Master had Authority to draw the same; and any Bill purporting to be drawn in pursuance of the said Section, and to be indorsed as therein required, if produced out of the Custody of the Board of Trade or of the Registrar General of Seamen, or of any Superintendent of any Mercantile Marine Office, shall be received in Evidence; and any Indorsement on any such Bill purporting to be made in pursuance of the said Section, and to be signed

signed by One of the Functionaries therein mentioned, shall also be received in Evidence, and shall be deemed to be *primâ facie* Evidence of the Facts stated in such Indorsement.

Wages and Effects of deceased Seamen.

20. The 197th Section of the Principal Act shall extend to Seamen or Apprentices who within the Six Months immediately preceding their Death have belonged to a *British* Ship; and such Section shall be construed as if there were inserted in the First Line thereof after the Words "such Seaman or Apprentice as last aforesaid" the Words "or if any Seaman or Apprentice who has within the Six Months immediately preceding his Death belonged to a *British* Ship."

Recovery of Wages, &c. of Seamen lost with their Ship.

21. The Wages of Seamen or Apprentices who are lost with the Ship to which they belong shall be dealt with as follows; (that is to say,)

(1.) The Board of Trade may recover the same from the Owner of the Ship in the same Manner in which Seamen's Wages are recoverable:

(2.) In any Proceedings for the Recovery of such Wages, if it is shown by some official Return produced out of the Custody of the Registrar General of Seamen or by other Evidence that the Ship has Twelve Months or upwards before the Institution of the Proceeding left a Port of Departure, and if it is not shown that she has been heard of within Twelve Months after such Departure, she shall be deemed to have been lost with all Hands on board, either immediately after the Time she was last heard of or at such later Time as the Court hearing the Case may think probable:

(3.) The Production out of the Custody of the Registrar General of Seamen or of the Board of Trade of any Duplicate Agreement or List of the Crew made out at the Time of the last Departure of the Ship from the United Kingdom, or of a Certificate purporting to be a Certificate from a Consular or other public Officer at any Port abroad, stating that certain Seamen or Apprentices were shipped in the Ship from the said Port, shall, in the Absence of Proof to the contrary, be sufficient Proof that the Seamen or Apprentices therein named were on board at the Time of the Loss:

(4.) The Board of Trade shall deal with such Wages in the Manner in which they deal with the Wages of other deceased Seamen and Apprentices under the Principal Act.

Relief of distressed Seamen to be regulated

22. Whereas under the 211th and 212th Sections of the Principal Act, and the 16th Section of "The Merchant Shipping Act Amendment Act, 1855," Provision is made for relieving and sending home

by Board of Trade.

home Seamen found in Distress abroad: And whereas Doubts are entertained whether Power exists under the said Sections of making Regulations and imposing Conditions which are necessary for the Prevention of Desertion and Misconduct and the undue Expenditure of Public Money: Be it enacted, and it is hereby declared, That the Claims of Seamen to be relieved or sent home in pursuance of the said Sections or any of them shall be subject to such Regulations and dependent on such Conditions as the Board of Trade may from Time to Time make or impose; and no Seaman shall have any Right to demand to be relieved or sent home except in the Cases and to the Extent provided for by such Regulations and Conditions.

Power of cancelling Certificate to rest with the Court which hears the Case.

23. The following Rules shall be observed with respect to the Cancellation and Suspension of Certificates, that is to say:

(1.) The Power of cancelling or suspending the Certificate of a Master or Mate by the 242d Section of the Principal Act conferred on the Board of Trade shall (except in the Case provided for by the Fourth Paragraph of the said Section) vest in and be exercised by the Local Marine Board, Magistrates, Naval Court, Admiralty Court, or other Court or Tribunal by which the Case is investigated or tried, and shall not in future vest in or be exercised by the Board of Trade:

(2.) Such Power shall extend to cancelling or suspending the Certificates of Engineers in the same Manner as if "Certificated Engineer" or "Certificated Engineers" were inserted throughout such Section after "Master" or "Masters":

(3.) Every such Board, Court, or Tribunal shall at the Conclusion of the Case, or as soon afterwards as possible, state in open Court the Decision to which they may have come with respect to cancelling or suspending Certificates, and shall in all Cases send a full Report upon the Case, with the Evidence, to the Board of Trade, and shall also, if they determine to cancel or suspend any Certificate, forward such Certificate to the Board of Trade with their Report:

(4.) It shall be lawful for the Board of Trade, if they think the Justice of the Case require it, to reissue and return any Certificate which has been cancelled or suspended, or shorten the Time for which it is suspended, or grant a new Certificate of the same or any lower Grade in place of any Certificate which has been cancelled or suspended:

(5.) The 434th and 437th Sections of the Principal Act shall be read as if for the Word "Nautical" were substituted the Words "Nautical or Engineering," and as if for the Word "Person" and "Assessor" respectively were substituted the Words

Words "Person or Persons" and "Assessor or Assessors" respectively:

(6.) No Certificate shall be cancelled or suspended under this Section unless a Copy of the Report or a Statement of the Case upon which the Investigation is ordered has been furnished to the Owner of the Certificate before the Commencement of the Investigation, nor, in the Case of Investigations conducted by Justices or a Stipendiary Magistrate, unless One Assessor at least expresses his Concurrence in the Report.

Certificate to be delivered up.

24. Every Master or Mate or Engineer whose Certificate is or is to be suspended or cancelled in pursuance of this Act shall, upon Demand of the Board, Court, or Tribunal by which the Case is investigated or tried, deliver his Certificate to them, or, if it is not demanded by such Board, Court, or Tribunal, shall, upon Demand, deliver it to the Board of Trade, or as it directs, and in default shall for each Offence incur a Penalty not exceeding Fifty Pounds.

Safety (*Part IV. of Merchant Shipping Act*, 1854).

Enactment of Regulations concerning Lights, Fog Signals, and Sailing Rules in Schedule, Table (C.)

25. On and after the First Day of *June* One thousand eight hundred and sixty-three, or such later Day as may be fixed for the Purpose by Order in Council, the Regulations contained in the Table marked (C.) in the Schedule hereto shall come into operation and be of the same Force as if they were enacted in the Body of this Act; but Her Majesty may from Time to Time, on the joint Recommendation of the Admiralty and the Board of Trade, by Order in Council, annul or modify any of the said Regulations, or make new Regulations in addition thereto or in substitution therefor; and any Alterations in or Additions to such Regulations made in manner aforesaid shall be of the same Force as the Regulations in the said Schedule.

Regulations to be published.

26. The Board of Trade shall cause the said Regulations and any Alterations therein or Additions thereto hereafter to be made to be printed, and shall furnish a Copy thereof to any Owner or Master of a Ship who applies for the same; and Production of the Gazette in which any Order in Council containing such Regulations or any Alterations therein or Additions thereto is published, or of a Copy of such Regulations, Alterations, or Additions, signed or purporting to be signed by One of the Secretaries or Assistant Secretaries of the Board of Trade, or sealed or purporting to be sealed with the Seal of the Board of Trade, shall be sufficient Evidence of the due making and Purport of such Regulations, Alterations, or Additions.

Owners and Masters bound to obey them.

27. All Owners and Masters of Ships shall be bound to take notice of all such Regulations as aforesaid, and shall, so long as the same continue in force, be bound to obey them, and to carry and exhibit no other Lights and to use no other Fog Signals than such as are required by the said Regulations; and in case of wilful Default, the Master, or the Owner of the Ship if it appear that he was in such Fault, shall, for each Occasion upon which such Regulations are infringed, be deemed to be guilty of a Misdemeanor.

