Justices shall seem proper, and thereby (if they see fit) to authorize and require such Superintendent to remove such Injury or Obstruction, and thereupon such Superintendent shall remove the same in like Manner as if the same had been authorized and directed by the said Trustees.

Acts to be construed as One Act.

XLV. The several Acts mentioned in this Act and this Act shall be construed together as One Act; and the several Words and Expressions to which an extended Signification is given in the said Acts, or any of them, shall have the like Signification in this Act; and (save where such Construction would be inconsistent with the Context) the Expression "the Commissioners," where used in this Act, shall mean the Commissioners of Public Works in *Ireland*.

Interpretation of "the Commissioners."

The SCHEDULE to which the foregoing Act refers.

Date of Act.	TITLE.	Extent of Repeal.
5 & 6 Vict. c. 89.	An Act to promote the Drainage of Lands, and Improvement of Navigation and Water Power in connexion with such Drainage, in Ireland.	Sections 52. 54. 65. 66. 70. 71. 72. 73. 74. 75. 84. 105. 129.
9 Vict. c. 4. -	An Act to amend the Acts for promoting the Drainage of Lands, and Improvement of Navigation and Water Power in connexion with such Drainage, in Ireland; and to afford Facilities for increased Employment for the Labouring Classes in Works of Drainage during the present Year.	Section 41.

CAP. CXXXI.

An Act to amend various Laws relating to Merchant Shipping.

[20th *August* 1853.]

'WHEREAS it is expedient to amend various Laws relating to Merchant Shipping:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Preliminary.

Interpretation of Terms in this Act.

I. In the Construction of this Act the following Words and Expressions shall have the Meanings hereby assigned to them, if not inconsistent with the Context or Subject Matter; (that is to say,)

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

The Word "*Trinity House*" shall mean the Master, Wardens, and Assistants of the Guild, Fraternity, or Brotherhood of the Most Glorious and Undivided *Trinity* and of *Saint Clement* in the Parish of *Deptford Strond* in the County of *Kent*, commonly called the Corporation of *Trinity House of Deptford Strond*:

The Expression "Commissioners of Northern Lighthouses" shall mean the Commissioners in whom the Management of *Scotch* Lighthouses is vested by the Act of the Twenty-sixth Year of the Reign of King *George* the Third, Chapter One hundred and one, and by various other Acts:

The Expression "the Port of *Dublin* Corporation" shall mean the Corporation for preserving and improving the Port of *Dublin*:

The

Preliminary.

The Word "Lighthouse" shall include Lighthouse, Light, Floating Light, Beacon, Buoy, or other Mark, Sign, or Signal of the Sea:

The Word "Lighthouse Tolls" shall include every Species of Duty or Payment payable by Owners or Masters of Ships or otherwise received in respect of Lighthouses:

The Word "Ballastage Rates" shall include all Rates and other Monies received by the *Trinity House* in respect of their exclusive Right of supplying Ballast to Vessels in the River *Thames*, under the local Act of the Seventh Year of Her present Majesty, Chapter Fifty-seven, for the Regulation of Lastage and Ballastage in the River *Thames*, or otherwise:

The Expression "Consular Officer" shall include Consul General, Consul, and Vice-Consul, and any Person for the Time being discharging the Duties of Consul, Consul General, or Vice-Consul:

The Word "Owner," when applied to a Ship, shall include all the Persons, if more than One, to whom the Ship belongs, and shall also, if the Master and Crew are the Servants of the Charterer or Charterers, include such Charterer or Charterers:

The Word "Master" shall include every Person (except a Pilot) having Command or Charge of a Ship:

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

The Word "Salvor" shall mean the Person or Persons in command of any Ship or Ships by which, or by the Crews or any Part of the Crews of which, Salvage Services are rendered:

The Word "Ship" shall include every Seagoing Vessel:

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

Short Title.

II. This Act may be cited as "The Merchant Shipping Law Amendment Act, 1853."

Commencement of Act.

III. This Act shall come into operation on the First Day of *October* One thousand eight hundred and fifty-three.

Light Dues and other Dues on Shipping.

IV. 'And whereas the *Trinity House*, the Commissioners of Northern Lighthouses, and 'the Port of *Dublin* Corporation receive, under various Acts of Parliament, Grants, and 'Charters, certain Lighthouse Tolls, and the said *Trinity House*, in respect of their exclusive 'Right of supplying Vessels in the River *Thames* with Ballast, receive certain Ballastage 'Rates under the said Act of the Seventh Year of Her present Majesty, Chapter Fifty-'seven: And whereas the Board of Trade receive certain Fees and other Payments under '"The Mercantile Marine Act, 1850," "The Mercantile Marine Act Amendment Act, '1851," and "The Steam Navigation Act, 1851:" And whereas the *Trinity House* have, 'so far as relates to the said Tolls and Rates so received by them, agreed that the Account 'thereof shall be kept at the Bank of *England*, and that certain Regulations shall be adopted 'for the Purpose of reducing the same from Time to Time as the Requirements of the 'Services for which they are levied will permit, and for the Purpose of subjecting the 'Receipt and Expenditure thereof to effective Supervision and Control: And whereas it is 'expedient that the whole of the aforesaid Tolls, Rates, Fees, and Payments should be made 'subject to similar Regulations with a view to the Supervision and Control of the Receipt 'and Expenditure thereof, and to the Application thereof to the several Services in respect 'of which they are paid, and to the Reduction thereof respectively whenever Circumstances 'will permit:' Be it enacted, That all Lighthouse Tolls received by or on account of the *Trinity House*, the Commissioners of Northern Lighthouses, and the Port of *Dublin* Corporation respectively, and all Ballastage Rates received by the *Trinity House*, and all Fees or Payments received by the Board of Trade under the several Acts herein-before mentioned in that Behalf, shall be carried to One aggregate Fund, to be called "The Mercantile Marine Fund;" and such aggregate Fund shall be applicable to the Purposes of the Services in respect of which the said Tolls, Rates, Fees, and Payments are levied, and to the Execution of

6 & 7 Vict. c. lvii. (Local and Personal), 13 & 14 Vict. c. 93., 14 & 15 Vict. c. 96., 14 & 15 Vict. c. 79.

The Light Dues payable to the Trinity House, Northern Light Commissioners, and Ballast Board, and the Ballast Rates of the Trinity House.

to form the Mercantile Marine Fund.

of Works necessary or expedient for permanently reducing the Expense of such Services, and, save as herein-after specially mentioned, to no other Purposes whatever.

Account of the said Fund to be kept by Her Majesty's Paymaster General.

V. An Account of the said Fund, to be entitled "The Mercantile Marine Fund Account," shall be opened with Her Majesty's Paymaster General; and the said Paymaster General shall keep separate Accounts of the several Monies so received as aforesaid by the said several Bodies respectively, and shall also keep separate Accounts of the Monies received by the *Trinity House* for Lighthouse Tolls and Ballastage Rates respectively, and shall keep the Accounts of all Monies received by the *Trinity House* in such Names as the *Trinity House* may from Time to Time appoint; and all Monies received on account of such Tolls, Rates, Fees, or Payments as aforesaid after the Time at which this Act comes into operation, and all Cash Balances arising from such Tolls, Rates, Fees, or Payments which at that Time are in the Hands of the *Trinity House*, the Commissioners of Northern Lighthouses, the Port of *Dublin* Corporation, or the Board of Trade, shall, as the Board of Trade may direct, either be applied to defray Expenses, or be remitted to the said Paymaster General to be placed to the Credit of the said Mercantile Marine Fund Account; and all Investments arising from any such Tolls as aforesaid which at the Time when this Act comes into operation are in the Hands of the Commissioners of Northern Lighthouses or of the Port of *Dublin* Corporation shall be sold, and the Produce thereof shall be applied and remitted in like Manner; and all Monies so remitted shall, so far as regards the Application thereof, be treated as forming One aggregate Fund, and shall be from Time to Time transferred and applied as the Board of Trade may direct for all or any of the Purposes specified in this Act.