Breaches of Regulations to imply wilful Default of Person in charge.

28. In case any Damage to Person or Property arises from the Non-observance by any Ship of any Regulation made by or in pursuance of this Act, such Damage shall be deemed to have been occasioned by the wilful Default of the Person in charge of the Deck of such Ship at the Time, unless it is shown to the Satisfaction of the Court that the Circumstances of the Case made a Departure from the Regulation necessary.

If Collision ensues from Breach of the Regulations, Ship to be deemed in fault.

29. If in any Case of Collision it appears to the Court before which the Case is tried that such Collision was occasioned by the Non-observance of any Regulation made by or in pursuance of this Act, the Ship by which such Regulation has been infringed shall be deemed to be in fault, unless it is shown to the Satisfaction of the Court that the Circumstances of the Case made a Departure from the Regulation necessary.

Inspection for enforcing Regulations.

30. The following Steps may be taken in order to enforce Compliance with the said Regulations; that is to say,

(1.) The Surveyors appointed under the Third Part of the Principal Act, or such other Persons as the Board of Trade may appoint for the Purpose, may inspect any Ships for the Purpose of seeing that such Ships are properly provided with Lights and with the Means of making Fog Signals in pursuance of the said Regulations, and shall for that Purpose have the Powers given to Inspectors by the 14th Section of the Principal Act:

(2.) If any such Surveyor or Person finds that any Ship is not so provided, he shall give to the Master or Owner Notice in Writing, pointing out the Deficiency, and also what is, in his Opinion, requisite in order to remedy the same:

(3.) Every Notice so given shall be communicated in such Manner as the Board of Trade may direct to the Collector or Collectors of Customs at any Port or Ports from which such Ship may seek to clear or at which her Transire is to be obtained; and no Collector to whom such Communication is made shall clear such Ship outwards or grant her a Transire, or allow her

her to proceed to Sea, without a Certificate under the Hand of One of the said Surveyors or other Persons appointed by the Board of Trade as aforesaid, to the Effect that the said Ship is properly provided with Lights and with the Means of making Fog Signals in pursuance of the said Regulations.

Rules for Harbours under Local Acts to continue in force.

31. Any Rules concerning the Lights or Signals to be carried by Vessels navigating the Waters of any Harbour, River, or other Inland Navigation, or concerning the Steps for avoiding Collision to be taken by such Vessels, which have been or are hereafter made by or under the Authority of any Local Act, shall continue and be of full Force and Effect notwithstanding anything in this Act or in the Schedule thereto contained.

In Harbours and Rivers where no such Rules exist they may be made.

32. In the Case of any Harbour, River, or other Inland Navigation for which such Rules are not and cannot be made by or under the Authority of any Local Act, it shall be lawful for Her Majesty in Council, upon Application from the Harbour Trust or Body Corporate, if any, owning or exercising Jurisdiction upon the Waters of such Harbour, River, or Inland Navigation, or, if there is no such Harbour Trust or Body Corporate, upon Application from Persons interested in the Navigation of such Waters, to make Rules concerning the Lights or Signals to be carried, and concerning the Steps for avoiding Collision to be taken by Vessels navigating such Waters; and such Rules, when so made, shall, so far as regards Vessels navigating such Waters, have the same Effect as if they were Regulations contained in Table (C.) in the Schedule to this Act, notwithstanding anything in this Act or in the Schedule thereto contained.

In case of Collision one Ship shall assist the other.

33. In every Case of Collision between Two Ships it shall be the Duty of the Person in charge of each Ship, if and so far as he can do so without Danger to his own Ship and Crew, to render to the other Ship, her Master, Crew, and Passengers (if any), such Assistance as may be practicable and as may be necessary in order to save them from any Danger caused by the Collision:

In case he fails so to do, and no reasonable Excuse for such Failure is shown, the Collision shall, in the Absence of Proof to the contrary, be deemed to have been caused by his wrongful Act, Neglect, or Default; and such Failure shall also, if proved upon any Investigation held under the Third or the Eighth Part of the Principal Act, be deemed to be an Act of Misconduct or a Default for which his Certificate (if any) may be cancelled or suspended.

Surveys of Steamers.

34. Notwithstanding anything in the 311th Section of the Principal Act contained, it shall not be necessary for the Surveys of Passenger Steamers

Steamers to be made in the Months of *April* and *October*; but no Declaration shall be given by any Surveyor under the Fourth Part of the said Act for a Period exceeding Six Months, and no Certificate issued by the Board of Trade shall remain in force more than Six Months from the Date thereof.

Penalties on drunken or disorderly Passengers.

35. The following Offenders, that is to say,

(1.) Any Person who, being drunken or disorderly, has been on that Account refused Admission into any duly surveyed Passenger Steamer by the Owner or any Person in his Employ, and who, after having had the Amount of his Fare (if he has paid the same) returned or tendered to him, nevertheless persists in attempting to enter such Steamer;

(2.) Any Person who being drunken or disorderly on board any such Steamer is requested by the Owner or any Person in his Employ to leave the same at any Place in the United Kingdom at which he can conveniently so do, and who, having had the Amount of his Fare (if he has paid the same) returned or tendered to him, refuses to comply with such Request;

On Persons molesting Passengers.

(3.) Any Person on board any such Steamer who after Warning by the Master or any other Officer of the Steamer molests or continues to molest any Passenger;

Penalties on Persons forcing way on board the Ship when full.

(4.) Any Person who, after having been refused Admission into any such Steamer by the Owner or any Person in his Employ on account of such Steamer being full, and who after having had the full Amount of his Fare (if he has paid the same) returned or tendered to him, nevertheless persists in attempting to enter the same;

And on Persons refusing to quit the Ship when full.

(5.) Any Person, having got on board any such Steamer, who, upon being requested on the like Account by the Owner or any Person in his Employ to leave such Steamer before the same has quitted the Place at which such Person got on board, and who upon having the full Amount of his Fare (if he has paid the same) returned or tendered to him, refuses to comply with such Request;

Penalties for avoiding Payment of Fares.

(6.) Any Person who travels or attempts to travel in any such Steamer without having previously paid his Fare, and with Intent to avoid Payment thereof;

(7.) Any Person who, having paid his Fare for a certain Distance, knowingly and wilfully proceeds in any such Steamer beyond such Distance without previously paying the additional Fare for the additional Distance, and with Intent to avoid Payment thereof;

(8.) Any

(8.) Any Person who knowingly and wilfully refuses or neglects, on arriving at the Point to which he has paid his Fare, to quit any such Steamer; and

(9.) Any Person on board any such Steamer who does not when required by the Master or other Officer of such Steamer either pay his Fare or exhibit such Ticket or other Receipt (if any) showing the Payment of his Fare as is usually given to Persons travelling by and paying their Fare for such Steamer;

Shall for every such Offence be liable to a Penalty not exceeding Forty Shillings; but such Liability shall not prejudice the Recovery of any Fare payable by him.

Penalty for injuring Steamer or molesting Crew.

36. Any Person on board any such Steamer who wilfully does or causes to be done anything in such a Manner as to obstruct or injure any Part of the Machinery or Tackle of such Steamer, or to obstruct, impede, or molest the Crew or any of them in the Navigation or Management of such Steamer, or otherwise in the Execution of their Duty upon or about such Steamer, shall for every such Offence be liable to a Penalty not exceeding Twenty Pounds.

Manner of apprehending Offenders.