Establishments for Lighthouses and Ballastage charged on the Mercantile Marine Fund to be fixed by Her Majesty in Council.

VI. Her Majesty may from Time to Time, by and with the Advice of Her Privy Council, fix the Establishments to be maintained by the *Trinity House*, the Commissioners of Northern Lighthouses, and the Port of *Dublin* Corporation respectively on account of the Services of Lighthouses, and to be maintained by the *Trinity House* on account of the Services to which the said Ballastage Rates are to be applied aforesaid, or the annual or other Sums to be paid out of the said Mercantile Marine Fund in respect of such Establishments; and if it appears that any Part of the Establishments of the *Trinity House*, or of the Commissioners of Northern Lighthouses, or of the Port of *Dublin* Corporation respectively is maintained for the Purposes of this Act, and also for other Purposes, to fix and from Time to Time alter the Portion of the Expense of such Establishments to be paid out of the said Mercantile Marine Fund; and no Increase of any Establishment or Part of an Establishment so fixed shall be made without the Consent of the Board of Trade.

Estimates and Accounts for other Expenses to be approved by the Board of Trade.

VII. The *Trinity House*, the Commissioners of Northern Lighthouses, and the Port of *Dublin* Corporation respectively shall from Time to Time submit to the Board of Trade Estimates of all Expenses in respect of the Services aforesaid, other than the Establishment Expenses for the Time being allowed by Order in Council as aforesaid; and shall also, whenever in providing for any sudden Emergency it is necessary to incur Expense in respect of such Services without waiting until an Estimate can be sanctioned, as soon as possible send to the Board of Trade a full Account of such Expense; and the Board of Trade shall consider and may approve such Estimates and Accounts, either with or without Variation.

No Expense to be allowed unless sanctioned by Board of Trade.

VIII. No Expense of the said *Trinity House*, the Commissioners of Northern Lighthouses, or the Port of *Dublin* Corporation in respect of the said Services shall be paid out of the said Mercantile Marine Fund, or allowed in Account, other than the Sums so allowed for Establishment Expenses as aforesaid, or included in Estimates of Accounts approved by the Board of Trade.

For the Purpose of erecting and repairing Lighthouses, &c., Treasury may advance Money.

IX. For the Purpose of the Erection and Repairs of Lighthouses, and of other extraordinary Expenses connected with the said Services or any of them, the Commissioners of Her Majesty's Treasury are authorized from Time to Time, upon the Application of the Board of Trade, to advance out of the growing Produce of the Consolidated Fund of the United Kingdom such Sums of Money, upon such Terms, and at such Rate of Interest as they may think fit, and to pay the same into the said Mercantile Marine Fund Account, so nevertheless that the whole Sum for the Time being due in respect of such Advances shall never

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at any One Time exceed Two hundred thousand Pounds; and upon any Advance being so made, the Sum so advanced and the Interest shall be a Charge on the said Mercantile Marine Fund, and upon the Tolls, Rates, Fees, and Payments so to be carried thereto as aforesaid; and the Board of Trade shall make such Provision for the Repayment thereof out of the said Fund, either by forming a Sinking Fund or otherwise, as the said Commissioners may require; provided that no such Advance shall prevent any lawful Reduction of any of the said Tolls, Rates, Fees, or Payments if such Reduction be assented to by the said Commissioners.

Light Dues and other Dues on Shipping.

X. The Board of Trade may also, for the Purpose last aforesaid, raise Money by mortgaging the said Mercantile Marine Fund, and the several Tolls, Rates, Fees, and Payments so to be carried thereto as aforesaid, or any of them, or any Part thereof, to any Body Corporate or Person; and every such Mortgage shall be in such Form, and under the Hand and Seal of such Person or Persons, as the President of the said Board for the Time being may direct; and no Body Corporate or Person lending Money upon any such Mortgage shall be bound to see to the Purpose for which the same is raised, or to the Mode in which it is applied.

Power to Board of Trade to borrow Money on the Credit of the Fund.

XI. Upon the Erection of any new Lighthouse Her Majesty may by Order in Council fix such Toll in respect thereof to be paid by the Master or Owner of every Ship which passes the same or derives Benefit therefrom as Her Majesty may deem reasonable, and may from Time to Time alter the Amount thereof; and such Toll shall be paid and collected in the same Manner, by the same Means, and subject to the same Conditions in, by, and subject to which the Lighthouse Tolls mentioned in the Act of the Seventh Year of King *William* the Fourth, Chapter Seventy-nine, are paid and collected.

Her Majesty may, by Order in Council, fix Tolls to be taken for new Lighthouses.

XII. All Debts and Liabilities which have been duly incurred or undertaken by the *Trinity House*, the Commissioners of Northern Lighthouses, and the Port of *Dublin* Corporation respectively, before the passing of this Act, and which are such as if this Act had not been passed ought to have been paid out of the said Tolls and Rates, shall be paid or provided for out of the said Mercantile Marine Fund; and all Expenses of the *Trinity House*, the Commissioners of Northern Lighthouses, and the Port of *Dublin* Corporation, in respect of any charitable or other Pensions, Superannuations, or other Allowances which have been lawfully granted or allowed by them respectively before the passing of this Act, and which are such as if this Act had not been passed ought to have been paid out of the said Tolls and Rates, shall be paid out of the said Mercantile Marine Fund during the respective Lives or Continuance in Office of the Persons receiving the same, or other Periods for which the same may have been granted or allowed; and if it appear that any Debts or Liabilities so incurred as aforesaid, or any of the Expenses in respect of charitable or other Pensions, and Superannuation or other Allowances, are Debts, Liabilities, or Expenses which if this Act had not been passed would have been paid partly out of the said Tolls and Rates and partly from other Sources, such Part thereof as the Board of Trade shall under the Circumstances of the Case think just shall be paid out of the said Mercantile Marine Fund; and the *Trinity House*, the Commissioners of Northern Lighthouses, and the Port of *Dublin* Corporation respectively shall submit to the Board of Trade Statements of all such Debts and Liabilities, and of all such Expenses or Parts of Expenses in respect of charitable or other Pensions, Superannuations or other Allowances, as are to be paid out of the said Mercantile Marine Fund, and also Estimates of the Sums which may be from Time to Time required to provide for the same; and no Payment in respect of any such Debt, Liability, or Expense shall be made out of the said Mercantile Marine Fund unless provided for by such Estimates, and approved by the Board of Trade.

Provisions for existing Debts and Charges.

XIII. The *Trinity House*, the Commissioners of Northern Lighthouses, and the Port of *Dublin* Corporation may from Time to Time, with the Sanction of the Board of Trade, commute any charitable or other Pensions or other Allowances payable out of the said Mercantile Marine Fund, or grant Superannuations or Compensations to Persons whose Salaries may be charged on the said Fund, and who may be discharged or may retire, so nevertheless that no Superannuation Allowance or Compensation to any Person so discharged or retiring shall exceed the Proportion of his Salary which might be granted under similar Circumstances to a Person in the Public Civil Service under the Act of the Fourth and Fifth Years of

Power to commute Pensions and grant Superannuation Allowances.