37. It shall be lawful for the Master or other Officer of any duly surveyed Passenger Steamer, and for all Persons called by him to his Assistance, to detain any Person who has committed any Offence against any of the Provisions of the Two last preceding Sections of this Act, and whose Name and Address are unknown to such Officer, and to convey such Offender with all convenient Despatch before some Justice without any Warrant or other Authority than this Act; and such Justice shall have Jurisdiction to try the Case, and shall proceed with all convenient Despatch to the hearing and determining of the Complaint against such Offender.

Provisions as to carrying dangerous Goods.

38. The Provisions of the 329th Section of the Principal Act shall extend to Foreign Ships when within the Limits of the United Kingdom.

Pilotage (*Part V. of Merchant Shipping Act*, 1854).

Power of Pilotage Authorities to exempt from compulsory Pilotage.

39. Whereas it is enacted by the Principal Act that every Pilotage Authority shall have Power, in manner and subject to the Conditions therein mentioned, to do the following Things; (that is to say,)

To exempt the Masters of any Ships or of any Classes of Ships from being compelled to employ qualified Pilots:

To alter and reduce Rates of Pilotage.

To lower and modify the Rates and Prices or other Remuneration to be demanded and received for the Time being by Pilots licensed by such Authority:

To arrange the Limits of Pilotage Districts.

To make Arrangements with any other Pilotage Authority for altering the Limits of their respective Districts, and for extending the Powers of such other Authority, and transferring its own Powers to such last-mentioned Authority:

And whereas it is expedient that increased Facilities should be given for effecting the Objects contemplated by the said recited Enactments, and for further amending the Law concerning Pilotage, and that in so doing Means should be afforded for paying due Regard to existing Interests and to the Circumstances of particular Cases: Be it enacted,

Power by Provisional Order,—

That it shall be lawful for the Board of Trade, by Provisional Order, to do the following Things; that is to say,

To transfer Pilotage Jurisdiction.

(1.) Whenever any Pilotage Authority residing or having its Place of Business at One Port has or exercises Jurisdiction in Matters of Pilotage in any other Port, to transfer so much of the said Jurisdiction as concerns such last-mentioned Port to any Harbour Trust or other Body exercising any local Jurisdiction in Maritime Matters at the last-mentioned Port or to any Body to be constituted for the Purpose by the Provisional Order, or, in Cases where the said Pilotage Authority is not the *Trinity House of Deptford Strond*, to the said *Trinity House;* or to transfer the whole or any Part of the Jurisdiction of the said Pilotage Authority to a new Body Corporate or Body of Persons to be constituted for the Purpose by the Provisional Order, so as to represent the Interests of the several Ports concerned:

And to make consequent Arrangements.

(2.) To make the Body Corporate or Persons to whom the said Transfer is made a Pilotage Authority within the Meaning of the Principal Act, with such Powers for the Purpose as may be in the Provisional Order in that Behalf mentioned:

To determine the Limits of the District of the Pilotage Authority to which the Transfer of Jurisdiction is made:

To sanction a Scale of Pilotage Rates to be taken by the Pilots to be licensed by the last-mentioned Pilotage Authority:

To determine to what Extent and under what Conditions any Pilots already licensed by the former Pilotage Authority shall continue to act under the new Pilotage Authority:

To sanction Arrangements for the Apportionment of any Pilotage Funds belonging to the Pilots licensed by the former Pilotage Authority between the Pilots remaining under the Jurisdiction of that Authority and the Pilots who are transferred to the Jurisdiction of the new Authority:

To provide for such Compensation or Superannuation as may be just to Officers employed by the former Pilotage Authority and not continued by the new Authority:

(3.) To

(3.) To constitute a Pilotage Authority and to fix the Limits of its District in any Place in the United Kingdom where there is no such Authority; so, however, that in the new Pilotage Districts so constituted there shall be no compulsory Pilotage, and no Restriction on the Power of duly qualified Persons to obtain Licences as Pilots: To constitute new Authorities.

(4.) To exempt the Masters and Owners of all Ships, or of any Classes of Ships, from being obliged to employ Pilots in any Pilotage District or in any Part of any Pilotage District, or from being obliged to pay for Pilots when not employing them in any District or in any Part of any Pilotage District, and to annex any Terms and Conditions to such Exemptions: To exempt from compulsory Pilotage in any District.

(5.) In Cases where the Pilotage is not compulsory, and where there is no Restriction on the Power of duly qualified Persons to obtain Licences as Pilots, to enable any Pilotage Authority to license Pilots and fix Pilotage Rates for any Part of the District within the Jurisdiction of such Authority for which no such Licences or Rates now exist: To enable existing Authorities to grant Licences and fix Rates.

(6.) In Cases where the Pilotage is not compulsory, and where there is no Restriction on the Power of duly qualified Persons to obtain Licences as Pilots, to enable any Pilotage Authority to raise all or any of the Pilotage Rates now in force in the District or any Part of the District within the Jurisdiction of such Authority: To raise Rates.

(7.) In Cases where the Pilotage is not compulsory, and where there is no Restriction on the Number of Pilots, or on the Power of duly qualified Persons to obtain Licences as Pilots, to give additional Facilities for the Recovery of Pilotage Rates and for the Prevention of the Employment of unqualified Pilots: To facilitate Recovery of Rates in certain Cases.

(8.) To give Facilities for enabling duly qualified Persons, after proper Examination as to their Qualifications, to obtain Licences as Pilots. To facilitate Grants of Licences.

40. The following Rules shall be observed with respect to Provisional Orders made in pursuance of this Act: Regulations with respect to Manner of making and confirming Provisional Orders.

1. Application in Writing for such Order shall be made to the Board of Trade by some Persons interested in the Pilotage of the District or in the Operation of the Laws or Regulations relating to such Pilotage:

2. Notice of such Application having been made shall be published once at the least in each of Two successive Weeks in the Month immediately succeeding the Time of such Application in the *Shipping Gazette*, and in some Newspaper

or

or Newspapers circulating in the County, or, if there are more than One, in the Counties adjacent to the Pilotage District to be affected by the Order:

3. The Notice so published shall state the Objects which it is proposed to effect by the Provisional Order:

4. The Board of Trade on receiving the Application shall refer the same to the Pilotage Authority or Authorities of the District, and shall receive and consider any Objections which may be made to the proposed Provisional Order, and shall for that Purpose allow at least Six Weeks to elapse between the Time of referring the Application to the Pilotage Authority and the Time of making the Provisional Order:

5. The Board of Trade shall, after considering all Objections, determine whether to proceed with the Provisional Order or not; and shall, if they determine to proceed with it, settle it in such Manner and with such Terms and Conditions, not being inconsistent with the Provisions of this Act, as they may think fit; and shall, when they have settled the same, forward Copies thereof to the Persons making the Application and to the Pilotage Authority or Authorities of the District or Districts to which it refers:

6. No such Provisional Order shall take effect unless and until the same is confirmed by Parliament; and for the Purpose of procuring such Confirmation the Board of Trade shall introduce into Parliament a Public General Bill, or Public General Bills, in which, or in the Schedule to which, the Provisional Order or Provisional Orders to be thereby confirmed shall be set out at Length:

7. If any Petition is presented to either House of Parliament against any such Provisional Order as aforesaid in the Progress through Parliament of the Bill confirming the same, so much of the Bill as relates to the Order so petitioned against may be referred to a Select Committee, and the Petitioner shall in such Case be allowed to appear and oppose as in the Case of Private Bills.

Extension of Exemptions from compulsory Pilotage.

41. The Masters and Owners of Ships passing through the Limits of any Pilotage District in the United Kingdom on their Voyages between Two Places both situate out of such Districts shall be exempted from any Obligation to employ a Pilot within such District, or to pay Pilotage Rates when not employing a Pilot within such District: Provided that the Exemption contained in this Section shall not apply to Ships loading or discharging at any Place situate within such District, or at any Place situate above such District on the same River or its Tributaries.