Light Dues and other Dues on Shipping.

of King *William* the Fourth, Chapter Twenty-four, or under any other Act for regulating such Superannuation Allowances or Compensations for the Time being in force; and such Commutations, Superannuations, and Compensations shall from Time to Time be included in the Estimates to be submitted as aforesaid, and paid out of the said Fund.

Application of Ballastage Rates.

XIV. 'And whereas the Monies arising from Ballastage Rates are derived from local 'Sources, and it is expedient that the same should be applied for local Purposes:' Be it enacted, That, subject to the Payment of such Proportion of the Debts, Liabilities, and Expenses herein-before mentioned as may in the Opinion of the Board of Trade be fairly chargeable thereon, such Monies shall be applicable only to Services performed for the Purpose of supplying Ballast to or providing for the Safety or Convenience of such Ships as navigate the said River *Thames*, and the Seas and Channels leading thereto between *Orfordness* on the North and *Dungeness* on the South: Provided that if, in addition to the Duties hitherto performed in consideration of the said Ballastage Rates, the *Trinity House*, at the Request or with the Consent of the Owners or Masters of or Agents for any Ships, undertake to place Ballast on board thereof, or to unload Ballast therefrom, they shall be entitled to charge for such additional Duties such reasonable additional Rate *per* Ton for Ballast so placed on board or unladen as Her Majesty by Order in Council may from Time to Time approve.

Light Dues, &c. to be revised by Her Majesty in Council.

XV. Her Majesty may, by and with the Advice of Her Privy Council, from Time to Time, as Circumstances may appear to Her Majesty to permit, reduce all or any of the said Tolls or Rates received by the *Trinity House*, the Commissioners of Northern Lighthouses, and the Port of *Dublin* Corporation, and may also from Time to Time increase or vary any of such Tolls or Rates; so that no Toll or Rate levied under any Authority existing at the Time of the passing of this Act be made to exceed the Amount which might have been demanded or received in respect thereof if this Act had not passed.

Fees received by the Board of Trade to be applied only in Payment for Services.

XVI. Subject to all Liabilities duly incurred or undertaken by or with the Sanction of the Board of Trade before the passing of this Act, such Part of the said Mercantile Marine Fund as arises from Fees and Payments received by the Board of Trade under the Acts herein-before mentioned in that Behalf shall be applied exclusively in or towards the Payment of Expenses duly incurred in carrying on the several Services herein-before mentioned, and for no other Purpose whatever; and it shall be lawful for the Board of Trade from Time to Time to reduce or alter the said Fees in such Manner as such Board may think fit, so that no Fee be demanded of greater Amount than could have been demanded if this Act had not passed.

Trinity House, &c. to account for Receipt and Expenditure to the Board of Trade.

XVII. The Sixty-second Section of the Act of the Seventh Year of King *William* the Fourth, Chapter Seventy-nine, shall be repealed; and the *Trinity House*, the Commissioners of Northern Lighthouses, and the Port of *Dublin* Corporation shall respectively account to the Board of Trade for their Receipts from the said Tolls and Rates so received by them as aforesaid, and for their Expenditure as regards Expenses paid out of the Mercantile Marine Fund, in such Form, and at such Times, and with such Details, Explanations, and Vouchers, as the Board of Trade may require, and shall, when required by the said Board, permit all Books of Accounts kept by or under their respective Direction to be inspected and examined by such Persons as the said Board may appoint for that Purpose.

Accounts of Mercantile Marine Fund to be audited by Commissioners of Audit.

XVIII. The Board of Trade shall render to the Commissioners for auditing the Public Accounts periodical Accounts of the whole of the Receipts and Expenditure of the said Mercantile Marine Fund, such Accounts to be signed and declared to by the Accountant appointed by the Board of Trade for that Purpose; and in case of Default it shall be lawful for the Commissioners of Her Majesty's Treasury to make or direct such Allowance as under the Circumstances of the Case they may think fit in respect thereof

Accounts to be laid before Parliament.

XIX. The Board of Trade shall as soon as practicable after the Meeting of Parliament in every Year cause the Account of the Mercantile Marine Fund for the then preceding Year to be laid before both Houses of Parliament.

XX. The

Light Dues and other Dues on Shipping.

Board of Trade may appoint Persons to inspect Lighthouses.

XX. The Board of Trade may, upon Complaint to the Effect that any Lighthouse under the Management of the *Trinity House*, the Commissioners of Northern Lighthouses, or the Port of *Dublin* Corporation, or any Work connected therewith, is inefficient, or improperly managed, or unnecessary, authorize Persons to inspect the same; and every Person so authorized may enter and inspect the same accordingly, and make such Inquiries in respect thereof, and of the Management thereof, as he may think fit; and all Officers and others having the Care of such Lighthouses or concerned in the Management thereof, shall furnish all such Information and Explanations in relation thereto as he may require; and the *Trinity House*, the Commissioners of Northern Lighthouses, and the Port of *Dublin* Corporation, and their respective Officers, shall at all Times give to the Board of Trade all such Returns, Explanations, or Information in relation to such Lighthouses and the Management thereof, and in relation to the several Services aforesaid, as such Board may from Time to Time require.

Section 43. of 6 & 7 W. 4. c. 79. repealed, and Trinity House, with Sanction of Board of Trade, to make Suggestions and give Directions to the other Lighthouse Boards.

XXI. The Forty-third Section of the said Act of the Seventh Year of King *William* the Fourth, Chapter Seventy-nine, shall be repealed; and the *Trinity House* may, with the Sanction of the Board of Trade, exercise the Powers given to them by the Forty-second Section of the same Act, and may further, with such Sanction as aforesaid, direct the Commissioners of Northern Lighthouses and the Port of *Dublin* Corporation respectively to erect any new Lighthouse, and to continue, remove, or alter any Lighthouse on or near the Coasts and Islands within their respective Jurisdictions, in such Manner as the *Trinity House* may think fit and as the Board of Trade may approve: Provided always, that the said *Trinity House*, on making Application to the Board of Trade to give their Sanction to any Directions or Suggestions proposed by the said *Trinity House* under the said Act of the Seventh Year of King *William* the Fourth, Chapter Seventy-nine, or under this Act, shall give Notice to the said Commissioners or Corporation respectively of such their Application, by causing written Notice of the said Application and a Copy of the said proposed Directions or Suggestions to be left at the Office of the said Commissioners in *Edinburgh*, or at the Office of the said Corporation in *Dublin*, as the Case may be, and that after Opportunity has been afforded to the said Commissioners or Corporation respectively to submit their Observations, if they see fit, with respect to such Application to the said *Trinity House*, (a Copy of which Observations the said Commissioners and Corporation respectively may, if they see fit, transmit to the Board of Trade,) then if the said *Trinity House*, with the Concurrence of the Board of Trade, shall adhere to their said Directions or Suggestions, it shall be the Duty of the said Commissioners and Corporation respectively, and they are hereby required, to carry into effect within a reasonable Time thereafter any Directions or Suggestions proposed by the said *Trinity House* and sanctioned by the Board of Trade as aforesaid.

Property used for the Purpose of the said Services to be exempt from all Rates and Taxes.