42. Whereas

Arrangement of Pilot Funds for Bristol Channel Pilots.

42. Whereas under the Provisions of the *Bristol Channel* Pilotage Act, 1861, Pilotage Authorities have been established at the Ports of *Newport* and *Gloucester*, and the Pilots theretofore licensed by the *Trinity House of Deptford Strond* for those Parts have ceased to be so licensed: And whereas no Provision has been made by the said Act for dealing with such Interests as the said Pilots may have in the *Trinity House* Pilot Fund mentioned in the Principal Act: Be it therefore enacted, That, notwithstanding the said Pilots have ceased to be licensed by the *Trinity House*, the *Trinity House* may make such an equitable Arrangement in the Administration of the *Trinity House* Pilot Fund mentioned in the Principal Act with reference to the Interests of the Pilots so ceasing to be licensed by them as aforesaid as they may in their Discretion think fit.

Lighthouses (*Part VI. of Merchant Shipping Act*, 1854).

Lights, &c. under Local Authorities to be inspected, &c. by Trinity House, and other General Authorities.

43. The following Rules shall be observed with respect to the Inspection of local Lighthouses, Buoys, and Beacons; that is to say,

(1.) It shall be the Duty of each of the General Lighthouse Authorities, or of such Persons as may be authorized by such Authority for the Purpose, to inspect all Lights, Buoys, and Beacons situate within the Limits of the Jurisdiction of such General Authority, but belonging to or under the Jurisdiction of any Local Authorities, and to make such Inquiries in respect thereof and of the Management thereof as they may think fit:

(2.) All Officers and others having the Care of such Lighthouses, Buoys, or Beacons, or concerned in the Management thereof, shall furnish all such Information and Explanations concerning the same as they may require:

(3.) All such Local Authorities and their respective Officers shall at all Times give to the Inspecting Authority all such Returns, Explanations, or Information concerning the Lighthouses, Buoys, and Beacons within their Jurisdiction, and the Management thereof, as the said Authority may from Time to Time require:

(4.) The Inspecting Authority shall communicate to each Local Authority the Results of its Inspection of the Lighthouses, Buoys, and Beacons within its Jurisdiction, and shall also make general Reports of the Results of its Inspection of local Lighthouses, Buoys, and Beacons to the Board of Trade; and such Reports shall be laid before Parliament:

(5.) The Powers given by the 394th Section of the Principal Act to the General Lighthouse Authorities shall, so far as the same are applicable, extend and apply to the Case of local

Buoys and Beacons, other than local Buoys and Beacons placed or erected for temporary Purposes, as well as to the Case of local Lighthouses.

Liability for and Recovery of Light Dues.

44. The following Persons shall be liable to pay Light Dues for any Ship in respect of which Light Dues are payable; (that is to say,) the Owner or Master, or such Consignees or Agents thereof as have paid or made themselves liable to pay any other Charge on account of such Ship in the Port of her Arrival or Discharge, and in default of Payment such Light Dues may be recovered in the same Manner as Penalties of the like Amount may be recovered by virtue of the Principal Act.

Powers of Consignees to retain Light Dues paid by them.

45. Every Consignee and Agent (not being the Owner or Master) hereby made liable for the Payment of Light Dues in respect of any Ship may, out of any Monies in his Hands received on account of such Ship, or belonging to the Owner thereof, retain the Amount of all Dues so paid by him, together with any reasonable Expenses he may have incurred by reason of such Payment or Liability.

Dues may be levied for local Lights.

46. If any Lighthouse, Buoy, or Beacon is erected or placed, or reconstructed, repaired, or replaced by any Local Authority having Jurisdiction in the Matter of Lighthouses, Buoys, or Beacons, Her Majesty may, on the Application of the said Local Authority, by Order in Council fix such Dues to be paid to the said Local Authority in respect of every Ship which enters the Port or Harbour under the Jurisdiction of such Local Authority or the Estuary wherein such Lighthouse, Buoy, or Beacon is situate, and which passes the said Lighthouse, Buoy, or Beacon, and derives Benefit therefrom, as Her Majesty may deem reasonable:

The Dues for the Time being fixed by any such Order in Council as aforesaid shall be paid accordingly by the Master of the said Ship or other Person or Persons by whom the said Light Dues, if levied by One of the General Lighthouse Authorities, would be payable, and shall be recoverable in the same Manner as Light Dues payable to such General Authorities are recoverable.

Application of and Accounts of such Dues.

47. All Light Dues leviable by any Local Authority under this Act shall be applied for the Purposes of the Construction, Placing, Maintenance, and Improvement of the Lighthouses, Buoys, and Beacons in respect of which the same are levied, and for no other Purpose:

The Local Authority to whom the same are paid shall keep a separate Account of the Receipt and Expenditure of such Dues, and shall once in

in every Year, or at such other Time as the Board of Trade may determine, send a Copy of such Account to the Board of Trade, and shall send the same in such Form and shall give such Particulars in relation thereto as the Board of Trade may require:

Her Majesty may by Order in Council from Time to Time reduce, alter, or increase all or any of such Dues, so that the same may, so far as it is practicable, be sufficient and not more than sufficient for the Payment of the Expenses incurred by the Local Authority in respect of the Lighthouses, Buoys, or Beacons for which the Dues are levied.

Construction of Sect. 431. of Principal Act.

48. The 431st Section of the Principal Act shall be read as if after the Word "Ships" there were inserted the Words "and Boats."

Wreck and Salvage (*Part VIII. of Merchant Shipping Act*, 1854.)

Extension and Amendment of summary Jurisdiction in small Salvage Cases.

49. The Provisions contained in the Eighth Part of the Principal Act for giving summary Jurisdiction to Two Justices in Salvage Cases, and for preventing unnecessary Appeals and Litigation in such Cases, shall be amended as follows; (that is to say,)

(1.) Such Provision shall extend to all Cases in which the Value of the Property saved does not exceed One thousand Pounds, as well as to the Cases provided for by the Principal Act:

(2.) Such Provisions shall be held to apply whether the Salvage Service has been rendered within the Limits of the United Kingdom or not:

(3.) It shall be lawful for One of Her Majesty's Principal Secretaries of State, or in *Ireland* for the Lord Lieutenant or other Chief Governor or Governors, to appoint out of the Justices for any Borough or County a Rota of Justices by whom Jurisdiction in Salvage Cases shall be exercised:

(4.) When no such Rota is appointed, it shall be lawful for the Salvors, by Writing addressed to the Justice's Clerk, to name One Justice, and for the Owner of the Property saved in like Manner to name the other:

(5.) If either Party fails to name a Justice within a reasonable Time, the Case may be tried by Two or more Justices at Petty Sessions:

(6.) It shall be competent for any Stipendiary Magistrate, and also in *England* for any County Court Judge, in *Scotland* for the Sheriff or Sheriff Substitute of any County, and in *Ireland* for the Recorder of any Borough in which there is a Recorder, or for the Chairman of Quarter Sessions in any County, to exercise the same Jurisdiction in Salvage Cases as is given to Two Justices:

(7.) It

(7.) It shall be lawful for One of Her Majesty's Principal Secretaries of State to determine a Scale of Costs to be awarded in Salvage Cases by any such Justices or Court as aforesaid:

(8.) All the Provisions of the Principal Act relating to summary Proceedings in Salvage Cases, and to the Prevention of unnecessary Appeals in such Cases, shall, except so far as the same are altered by this Act, extend and apply to all such Proceedings, whether under the Principal Act or this Act, or both of such Acts.

Receiver may appoint a Valuer in Salvage Cases.

50. Whenever any Salvage Question arises the Receiver of Wreck for the District may, upon Application from either of the Parties, appoint a Valuer to value the Property in respect of which the Salvage Claim is made, and shall, when the Valuation has been returned to him, give a Copy of the Valuation to both Parties; and any Copy of such Valuation, purporting to be signed by the Valuer, and to be attested by the Receiver, shall be received in Evidence in any subsequent Proceeding; and there shall be paid in respect of such Valuation, by the Party applying for the same, such Fee as the Board of Trade may direct.

Jurisdiction of Court of Session in Salvage Cases.

51. The Words "Court of Session" in the Four hundred and sixty-eighth Section of the Principal Act shall be deemed to mean and include either Division of the Court of Session or the Lord Ordinary officiating on the Bills during Vacation.

Delivery of Wreck by Receiver not to prejudice Title.

52. Upon Delivery of Wreck or of the Proceeds of Wreck by any Receiver to any Person in pursuance of the Provisions of the Eighth Part of the Principal Act such Receiver shall be discharged from all Liability in respect thereof, but such Delivery shall not be deemed to prejudice or affect any Question concerning the Right or Title to the said Wreck which may be raised by Third Parties, nor shall any such Delivery prejudice or affect any Question concerning the Title to the Soil on which the Wreck may have been found.

Crown Rights to Wreck.

53. Whereas by the Principal Act it is provided that the Proceeds of Wreck, if the same is not claimed by the Owner within a Year, and if no Person other than Her Majesty, Her Heirs and Successors, is proved to be entitled thereto, shall, subject to certain Deductions, be paid into the Receipt of Her Majesty's Exchequer in such Manner as the Commissioners of the Treasury may direct, and that the same shall be carried to and form Part of the Consolidated Fund of the United Kingdom:

And whereas Doubts have been entertained whether the said last-recited Provision is consistent with the Arrangements concerning the Hereditary Revenues of the Crown effected by the Act of the First Year of Her present Majesty, Chapter Two: And whereas Doubts have also been entertained whether due Provision is made by the said Act for paying to the Revenues of the Duchies of *Lancaster* and *Cornwall* respectively such of the said Proceeds as may belong to those Duchies: 1 Vict. c. 2.

It is hereby declared, That such of the said Proceeds of Wreck as belong to Her Majesty in right of Her Crown shall, during the Life of Her present Majesty (whom God long preserve), be carried to and form Part of the Consolidated Fund of the United Kingdom, and shall after the Decease of Her present Majesty (whom God long preserve) be payable and paid to Her Majesty's Heirs and Successors:

And it is hereby further declared, That such of the said Proceeds of Wreck as belong to Her Majesty in right of Her Duchy of *Lancaster* shall be paid to the Receiver General of the said Duchy or his sufficient Deputy or Deputies as Part of the Revenues of the said Duchy and be dealt with accordingly:

And it is hereby further declared and enacted, That the Provision in the Principal Act contained regarding the Sale of unclaimed Wreck to which no Owner establishes his Claim within the Period of One Year, and to which no Admiral, Vice Admiral, Lord of any Manor, or Person other than Her Majesty, Her Heirs and Successors, is proved to be entitled, is intended and shall be construed to apply to Wreck of the Sea belonging to Her Majesty, Her Heirs and Successors, in respect of the Duchy of *Cornwall*, or to the Duke of *Cornwall* for the Time being in respect of his Duchy of *Cornwall*: But that the Proceeds of such Wreck shall, subject to such Deductions as are in the same Act mentioned, form Part of the Revenues of the Duchy of *Cornwall*, and be dealt with accordingly.

Liability of Shipowners (*Part IX. of Merchant Shipping Act*, 1854).

54. The Owners of any Ship, whether *British* or Foreign, shall not, in Cases where all or any of the following Events occur without their actual Fault or Privity, that is to say, Shipowners Liability limited.

(1.) Where any Loss of Life or personal Injury is caused to any Person being carried in such Ship;

(2.) Where any Damage or Loss is caused to any Goods, Merchandise, or other Things whatsoever on board any such Ship;

(3.) Where any Loss of Life or personal Injury is by reason of the improper Navigation of such Ship as aforesaid caused to any Person carried in any other Ship or Boat;

(4.) Where any Loss or Damage is by reason of the improper Navigation of such Ship as aforesaid caused to any other Ship or Boat, or to any Goods, Merchandise, or other Things whatsoever on board any other Ship or Boat;

be answerable in Damages in respect of Loss of Life or personal Injury, either alone or together with Loss or Damage to Ships, Boats, Goods, Merchandise, or other Things, to an aggregate Amount exceeding Fifteen Pounds for each Ton of their Ship's Tonnage; nor in respect of Loss or Damage to Ships, Goods, Merchandise, or other Things, whether there be in addition Loss of Life or personal Injury or not, to an aggregate Amount exceeding Eight Pounds for each Ton of the Ship's Tonnage; such Tonnage to be the Registered Tonnage in the Case of Sailing Ships, and in the Case of Steam Ships the Gross Tonnage without Deduction on account of Engine Room:

In the Case of any Foreign Ship which has been or can be measured according to *British* Law, the Tonnage as ascertained by such Measurement shall, for the Purposes of this Section, be deemed to be the Tonnage of such Ship:

In the Case of any Foreign Ship which has not been and cannot be measured under *British* Law, the Surveyor General of Tonnage in the United Kingdom, and the Chief Measuring Officer in any *British* Possession abroad, shall, on receiving from or by Direction of the Court hearing the Case such Evidence concerning the Dimensions of the Ship as it may be found practicable to furnish, give a Certificate under his Hand, stating what would in his Opinion have been the Tonnage of such Ship if she had been duly measured according to *British* Law, and the Tonnage so stated in such Certificate shall, for the Purposes of this Section, be deemed to be the Tonnage of such Ship.

Limitation of Invalidity of Insurances.

55. Insurances effected against any or all of the Events enumerated in the Section last preceding, and occurring without such actual Fault or Privity as therein mentioned, shall not be invalid by reason of the Nature of the Risk.

Proof of Passengers on board lost Ship.

56. In any Proceeding under the 506th Section of the Principal Act or any Act amending the same against the Owner of any Ship or Share therein in respect of Loss of Life, the Master's List or the duplicate List of Passengers delivered to the proper Officer of Customs under the 16th Section of "The Passengers Act, 1855," shall, in the Absence of Proof to the contrary, be sufficient Proof that the Persons in respect of whose Death any such Prosecution or Proceeding is instituted were Passengers on board such Ship at the Time of their Deaths.

Arrangements concerning Lights, Sailing Rules, Salvage, and Measurement of Tonnage in the Case of Foreign Ships.

Foreign Ships in British Jurisdiction to be subject to Regulations in Table (C.) in Schedule.

57. Whenever Foreign Ships are within *British* Jurisdiction, the Regulations for preventing Collision contained in Table (C.) in the Schedule to this Act, or such other Regulations for preventing Collision as are for the Time being in force under this Act, and all Provisions of this Act relating to such Regulations, or otherwise relating to Collisions, shall apply to such Foreign Ships; and in any Cases arising in any *British* Court of Justice concerning Matters happening within *British* Jurisdiction, Foreign Ships shall, so far as regards such Regulations and Provisions, be treated as if they were *British* Ships.

Regulations, when adopted by a Foreign Country, may be applied to its Ships on the High Seas.