XXII. All Lighthouses and Lighthouse Tolls, and all other Fees or Payments accruing to or forming Part of the said Mercantile Marine Fund, and all Premises or Property belonging to the *Trinity House*, the Commissioners of Northern Lighthouses, the Port of *Dublin* Corporation, or the Board of Trade, which are used or applied for the Purpose of any of the Services for which such Tolls, Fees, and Payments are received, shall be exempted from all public, parochial, or local Taxes of every Kind; and the Ships of the said *Trinity House*, Commissioners, and Corporation shall be privileged to enter or resort to all Ports, Piers, or Harbours in the United Kingdom and *Isle of Man*, without Payment of any Tolls, Dues, or Rates for the same.

Provisions of 8 & 9 Vict. c. 19 to apply to Land purchased for Lighthouses.

XXIII. The Lands Clauses Consolidation (*Scotland*) Act, 1845, shall apply to all Lighthouses erected by the Commissioners of Northern Lighthouses under any Powers given to them by any Act or Acts of Parliament, and to any Land which by any such Act or Acts they may be empowered to purchase; and all the Provisions of the said Lands Clauses Consolidation (*Scotland*) Act shall, so far as the same are in their Nature applicable thereto, apply to such Lighthouses and Land, and shall be construed as if the same were incorporated with the special Act or Acts by which such Powers as aforesaid are given.

Dues levied on Ships not to be sold or charged without Consent of the Board of Trade.

XXIV. No Dues, Tolls, Rates, or Charges, of what Nature soever, levied or leviable, or hereafter to be levied or leviable, on any Ships, or on any Goods carried in any Ships, in any Port of *Great Britain* or *Ireland* for any Purpose whatever, shall be sold, mortgaged, or charged in any Manner or for any Purpose without the Consent of the Board of Trade first obtained,

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obtained, such Consent to be signified by Writing under the Hand of One of the Secretaries or Assistant Secretaries to such Board; and any Sale, Mortgage, or Charge of any such Dues, Tolls, Rates, or Charges made after the passing of this Act without such Consent shall be absolutely void, except in the following Cases; that is to say, in the Case of any Sale, Mortgage, or Charge of any Dues, Tolls, Rates, or Charges levied for the Use of any Dock or other Undertaking intended solely for the Benefit of Shipping, where the Monies raised by the Sale, Mortgage, or Charge are to be applied exclusively for the Purposes of the Undertaking for the Use of which such Dues, Rates, Tolls, or Charges are levied or leviable in the Case of any Mortgage or Charge made under the Authority of any Act of Parliament for the Purpose of raising Money to pay the Costs of any Work constructed or duly contracted for before the passing of this Act; and in the Case of any Mortgage or Charge made or continued under any Powers of reborrowing or continuing Money or Mortgage or Bond given by any Act of Parliament for the Purposes of any Work so constructed or contracted for as aforesaid.

Board of Trade Accounts.

ss. 18. 117. & 118. of 13 & 14 Vict. c. 93., ss. 29. & 31. of 14 & 15 Vict. c. 96., and ss. 27. 28. 36. 51. & 56. of 14 & 15 Vict. c. 102. repealed.

XXV. The Eighteenth, One hundred and seventeenth, and One hundred and eighteenth Sections of "The Mercantile Marine Act, 1850," the Twenty-ninth and Thirty-first Sections of "The Mercantile Marine Act Amendment Act, 1851," and the Twenty-seventh, Twenty-eighth, Thirty-sixth, Fifty-first, and Fifty-sixth Sections of "The Seamen's Fund Winding-up Act, 1851," shall be repealed.

Penalties under Merchant Seamen's Act to be paid into Exchequer.

XXVI. All Penalties, Fines, and Forfeitures which under "The Mercantile Marine Act, 1850," "The Mercantile Marine Act Amendment Act, 1851," "The Steam Navigation Act, 1851," and "The Seamen's Fund Winding-up Act, 1851," are made payable to the Board of Trade or as it may direct, shall, notwithstanding anything to the contrary in such Acts contained, be paid into the Receipt of Her Majesty's Exchequer in such Manner as the Commissioners of Her Majesty's Treasury may direct, and shall be carried to and form Part of the Consolidated Fund of the United Kingdom.

Mode of dealing with Wages, &c. of deceased Seamen.

XXVII. In Cases of Wages or Effects of deceased Seamen received by the Board of Trade under "The Seamen's Fund Winding-up Act, 1851," to which no Claim is substantiated within Six Years after the Receipt thereof by such Board, it shall be in the absolute Discretion of such Board, if any subsequent Claim is made, either to allow or to refuse the same; and the Board of Trade shall from Time to Time pay any Monies arising from the unclaimed Wages and Effects of deceased Seamen, which in the Opinion of such Board it is not necessary to retain for the Purpose of satisfying Claims, into the Receipt of Her Majesty's Exchequer in such Manner as the Commissioners of Her Majesty's Treasury may direct, and such Monies shall be carried to and made Part of the Consolidated Fund of the United Kingdom.

Property belonging to Merchant Seamen's Fund to be paid into Exchequer.

XXVIII. All Monies which under "The Seamen's Fund Winding-up Act, 1851," now are or may hereafter become Part of or applicable to the Purposes of the General Fund therein mentioned, shall be paid into the Receipt of Her Majesty's Exchequer in such Manner as the Commissioners of Her Majesty's Treasury may direct; and all Property, not being Money so forming Part of or being applicable to the Purposes of the said Fund as aforesaid, shall be sold, and the Produce thereof shall be paid into the Receipt of Her Majesty's Exchequer in like Manner; and all Monies so paid into the Receipt of Her Majesty's Exchequer shall be carried to and made Part of the Consolidated Fund of the United Kingdom.

Expenses of Merchant Seamen's Fund to be provided for by annual Vote.

XXIX. The several Payments and Expenses which by the said "Seamen's Fund Winding-up Act, 1851," are charged partly on the said General Fund therein mentioned, and partly on the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, shall, except as regards the Payment to the Seamen's Hospital Society herein-after mentioned, be provided for by annual Votes of Parliament.

Gross Sum to be paid to Seamen's Hospital Society in lieu of annual Payments.

XXX. In lieu of the Payments heretofore made to the Seamen's Hospital Society under the said Seamen's Fund Winding-up Act, 1851, the Commissioners of Her Majesty's Treasury shall and they are hereby authorized, immediately on the passing of this Act, to direct the Payment to such Society, out of the Consolidated Fund of the United Kingdom, of the Sum of Two thousand three hundred and fifty-one Pounds Five Shillings; and the

said

said Commissioners shall also, at the End of each Year, direct Payment to such Society out of the said Consolidated Fund of an annual Sum equal in Amount to the Sum paid into the Exchequer in the same Year on Account of Fines or Penalties inflicted under the Twenty-second Section of the Act of the Eighth Year of Her Majesty Queen *Victoria*, Chapter One hundred and twelve, to be applied by such Society according to the Directions contained in the Act of the Third and Fourth Years of King *William* the Fourth, Chapter Nine.

Board of Trade Accounts.

Manning.

So much of 12 & 13 Vict. c. 29. as relates to manning, repealed.

XXXI. So much of the Act of the Twelfth Year of Her Majesty Queen *Victoria*, Chapter Twenty-nine, as requires every *British* Ship to be navigated by a Master who is a *British* Subject and by a Crew of whom the whole or such Proportion as therein mentioned are *British* Subjects, shall be repealed.

Declaration to be made by Transferees of British Ships for the Purpose of proving themselves to be British Subjects.

XXXII. Whenever any Share or Shares in any *British* registered Ship is or are transferred to any Purchaser or Purchasers, unless such Ship is thereupon registered *de novo*, each such Transferee shall make and subscribe the following Declaration; (that is to say,)

'I [*or* we] [*Name or Names of the Transferee or Transferees*] do truly declare, That I [*or* we] am [*or* are] bonâ fide a British Subject [*or* British Subjects]. And I [*or* we] do further truly declare, that no Foreigner hath directly or indirectly any Interest whatever in the Share [*or* Shares] within transferred to me [*or* us].

'Declared before me this Day of 18 .

'Signature _____ { Collector, Comptroller, *or* Justice of the Peace, *as the Case may be*.'

And each such Transferee shall, if he resides at any Port or within Five Miles of the Custom House of any Port, make and subscribe the same before the Collector or Comptroller of such Port, and if he resides elsewhere, before some Justice of the Peace; and such Declaration shall be indorsed on the Bill of Sale or other Instrument of Transfer; and no such Bill of Sale or Instrument of Transfer as aforesaid shall be registered unless such Declaration has first been duly indorsed thereon and subscribed as herein-before required.

Ships unduly assuming British Character may be seized and brought in for Adjudication.

XXXIII. 'And whereas it is expedient to prevent the undue Assumption of the *British* Flag and National Character:' Be it enacted, That if any Person or Persons use the *British* Flag and assume the *British* National Character on board any Ship, owned in whole or in part by any Persons not being entitled by Law to own *British* Ships and navigate them under *British* Colours and Papers, for the Purpose of making such Ship appear to be a *British* Ship, it shall be lawful for any Officer on Full Pay in the Naval Service of Her Majesty, or any Officer of Customs, to seize and detain such Ship on the High Seas or in any *British* Port, and to bring her for Adjudication before the High Court of Admiralty or any Vice-Admiralty Court in Her Majesty's Dominions.

If the Simulation is proved, the Ship may be condemned.

XXXIV. If it is made to appear to such Court by competent Evidence that such Ship has been navigated under the *British* Flag and *British* Papers, though owned in whole or in part by any Person or Persons not entitled to own *British* Ships, contrary to the true Intent and Meaning of this Act, the said Court may pronounce the said Ship to be confiscated to Her Majesty, Her Heirs and Successors.

Volunteering into the Navy.

So much of 7 & 8 Vict. c. 112. as to Wages, instead of being paid at once, to be given to the Queen's Officer on account of the Seaman, repealed.

XXXV. So much of the Fifty-first Section of the Act of the Eighth Year of Her present Majesty, Chapter One hundred and twelve, as requires the proportionate Amount of the Wages of any Seaman who quits his Ship and enters Her Majesty's Naval Service, up to the Time of such Entry, to be paid to him thereupon, shall be repealed; and in all such Cases such proportionate Amount of Wages shall be paid as follows; that is to say, the Master of the said Ship shall pay the same, either in Money or by Bill drawn upon the Owner and payable at Sight, to the Officer in command of Her Majesty's Ship into which the Seaman enters; and the Receipt of such Officer shall be a Discharge for the Money or Bill so given; and if such Wages are paid in Money, such Money shall be credited in the Muster Book of the Ship to the Account of the said Seaman, and if such Wages are paid by Bill, such Bill shall be sent home to the Accountant General of Her Majesty's Navy, who shall present the same or cause the same to be presented for Payment, and shall credit the Produce thereof to the Account of the said Seaman; and such Money or Produce, as the Case may be,

Volunteering into the Navy.

be, shall be paid to the said Seaman at the Time when the Wages of the Crew of the Ship into which he enters are paid; provided that no Officer who receives any such Bill as aforesaid shall be subject to any Liability in respect thereof, except for the safe Custody thereof until sent to the said Accountant General as aforesaid; and if any such Bill is not duly paid when presented, the Seaman on whose Behalf the same is given may sue thereon, or may recover the Wages due to him by all or any of the same Means by which Wages due to Merchant Seamen are recoverable.

If new Seamen are engaged instead of the original Seamen, the Owner may apply for Repayment of the extra Expense he has been put to.

XXXVI. If in consequence of any Seaman so quitting his Ship without the Consent of the Master or Owner thereof, it becomes necessary for the Safety and proper Navigation of the said Ship to engage a Substitute or Substitutes, and if the Wages or other Remuneration paid to such Substitute or Substitutes for subsequent Service exceed the Wages or Remuneration which would have been payable to the said Seaman under his Agreement for similar Service, the Master or Owner of the said Ship may apply to the Registrar of the High Court of Admiralty in *England* for a Certificate authorizing the Repayment of such Excess; and such Application shall be in such Form, and shall be accompanied by such Documents, and by such Statements, whether on Oath or otherwise, as the Judge of the said Court may from Time to Time direct; and the said Registrar shall upon receiving any such Application give Notice thereof in Writing, and of the Sum claimed, to the Secretary to the Commissioners of the Admiralty, and shall proceed to examine the said Application, and may call upon the Registrar General of Seamen to produce any Papers in his Possession relating thereto, and may call for further Evidence; and if the whole of the Claim appears to him to be just, he shall give a Certificate accordingly, but if he considers that such Claim or any Part thereof is not just, he shall give Notice of such his Opinion in Writing under his Hand to the Person making the said Application or his Attorney or Agent; and if within Sixteen Days from the giving of such Notice such Person do not leave or cause to be left at the Office of the Registrar of the said Court a written Notice demanding that the said Application shall be referred to the Judge of the said Court, then the said Registrar shall finally decide thereon, and certify accordingly; but if such Notice be left as aforesaid, then the said Application shall stand referred to the said Judge in his Chambers, and his Decision thereon shall be final, and the said Registrar shall certify the same accordingly; and the said Registrar and Judge respectively shall in every Proceeding under this Act have full Power to administer Oaths, and to exercise all the ordinary Powers of the Court, as in any other Proceeding within its Jurisdiction; and the said Registrar or Judge (as the Case may be) may, if he thinks fit, allow, for the Costs of any Proceeding under this Act, any Sum not exceeding Five Pounds for each Seaman so quitting his Ship as aforesaid; and such Sum shall be added to the Sum allowed, and shall be certified by the said Registrar accordingly.

Application to be decided on, and Certificate for Amount given.

Costs not exceeding 5*l.* per Man may be given.

Accountant General to pay Sums so certified.

XXXVII. Every Certificate so given shall be sent by Post or otherwise to the Person making the Application, his Attorney or Agent, and a Copy thereof shall be sent to the Accountant General of Her Majesty's Navy; and such Accountant General shall, upon Delivery to him of the said original Certificate, together with a Receipt in Writing purporting to be a Receipt from the Master or Owner making the Application, pay to the Person delivering the same, out of the Monies applicable to the Naval Service of Her Majesty and granted by Parliament for the Purpose, the Amount mentioned in such Certificate; and such Certificate and Receipt shall absolutely discharge the said Accountant General and Her Majesty from all Liability in respect of the Monies so paid or of the said Application.

Desertion.

Seamen imprisoned for Desertion or Breach of Discipline may be sent on board before the Termination of the Sentence.

XXXVIII. If any Seaman or Apprentice is imprisoned in any Part of Her Majesty's Dominions on the Ground of his having neglected or refused to join any Ship in which he is engaged to serve, or of having deserted or otherwise absented himself therefrom without Leave, or of his having committed any other Breach of Discipline, and if during such Imprisonment, and before his Engagement is at an end, his Services are required on board his Ship, any Justice may, at the Request of the Master or of the Owner or his Agent, cause such Seaman or Apprentice to be conveyed on board his said Ship for the Purpose of proceeding on the Voyage, or to be delivered to the Master or any Mate of the Ship, or the Owner

Owner or his Agent, to be by them so conveyed, notwithstanding that the Termination of the Period for which he was sentenced to Imprisonment has not arrived.