58. Whenever it is made to appear to Her Majesty that the Government of any Foreign Country is willing that the Regulations, for preventing Collision contained in Table (C.) in the Schedule to this Act, or such other Regulations for preventing Collision as are for the Time being in force under this Act, or any of the said Regulations, or any Provisions of this Act relating to Collisions, should apply to the Ships of such Country when beyond the Limits of *British* Jurisdiction, Her Majesty may, by Order in Council, direct that such Regulations, and all Provisions of this Act which relate to such Regulations, and all such other Provisions as aforesaid, shall apply to the Ships of the said Foreign Country, whether within *British* Jurisdiction or not.

Provisions concerning Salvage of Life may, with the Consent of any Foreign Country, be applied to its Ships on the High Seas.

59. Whenever it is made to appear to Her Majesty that the Government of any Foreign Country is willing that Salvage shall be awarded by *British* Courts for Services rendered in saving Life from any Ship belonging to such Country when such Ship is beyond the Limits of *British* Jurisdiction, Her Majesty may, by Order in Council, direct that the Provisions of the Principal Act and of this Act, with respect to Salvage for Services rendered in saving Life from *British* Ships, shall in all *British* Courts be held to apply to Services rendered in saving Life from the Ships of such Foreign Country, whether such Services are rendered within *British* Jurisdiction or not.

Ships of Foreign Countries adopting the Rule for Measurement of Tonnage need not be re-measured in this Country.

60. Whenever it is made to appear to Her Majesty that the Rules concerning the Measurement of Tonnage of Merchant Ships for the Time being in force under the Principal Act have been adopted by the Government of any Foreign Country, and are in force in that Country, it shall be lawful for Her Majesty by Order in Council to direct that the Ships of such Foreign Country shall be deemed to be of the Tonnage denoted in their Certificates of Registry or other National Papers; and thereupon it shall no longer be necessary for such Ships to be re-measured in any Port or Place in Her Majesty's Dominions,

Dominions, but such Ships shall be deemed to be of the Tonnage denoted in their Certificates of Registry or other Papers, in the same Manner, to the same Extent, and for the same Purposes in, to, and for which the Tonnage denoted in the Certificates of Registry of *British* Ships is deemed to be the Tonnage of such Ships.

Effect of Order in Council.

61. Whenever an Order in Council has been issued under this Act, applying any Provision of this Act or any Regulation made by or in pursuance of this Act to the Ships of any Foreign Country, such Ships shall in all Cases arising in any *British* Court be deemed to be subject to such Provision or Regulation, and shall for the Purpose of such Provision or Regulation be treated as if they were *British* Ships.

Orders in Council may be limited as to Time, and qualified.

62. In issuing any Order in Council under this Act Her Majesty may limit the Time during which it is to remain in operation, and may make the same subject to such Conditions and Qualifications, if any, as may be deemed expedient, and thereupon the Operation of the said Order shall be limited and modified accordingly.

Orders in Council may be revoked and altered.

63. Her Majesty may by Order in Council from Time to Time revoke or alter any Order previously made under this Act.

Orders in Council to be published in London Gazette.

64. Every Order in Council to be made under this Act shall be published in the *London Gazette* as soon as may be after the making thereof; and the Production of a Copy of the *London Gazette* containing such Order shall be received in Evidence, and shall be Proof that the Order therein published has been duly made and issued; and it shall not be necessary to plead such Order specially.

Legal Procedure.

20 & 21 Vict. c. 43. s. 3. not to apply to Proceedings under Board of Trade or this Act, &c.

65. Nothing in the Third Section of the Act passed in the Twentieth and Twenty-first Years of the Reign of Her present Majesty, Chapter Forty-three, except so much thereof as provides for the Payment of any Fees that may be due to the Clerk of the Justices, shall be deemed to apply to extend to any Proceeding under the Direction of the Board of Trade, or under or by virtue of the Provisions of the Principal Act or this Act, or any Act amending the same.

Delivery of Goods and Lien for Freight.

Interpretation of Terms.

66. The following Terms used in the Sections of this Act hereinafter contained shall have the respective Meanings hereby assigned to them, if not inconsistent with the Context or Subject Matter; that is to say,

"Report."

The Word "Report" shall mean the Report required by the Customs Laws to be made by the Master of any importing Ship:

The

The Word "Entry" shall mean the Entry required by the Customs Laws to be made for the Landing or Discharge of Goods from an importing Ship: "Entry."

The Word "Goods" shall include every Description of Wares and Merchandise: "Goods."

The Word "Wharf" shall include all Wharves, Quays, Docks, and Premises in or upon which any Goods when landed from Ships may be lawfully placed: "Wharf."

The Word "Warehouse" shall include all Warehouses, Buildings, and Premises in which Goods when landed from Ships may be lawfully placed: "Warehouse."

The Expression "Wharf Owner" shall mean the Occupier of any Wharf, as herein-before defined: "Wharf-Owner."

The Expression "Warehouse Owner" shall mean the Occupier of any Warehouse, as herein-before defined: "Warehouse Owner."

The Word "Shipowner" shall include the Master of the Ship and every other Person authorized to act as Agent for the Owner, or entitled to receive the Freight, Demurrage, or other Charges payable in respect of such Ship: "Shipowner."

The Expression "Owner of Goods" shall include every Person who is for the Time being entitled, either as Owner or Agent for the Owner, to the Possession of the Goods, subject in the Case of a Lien, if any, to such Lien. "Owner of Goods."

67. Where the Owner of any Goods imported in any Ship from Foreign Parts into the United Kingdom fails to make Entry thereof, or having made Entry thereof to land the same or take Delivery thereof and to proceed therewith with all convenient Speed, by the Times severally herein-after mentioned, the Shipowner may make Entry of and land or unship the said Goods at the Times, in the Manner, and subject to the Conditions following; (that is to say,) Power to Shipowner to enter and land Goods in default of Entry and landing by Owner of Goods.

(1.) If a Time for the Delivery of the Goods is expressed in the Charter Party, Bill of Lading, or Agreement, then at any Time after the Time so expressed:

(2.) If no Time for the Delivery of the Goods is expressed in the Charter Party, Bill of Lading, or Agreement, then at any Time after the Expiration of Seventy-two Hours, exclusive of a *Sunday* or Holiday, after the Report of the Ship:

(3.) If any Wharf or Warehouse is named in the Charter Party, Bill of Lading, or Agreement, as the Wharf or Warehouse where the Goods are to be placed, and if they can be conveniently there received, the Shipowner in landing them by virtue of this Enactment shall cause them to be placed on such Wharf or in such Warehouse:

(4.) In other Cases the Shipowner in landing Goods by virtue of this Enactment shall place them in or on some Wharf or Warehouse on or in which Goods of a like Nature are usually placed; such Wharf or Warehouse being, if the Goods are dutiable, a Wharf or Warehouse duly approved by the Commissioners of Customs for the landing of dutiable Goods:

(5.) If at any Time before the Goods are landed or unshipped the Owner of the Goods is ready and offers to land or take Delivery of the same, he shall be allowed so to do, and his Entry shall in such Case be preferred to any Entry which may have been made by the Shipowner:

(6.) If any Goods are, for the Purpose of Convenience in assorting the same, landed at the Wharf where the Ship is discharged, and the Owner of the Goods at the Time of such landing has made Entry and is ready and offers to take Delivery thereof, and to convey the same to some other Wharf or Warehouse, such Goods shall be assorted at landing, and shall, if demanded, be delivered to the Owner thereof within Twenty-four Hours after Assortment; and the Expense of and consequent on such landing and Assortment shall be borne by the Shipowner:

(7.) If at any Time before the Goods are landed or unshipped the Owner thereof has made Entry for the landing and warehousing thereof at any particular Wharf or Warehouse other than that at which the Ship is discharging, and has offered and been ready to take Delivery thereof, and the Shipowner has failed to make such Delivery and has also failed at the Time of such Offer to give the Owner of the Goods correct Information of the Time at which such Goods can be delivered, then the Shipowner shall, before landing or unshipping such Goods under the Power hereby given to him, give to the Owner of the Goods or of such Wharf or Warehouse as last aforesaid Twenty-four Hours Notice in Writing of his Readiness to deliver the Goods, and shall, if he lands or unships the same without such Notice, do so at his own Risk and Expense.