Lascar Seamen for Australia.

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

XL. 'And whereas it is expedient to give Facilities for obtaining Seamen in the 'Australian Colonies:' Be it enacted, That it shall be lawful for any Master of a Ship, or any Owner of a Ship, or his Agent, to enter into Contracts with Lascars or Natives of the Territories of the *East India* Company, binding them to proceed to any Port or Ports in the *Australian* Colonies either as Seamen or as Passengers, and there to engage themselves as Seamen in any Ship bound to the United Kingdom, or to any other Part of Her Majesty's Dominions; provided that every such Contract shall be in such Form, and shall contain such Provisions, and shall be executed in such Manner, and under such Conditions for securing the Return of such Lascars or Natives to their own Country and for other Purposes, as the Governor General of *India* in Council, or the Governors of the respective Presidencies in which the Contract is made in Council may direct; and if any Lascar or other Person who has bound himself by any such Contract is, on arriving in any of the said Colonies, required to enter into an Agreement to serve as a Seaman in any Ship bound for the United Kingdom or to any other Part of Her Majesty's Dominions, and if it is certified by some Officer appointed for that Purpose by the Governor of the said Colony that such Agreement is a proper Agreement in all respects for such Lascar or other Person to enter into, and is in accordance with the original Contract, and that the Ship to which such Agreement relates is a proper Ship for such Lascar or other Person to serve in, and is properly supplied with Provisions, and that there is not in the Opinion of such Officer any Objection to the full Performance of the said Contract, such Lascar or other Person shall be bound to enter into the said Agreement, and to serve as a Seaman in the Ship to which it relates, and shall thereupon be deemed to be for all Purposes one of the Crew of the Ship; and if he refuses to enter into such Agreement he shall, notwithstanding such Refusal, be liable to the same Consequences, and be dealt with in all respects in the same Manner, as if he had voluntarily entered into the same; and for every Lascar or other Person in respect of whom such Certificate is applied for, the Person applying for the same shall pay to such Officer as aforesaid such Fee as the Governor of the Colony may appoint.

Salvage.

No Claim for Salvage Services to be allowed in respect of Loss or Risk of Her Majesty's Ships or Property.

XXXIX. In Cases where Salvage Services are rendered by any Ship belonging to Her Majesty, or by the Commander or Crew thereof, no Claim shall be made or allowed for any Loss, Damage, or Risk thereby caused to such Ship, or to the Stores, Tackle, or Furniture thereof, or for the Use of any Stores or other Articles belonging to Her Majesty supplied in order to effect the Salvage Service, or for any other Expense or Loss sustained by Her Majesty by reason of such Services.

Steps to be taken when Salvage Services have been rendered by Her Majesty's Ships abroad.

XLI. Whenever Services for which Salvage is claimed are rendered to any Ship or Cargo, or to any Part of any Ship or Cargo, or to any Appurtenances of any Ship, at any Place out of the United Kingdom of *Great Britain* and *Ireland* and the Four Seas adjoining thereto, by the Commander or Crew or Part of the Crew of any of Her Majesty's Ships, the Property alleged to be salved shall, if the Salvor is justified by the Circumstances of the Case in detaining it at all, be taken to some Port where there is either a Consular Officer or Vice-Admiralty Court; and within Twenty-four Hours after arriving at such Port the said Salvor and the Master or other Person in charge of the Property alleged to be salved shall each deliver to the Consular Officer or Vice-Admiralty Judge there a Statement verified on Oath, specifying, so far as they respectively can, and so far as the Particulars required apply to the Case,

a. The Place, Condition, and Circumstances in which the said Ship, Cargo, or Property was at the Time when the Services were rendered for which Salvage is claimed;

b. The Nature and Duration of the Services rendered:

And the Salvor shall add to his Statement,

c. The Proportion of the Value of the said Ship, Cargo, and Property, and of the Freight which he claims for Salvage, or the Values at which he estimates the said Ship, Freight, Cargo, and Property respectively, and the several Amounts that he claims for Salvage in respect of the same;

d. Any other Circumstances he thinks relevant to the said Claim:

Salvage.

And the said Master or other Person in charge of the said Ship, Cargo, or Property shall add to his Statement,

c. A Copy of the Certificate of Registry of the said Ship, and of the Indorsements thereon, stating any Change which (to his Knowledge or Belief) has occurred in the Particulars contained in such Certificate;

d. The Name and Place of Business or Residence of the Freighter (if any) of the said Ship, and the Freight to be paid for the Voyage she is then on;

e. A general Account of the Quantity and Nature of the Cargo at the Time the Salvage Services were rendered;

f. The Name and Place of Business or Residence of the Owner of such Cargo and of the Consignee thereof;

g. The Values at which the said Master estimates the said Ship, Cargo, and Property, and the Freight respectively, or, if he thinks fit, in lieu of such estimated Value of the Cargo, a Copy of the Ship's Manifest;

h. The Amounts which the Master thinks should be paid as Salvage for the Services rendered;

i. An accurate List of the Property saved, in Cases where the Ship is not saved;

j. An Account of the Proceeds of the Sale of the said Ship, Cargo, or Property, in Cases where the same or any of them are sold at such Port as aforesaid;

k. The Number, Capacities, and Condition of the Crew of the said Ship at the Time the said Services were rendered;

l. Any other Circumstances he thinks relevant to the Matters in question;

m. A Statement of his Willingness to execute a Bond, in the Form in the Schedule hereto annexed, in such Amount as the said Consular Officer or Vice-Admiralty Judge shall fix.

Consular Officer or Judge to fix Amount for which a Bond is to be given;

XLII. The said Consular Officer or Vice-Admiralty Judge, as the Case may be, shall, within Four Days after receiving the aforesaid Statements, fix the Amount to be inserted in the said Bond at such Sum as he shall to the best of his Judgment think to be sufficient to answer the Demand for the Salvage Services rendered, but so that such Sum shall never exceed One Half of the Value which he puts upon the said Ship, Freight, and Cargo, or those of them or the Parts thereof in respect of which Salvage is claimed; and the said Consular Officer or Judge may, if either of the aforesaid Statements is not delivered to him within the Time hereby required, proceed *ex parte;* but he shall in no Case under this Act require the Cargo to be unladen; and the said Consular Officer may in any Proceeding under this Act relating to Salvage take Affidavits and receive Affirmations.

and send Notice thereof to the Master.

On Master executing Bond, Right of Detention to cease.

XLIII. The said Consular Officer or Judge shall send Notice of the Sum which he has so fixed as aforesaid to the said Salvor and the said Master or other Person in charge as aforesaid; and upon such Master or other Person executing a Bond in the Form in the Schedule hereto annexed, with the said Sum inserted therein, in the Presence of the said Consul or Judge (who shall attest the same), and delivering the same to the said Salvor, the Right of the said Salvor to detain or retain Possession of the said Ship, Cargo, or Property, or any of them, in respect of the said Salvage Claim, shall cease.

Provision for additional Security in the Case of Ships owned by Persons resident out of Her Majesty's Dominions.

XLIV. Provided, That if the Ship, Cargo, or Property in respect of which the Claim for Salvage is made, is not owned by Persons domiciled in Her Majesty's Dominions, the Right of the Salvor to detain or retain Possession thereof shall not cease unless the Master or other Person in charge thereof procures, in addition to the said Bond, such Security for the due Performance of the Conditions thereof as the said Officer or Judge considers sufficient for the Purpose, and places the same in the Possession or Custody of the said Officer or Judge, or, if the Salvor so desires, in the Possession or Custody of the said Officer or Judge jointly with any other Person whom the said Salvor may appoint for the Purpose.