If, when Goods are landed, the Shipowner give Notice for that Purpose, the Lien for Freight is to continue.

68. If, at the Time when any Goods are landed from any Ship, and placed in the Custody of any Person as a Wharf or Warehouse Owner, the Shipowner gives to the Wharf or Warehouse Owner Notice in Writing that the Goods are to remain subject to a Lien for Freight or other Charges payable to the Shipowner to an Amount to be mentioned in such Notice, the Goods so landed shall, in the Hands of the Wharf or Warehouse Owner, continue liable

liable to the same Lien, if any, for such Charges as they were subject to before the landing thereof; and the Wharf or Warehouse Owner receiving such Goods shall retain them until the Lien is discharged as herein-after mentioned, and shall, if he fail so to do, make good to the Shipowner any Loss thereby occasioned to him.

Lien to be discharged on Proof of Payment.

69. Upon the Production to the Wharf or Warehouse Owner of a Receipt for the Amount claimed as due, and Delivery to the Wharf or Warehouse Owner of a Copy thereof or of a Release of Freight from the Shipowner the said Lien shall be discharged.

Lien to be discharged on Deposit with Warehouse Owner.

70. The Owner of the Goods may deposit with the Wharf or Warehouse Owner a Sum of Money equal in Amount to the Sum so claimed as aforesaid by the Shipowner, and thereupon the Lien shall be discharged; but without Prejudice to any other Remedy which the Shipowner may have for the Recovery of the Freight.

Warehouse Owner may at the End of 15 Days, if no Notice is given, pay Deposit to Shipowner.

71. If such Deposit as aforesaid is made with the Wharf or Warehouse Owner, and the Person making the same does not within Fifteen Days after making it give to the Wharf or Warehouse Owner Notice in Writing to retain it, stating in such Notice the Sum, if any, which he admits to be payable to the Shipowner, or, as the Case may be, that he does not admit any Sum to be so payable, the Wharf or Warehouse Owner may, at the Expiration of such Fifteen Days pay the Sum so deposited over to the Shipowner, and shall by such Payment be discharged from all Liability in respect thereof.

Course to be taken if Notice to retain is given.

72. If such Deposit as aforesaid is made with the Wharf or Warehouse Owner, and the Person making the same does within Fifteen Days after making it give to the Wharf or Warehouse Owner such Notice in Writing as aforesaid, the Wharf or Warehouse Owner shall immediately apprize the Shipowner of such Notice, and shall pay or tender to him out of the Sum deposited the Sum, if any, admitted by such Notice to be payable, and shall retain the Remainder or Balance, or, if no Sum is admitted to be payable, the whole of the Sum deposited, for Thirty Days from the Date of the said Notice; and at the Expiration of such Thirty Days, unless legal Proceedings have in the meantime been instituted by the Shipowner against the Owner of the Goods to recover the said Balance or Sum or otherwise for the Settlement of any Disputes which may have arisen between them concerning such Freight or other Charges as aforesaid, and Notice in Writing of such Proceedings has been served on him, the Wharf or Warehouse Owner shall pay the said Balance or Sum over to the Owner of the Goods, and shall by such Payment be discharged from all Liability in respect thereof.

73. If

After 90 Days Warehouse Owner may sell Goods by Public Auction.

73. If the Lien is not discharged, and no Deposit is made as herein-before mentioned, the Wharf or Warehouse Owner may, and, if required by the Shipowner, shall, at the Expiration of Ninety Days from the Time when the Goods were placed in his Custody, or, if the Goods are of a perishable Nature, at such earlier Period as he in his Discretion thinks fit, sell by Public Auction, either for Home Use or Exportation, the said Goods or so much thereof as may be necessary to satisfy the Charges herein-after mentioned.

Notices of Sale to be given.

74. Before making such Sale the Wharf or Warehouse Owner shall give Notice thereof by Advertisement in Two Newspapers circulating in the Neighbourhood, or in One Daily Newspaper published in *London* and in One local Newspaper, and also, if the Address of the Owner of the Goods has been stated on the Manifest of the Cargo, or on any of the Documents which have come into the Possession of the Wharf or Warehouse Owner, or is otherwise known to him, give Notice of the Sale to the Owner of the Goods by Letter sent by the Post; but the Title of a *bonâ fide* Purchaser of such Goods shall not be invalidated by reason of the Omission to send Notice as herein-before mentioned, nor shall any such Purchaser be bound to inquire whether such Notice has been sent.

Monies arising from Sale, how to be applied.

75. In every Case of any such Sale as aforesaid the Wharf or Warehouse Owner shall apply the Monies received from the Sale as follows, and in the following Order:

1. If the Goods are sold for Home Use in Payment of any Customs or Excise Duties owing in respect thereof:
2. In Payment of the Expenses of the Sale:
3. In the Absence of any Agreement between the Wharf or Warehouse Owner and the Shipowner concerning the Priority of their respective Charges, in Payment of the Rent, Rates, and other Charges due to the Wharf or Warehouse Owner in respect of the said Goods:
4. In Payment of the Amount claimed by the Shipowner as due for Freight or other Charges in respect of the said Goods:
5. But in case of any Agreement between the Wharf or Warehouse Owner and the Shipowner concerning the Priority of their respective Charges, then such Charges shall have Priority according to the Terms of such Agreement:

and the Surplus, if any, shall be paid to the Owner of the Goods.

Warehouse Owners Rent and Expenses.

76. Whenever Goods are placed in the Custody of a Wharf or Warehouse Owner under the Authority of this Act, the said Wharf or Warehouse Owner shall be entitled to Rent in respect of the same, and shall also have Power from Time to Time, at the Expense of the Owner of the Goods, to do all such reasonable Acts as in the Judgment

Judgment of the said Wharf or Warehouse Owner are necessary for the proper Custody and Preservation of the said Goods, and shall have a Lien on the said Goods for the said Rent and Expenses.

Warehouse Owners Protection.

77. Nothing in this Act contained shall compel any Wharf or Warehouse Owner to take charge of any Goods which he would not be liable to take charge of if this Act had not passed; nor shall he be bound to see to the Validity of any Lien claimed by any Shipowner under this Act.

Saving Powers under Local Acts.

78. Nothing in this Act contained shall take away or abridge any Powers given by any Local Act to any Harbour Trust, Body Corporate, or Persons whereby they are enabled to expedite the Discharge of Ships or the Landing or Delivery of Goods; nor shall anything in this Act contained take away or diminish any Rights or Remedies given to any Shipowner or Wharf or Warehouse Owner by any Local Act.

The SCHEDULE referred to in this Act.

TABLE (A.) See Sect. 2.

Enactments to be repealed.

Reference to Act.	Title of Act.	Extent of Repeal.
8 & 9 Vict. c. 91. -	An Act for the Warehousing of Goods.	Section 51 to be repealed immediately on the passing of this Act.
16 & 17 Vict. c. 107. -	Customs Consolidation Act, 1853.	The last Proviso in Section 74, and Sections 170, 171, and 172, to be repealed immediately on the passing of this Act.
17 & 18 Vict. c. 104. -	Merchant Shipping Act, 1854.	Sections 295, 296, 297, 298, 299, to be repealed from the Date at which the Regulations contained in Table C. in this Schedule come into operation. Sections 300, 322, 323, 504, and 505 to be repealed immediately on the passing of this Act.
19 & 20 Vict. c. 75. -	An Act for the further Alteration and Amendment of the Laws and Duties of Customs.	Section 8 to be repealed immediately on the passing of this Act.

TABLE (B.) See Sect. 6.

Fees to be charged on Examination of Engineers.

For a First-class Engineers Certificate -	- £2 0 0
For a Second-class Engineers Certificate -	- 1 0 0

TABLE (C.) See Sect. 25.

REGULATIONS FOR PREVENTING COLLISIONS AT SEA.

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10. Fog Signals.

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Preliminary.

Art. 1. In the following Rules every Steam Ship which is under Sail and not under Steam is to be considered a Sailing Ship; and every Steam Ship which is under Steam, whether under Sail or not, is to be considered a Ship under Steam.

Rules concerning Lights.

Art. 2. The Lights mentioned in the following Articles, and no others, shall be carried in all Weathers between Sunset and Sunrise.

Art. 3. Seagoing Steam Ships when under weigh shall carry:

(*a.*) *At the Foremast Head*, a bright White Light so fixed as to show an uniform and unbroken Light over an Arc of the Horizon of 20 Points of the Compass, so fixed as to throw the Light 10 Points on each Side of the Ship, viz., from right ahead to 2 Points abaft the Beam on either Side, and of such a Character as to be visible on a dark Night with a clear Atmosphere at a Distance of at least Five Miles:

(*b.*) *On*

(*b.*) *On the Starboard Side,* a Green Light so constructed as to throw an uniform and unbroken Light over an Arc of the Horizon of 10 Points of the Compass, so fixed as to throw the Light from right ahead to 2 Points abaft the Beam on the Starboard Side, and of such a Character as to be visible on a dark Night with a clear Atmosphere at a Distance of at least Two Miles:

(*c.*) *On the Port Side,* a Red Light, so constructed as to show an uniform unbroken Light over an Arc of the Horizon of 10 Points of the Compass, so fixed as to throw the Light from right ahead to 2 Points abaft the Beam on the Port Side, and of such a Character as to be visible on a dark Night with a clear Atmosphere at a Distance of at least Two Miles:

(*d.*) The said Green and Red Side Lights shall be fitted with inboard Screens projecting at least Three Feet forward from the Light, so as to prevent these Lights from being seen across the Bow.

Art. 4. Steam Ships when towing other Ships shall carry Two bright White Mast-head Lights vertically, in addition to their Side Lights, so as to distinguish them from other Steam Ships. Each of these Mast-head Lights shall be of the same Construction and Character as the Mast-head Lights which other Steam Ships are required to carry.

Art. 5. Sailing Ships under weigh or being towed shall carry the same Lights as Steam Ships under weigh, with the Exception of the White Mast-head Lights, which they shall never carry.

Art. 6. Whenever, as in the Case of small Vessels during bad Weather, the Green and Red Lights cannot be fixed, these Lights shall be kept on Deck on their respective Sides of the Vessel ready for instant Exhibition, and shall, on the Approach of or to other Vessels, be exhibited on their respective Sides in sufficient Time to prevent Collision, in such Manner as to make them most visible, and so that the Green Light shall not be seen on the Port Side, nor the Red Light on the Starboard Side.

To make the Use of these portable Lights more certain and easy, they shall each be painted Outside with the Colour of the Light they respectively contain, and shall be provided with suitable Screens.

Art. 7. Ships, whether Steam Ships or Sailing Ships, when at Anchor in Roadsteads or Fairways, shall between Sunrise and Sunset exhibit, where it can best be seen, but at a Height not exceeding Twenty Feet above the Hull, a White Light in a globular Lantern of Eight Inches in Diameter, and so constructed as to show a clear uniform and unbroken Light visible all round the Horizon, and at a Distance of at least One Mile.

Art. 8. Sailing Pilot Vessels shall not carry the Lights required for other Sailing Vessels, but shall carry a White Light at the Mast Head visible all round the Horizon,—and shall also exhibit a Flare-up Light every Fifteen Minutes.

Art. 9. Open Fishing Boats and other open Boats shall not be required to carry Side Lights required for other Vessels; but shall, if they do not carry such Lights, carry a Lantern having a Green Slide on the one Side and a Red Slide on the other Side; and on the Approach of or to other Vessels such Lantern shall be exhibited in sufficient Time to prevent Collision, so that the Green

Green Light shall not be seen on the Port Side nor the Red Light on the Starboard Side.

Fishing Vessels and open Boats when at Anchor or attached to their Nets and stationary shall exhibit a bright White Light.

Fishing Vessels and open Boats shall, however, not be prevented from using a Flare-up in addition if considered expedient.

Rules concerning Fog Signals.

Art. 10. Whenever there is Fog, whether by Day or Night, the Fog Signals described below shall be carried and used, and shall be sounded at least every Five Minutes; viz.—

(*a.*) Steam Ships under weigh shall use a Steam Whistle placed before the Funnel not less than Eight Feet from the Deck.

(*b.*) Sailing Ships under weigh shall use a Fog Horn.

(*c.*) Steam Ships and Sailing Ships when not under weigh shall use a Bell.

Steering and Sailing Rules.

Art. 11. If Two Sailing Ships are meeting End on, or nearly End on, so as to involve Risk of Collision, the Helms of both shall be put to Port, so that each may pass on the Port Side of the other.

Art. 12. When Two Sailing Ships are crossing so as to involve Risk of Collision, then if they have the Wind on different Sides, the Ship with the Wind on the Port Side shall keep out of the Way of the Ship with the Wind on the Starboard Side, except in the Case in which the Ship with the Wind on the Port Side is close hauled and the other Ship free, in which Case the latter Ship shall keep out of the Way; but if they have the Wind on the same Side, or if One of them has the Wind aft, the Ship which is to windward shall keep out of the Way of the Ship which is to leeward.

Art. 13. If Two Ships under Steam are meeting End on, or nearly End on, so as to involve Risk of Collision, the Helms of both shall be put to Port so that each may pass on the Port Side of the other.

Art. 14. If Two Ships under Steam are crossing so as to involve Risk of Collision, the Ship which has the other on her own Starboard Side shall keep out of the Way of the other.

Art. 15. If Two Ships, one of which is a Sailing Ship and the other a Steam Ship, are proceeding in such Directions as to involve Risk of Collision, the Steam Ship shall keep out of the Way of the Sailing Ship.

Art. 16. Every Steam Ship, when approaching another Ship so as to involve Risk of Collision, shall slacken her Speed, or, if necessary, stop and reverse; and every Steam Ship shall, when in a Fog, go at a moderate Speed.

Art. 17. Every Vessel overtaking any other Vessel shall keep out of the Way of the said last-mentioned Vessel.

Art. 18. Where by the above Rules One of Two Ships is to keep out of the Way, the other shall keep her Course, subject to the Qualifications contained in the following Article.

Art. 19. In obeying and construing these Rules due regard must be had to all Dangers of Navigation; and due regard must also be had to any

special Circumstances which may exist in any particular Case rendering a Departure from the above Rules necessary in order to avoid immediate Danger.

Art. 20. Nothing in these Rules shall exonerate any Ship or the Owner or Master or Crew thereof from the Consequences of any Neglect to carry Lights or Signals, or of any Neglect to keep a proper Look-out, or of the Neglect of any Precaution which may be required by the ordinary Practice of Seamen or by the special Circumstances of the Case.

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