Documents to be sent to England.

XLV. The said Consular Officer or Judge shall at the earliest Opportunity transmit the said Statements and Documents so sent to him as aforesaid, and a Notice of the Sum he has so fixed as aforesaid, to the High Court of Admiralty of *England*, or if the said Salvor and the said Master or other Person in charge as aforesaid agree that the said Bond shall be adjudicated upon by any Vice-Admiralty Court, to such Court.

XLVI. The

Salvage.

Whom the Bond shall bind.

XLVI. The said Bond shall bind the respective Owners of the said Ship, Freight, and Cargo, and their respective Heirs, Executors, and Administrators, for the Salvage adjudged to be payable in respect of the said Ship, Freight, and Cargo respectively.

Court in which it is to be adjudicated on.

XLVII. The said Bond shall be adjudicated on and enforced by the High Court of Admiralty in *England*, or if the said Salvor and Master or other Person at the Time of the Execution of the said Bond agree upon any Vice-Admiralty Court, then by such Vice-Admiralty Court; and any such Vice-Admiralty Court shall and may, in every Proceeding under this Act, have and exercise all and singular the Powers and Authorities whatsoever which the said High Court of Admiralty now has or at any Time may have in any Proceeding whatsoever before it; and in Cases where any Security for the due Performance of the Conditions of the said Bond has been placed in the Possession or Custody of the said Consular Officer or Vice-Admiralty Judge, or of such Officer or Judge jointly with any other Person, they shall respectively deal with the said Security in such Manner as the Court which adjudicates on the Bond may direct.

Power of High Court of Admiralty to enforce Bonds.

XLVIII. The said High Court of Admiralty shall have Power to enforce any Bond given in pursuance of this Act in any Vice-Admiralty Court in any Part of Her Majesty's Dominions; and all Courts in *Scotland*, *Ireland*, and the Islands of *Jersey*, *Guernsey*, *Alderney*, *Sark*, and *Man* exercising Admiralty Jurisdiction shall upon Application aid and assist the High Court of Admiralty in enforcing the said Bonds.

Saving Clause

XLIX. Any such Salvor as aforesaid of any Ship, Cargo, or Property who may elect not to proceed under this Act, shall have no Power to detain the said Ship, Cargo, or Property, but may proceed otherwise for the Enforcement of his Salvage Claim as if this Act had not been passed; and nothing in this Act contained shall abridge or affect the Rights of Salvors, except in the Cases by it provided for.

Voluntary Agreements may be made which shall have the same Effect as Bonds above mentioned.

L. Whenever Services for which Salvage is claimed are rendered either by the Commander or Crew or Part of the Crew of any of Her Majesty's Ships, or of any other Ship, and the Salvor voluntarily agrees to abandon his Lien upon the Ship, Cargo, and Property alleged to be salved, upon the Master or other Person in charge thereof entering into a written Agreement, attested by Two Witnesses, to abide the Decision of the said High Court of Admiralty or of any Vice-Admiralty Court, and thereby giving Security in that Behalf to such Amount as may be agreed on by the Parties to the said Agreement, such Agreement shall bind the said Ship and the said Cargo and the Freight payable therefor respectively, and the respective Owners of the said Ship, Freight, and Cargo for the Time being, and their respective Heirs, Executors, and Administrators, for the Salvage which may be adjudged to be payable in respect of the said Ship, Cargo, and Freight respectively to the Extent of the Security so given as aforesaid, and may be adjudicated upon and enforced in the same Manner as the Bonds above mentioned; and upon such Agreement being made, the Salvor and the Master or other Person in charge as aforesaid shall respectively make such Statements as are herein-before required to be made by them in case of a Bond being given, except that such Statements need not be made upon Oath; and the Salvor shall, as soon as practicable, transmit the said Agreement and the said Statements to the Court in which the said Agreement is to be adjudicated upon.

Documents free from Duty.

LI. All Bonds, Statements, Agreements, and other Documents made or executed in pursuance of such Parts of this Act as relate to Salvage shall, if so made or executed out of the United Kingdom, be exempt from Stamp Duty, and shall be received in Evidence, though unstamped.

Penal Clauses.

Punishment for Forgery and false Representations.

LII. Every Person who, in making or supporting any such Application as aforesaid to the Registrar of the High Court of Admiralty, or who in any Proceeding under this Act in respect of Salvage, fraudulently forges, alters, or procures to be forged or altered, any Document, and every Person who in making or supporting any such Application or in any such Proceeding puts off or makes use of any such forged or altered Document, or who in making or supporting any such Application or in any such Proceeding gives or makes or procures to be given or made, or assists in giving or making or procuring to be given or made, any

Penal Clauses.

any false Evidence or Representation, knowing the same to be false, or who in any such Declaration as herein-before required upon the Purchase of any Share or Shares in any Ship, makes any false Statement or Representation, shall be punishable with Imprisonment, with or without Hard Labour, for a Period not exceeding Two Years, or, if summarily prosecuted and convicted, by Imprisonment, with or without Hard Labour, for a Period not exceeding Six Months.

Mode of Procedure in Criminal Cases.

LIII. All Criminal Proceedings under this Act shall be carried on in the same Manner as similar Proceedings under the said Mercantile Marine Act, 1850, and all Rules of Law, Practice, and Evidence which are applicable to such last-mentioned Proceedings shall be applicable to Criminal Proceedings under this Act.

Procedure in Scotland under Merchant Service Acts.

All Offences under 7 & 8 Vict. c. 112., 8 & 9 Vict. c. 116., 13 & 14 Vict. c. 93., and 14 & 15 Vict. c. 96., 79., & 103., punishable as Misdemeanors.

LIV. All Offences which by the Act of the Eighth Year of Her present Majesty, Chapter One hundred and twelve, the Act of the Ninth Year of Her present Majesty, Chapter One hundred and sixteen, "The Mercantile Marine Act, 1850," "The Mercantile Marine Act Amendment Act, 1851," "The Steam Navigation Act, 1851," "The Seamen's Fund Winding-up Act, 1851," or this Act, are described as Misdemeanors, or are made punishable by Imprisonment for Periods exceeding Six Months, may, in *Scotland*, be prosecuted by Indictment or Criminal Letters at the Instance of Her Majesty's Advocate before the High Court of Justiciary, or by Criminal Libel at the Instance of the Procurator Fiscal of the County before the Sheriff, and shall be punishable with Fine and with Imprisonment with or without Hard Labour in default of Payment, or with Imprisonment with or without Hard Labour, or with both, as the Court may think fit; and such Court may also, if it think fit, order Payment by the Offender of the Costs and Expenses of the Prosecution: Provided always, that nothing herein contained shall be held or construed to extend to the Prosecution of Offences punishable by Transportation.

Summary Proceedings.

LV. All Prosecutions, Complaints, Actions, or Proceedings, whether of a criminal or civil Nature, under any of the said last-mentioned Acts, other than Prosecutions for Offences described as Misdemeanors or punishable by Transportation, may be brought in a summary Form before the Sheriff of the County, or before any Two Justices of the Peace of the County or Burgh where the Cause of such Prosecution or Action arises, or where the Offender or Defender may be for the Time.

Penalties how to be sued for.

LVI. All Penalties imposed by the said Acts may be sued for and recovered, with the Costs of Prosecution, before the Sheriff or any Two Justices as aforesaid, at the Instance of the Party to whom such Penalty is made payable in whole or in part, with Concurrence of the Procurator Fiscal of Court, or at the Instance of the Procurator Fiscal of Court where such Penalty is not made payable either in whole or in part to any private Party.

Form of Complaint, &c.

LVII. All Prosecutions, Complaints, Actions, or other Proceedings under the said Act may be brought either in a written or printed Form, or partly written and partly printed, and where such Proceedings are brought in a summary Form it shall not be necessary in the Complaint to recite or set forth the Clause or Clauses of the Act on which such Proceeding is founded, but it shall be sufficient to specify or refer to such Clause or Clauses, and to set forth shortly the Cause of Complaint or Action, and the Remedy sought; and when such Complaint or Action is brought in whole or in part for the Enforcement of a pecuniary Debt or Demand, the Complaint may contain a Prayer for Warrant to arrest upon the Dependence.

Mode of requiring Appearance of Defender and Witnesses.

LVIII. On any Complaint or other Proceeding brought in a summary Form under the said Acts being presented to the Sheriff Clerk or Clerk of the Peace, he shall grant Warrant to cite the Defender to appear personally before the said Sheriff or Justices of the Peace on a Day fixed, not less than Three Days after a Copy of the Complaint or other Proceeding has been served upon him, and at the same Time shall appoint a Copy of the same to be delivered to him by a Sheriff Officer or Constable, as the Case may be, along with the Citation; and such Deliverance shall also contain a Warrant for citing Witnesses and Havers to compear at the same Time and Place to give Evidence and produce such Writs as may be specified in their Citation; and where such Warrant has been prayed for in the Complaint

Complaint or other Proceeding, the Deliverance of the Sheriff Clerk or Clerk of the Peace shall also contain Warrant to arrest upon the Dependence in common Form: Provided always, that Service made on any Party or Witness by leaving a Copy of Citation for him on board of any Ship to which he may belong shall be of equal Force and Effect as Service made at his Dwelling House. *Procedure in Scotland.*

LIX. When it shall become necessary to execute such Arrestment on the Dependence against Goods or Effects of the Defender within *Scotland*, but not locally situated within the Jurisdiction of the Sheriff or Justices of the Peace by whom the Warrant to arrest has been granted, it shall be competent to carry the Warrant into execution on its being indorsed by the Sheriff Clerk or Clerk of the Peace of the County or Burgh respectively within which such Warrant comes to be executed. Backing Arrestments.

LX. That in all Proceedings under the said Acts the Sheriff or Justices of the Peace shall have the same Power of compelling Attendance of Witnesses and Havers as in Cases falling under their ordinary Jurisdiction. Compelling Attendance of Witnesses.

LXI. The whole Procedure in Cases brought in a summary Form before the Sheriff or Justices of the Peace shall be conducted *vivâ voce*, without written Pleadings, and without taking down the Evidence in Writing, and no Record shall be kept of the Proceedings other than the Complaint and the Sentence or Decree pronounced thereon. Proceedings to be vivâ voce.

LXII. It shall be in the Power of the Sheriff or Justices of the Peace to adjourn the Proceedings from Time to Time to any Day or Days to be fixed by them, in the event of Absence of Witnesses or of any other Cause which shall appear to them to render such Adjournment necessary. Power to adjourn.

LXIII. All Sentences and Decrees to be pronounced by the Sheriff or Justices of the Peace upon such summary Complaints shall be in Writing; and where there is a Decree for Payment of any Sum or Sums of Money against a Defender, such Decree shall contain Warrant for Arrestment, Poinding, and Imprisonment in default of Payment, such Arrestment, Poinding, or Imprisonment to be carried into effect by Sheriffs Officers or Constables, as the Case may be, in the same Manner as in Cases arising under the ordinary Jurisdiction of the Sheriff or Justices: Provided always, that nothing herein contained shall be taken or construed to repeal or affect an Act of the Fifth and Sixth Years of *William* the Fourth, intituled *An Act for abolishing, in* Scotland, *Imprisonment for Civil Debts of small Amount.* Sentence to be in Writing. Imprisonment to be inflicted in default of Payment. 5 & 6 W. 4. c. 70.

LXIV. In all summary Complaints and Proceedings for Recovery of any Penalty or Sum of Money, if a Defender who has been duly cited shall not appear at the Time and Place required by the Citation, he shall be held as confessed, and Sentence or Decree shall be pronounced against him in Terms of the Complaint, with such Costs and Expenses as to the Court shall seem fit: Provided always, that he shall be entitled to obtain himself reponed against any such Decree at any Time before the same be fully implemented, by lodging with the Clerk of Court a Reponing Note, and consigning in his Hands the Sum decerned for and the Costs which had been awarded by the Court, and on the same Day delivering or transmitting through the Post to the Pursuer or his Agent a Copy of such Reponing Note; and a Certificate by the Clerk of Court of such Note having been lodged shall operate as a Sist of Diligence till the Cause shall have been reheard and finally disposed of, which shall be on the next Sitting of the Court, or on any Day to which the Court shall then adjourn it. Sentence, Penalties, &c. in default of Defender's Appearance.

LXV. In all summary Complaints or other Proceedings not brought for the Recovery of any Penalty or Sum of Money, if a Defender, being duly cited, shall fail to appear, the Sheriff or Justices may grant Warrant to apprehend and bring him before the Court. Warrant to apprehend in default of Appearance.

LXVI. In all Cases where Sentences or Decrees of the Sheriff or Justices require to be enforced within *Scotland*, but beyond the Jurisdiction of the Sheriff or Justices by whom such Backing Sentences or Decrees,

Procedure in Scotland.

such Sentences or Decrees have been pronounced, it shall be competent to carry the same into execution, upon the same being indorsed by the Sheriff Clerk or Clerk of the Peace of the County or Burgh within which such Execution is to take place.

Orders not to be quashed for Want of Form; and to be final.

LXVII. No Order, Decree, or Sentence pronounced by any Sheriff or Justice of the Peace under the Authority of this Act shall be quashed or vacated for any Misnomer, Informality, or Defect of Form; and all Orders, Decrees, and Sentences so pronounced shall be final and conclusive, and not subject to Suspension, Advocation, Reduction, or to any Form of Review or Stay of Execution, except on the Ground of Corruption or Malice on the Part of the Sheriff or Justices, in which Case the Suspension, Advocation, or Reduction must be brought within Fourteen Days of the Date of the Order, Decree, or Sentence complained of: Provided always, that no Stay of Execution shall be competent to the Effect of preventing immediate Execution of such Order, Decree, or Sentence.

General Rules, so far as applicable, to extend to Penalties and Proceedings in Scotland.

LXVIII. Such of the general Provisions with respect to Procedure and Penalties contained in the said last-mentioned Acts as are not inconsistent with the special Rules hereinbefore laid down for the Conduct of legal Proceedings and the Recovery of Penalties in *Scotland*, shall, so far as the same are applicable, extend to such last-mentioned Proceedings and Penalties.

The SCHEDULE referred to in the foregoing Act.

BOND IN PURSUANCE OF "THE MERCHANT SHIPPING LAW AMENDMENT ACT, 1853."

[N.B.—*Any of the Particulars not known, or not required, by reason of the Claim being only against the Cargo, &c., may be omitted.*]

WHEREAS certain Salvage Services are alleged to have been rendered by the Ship [*insert Names of Ship and of Commander*], Commander, to the Merchant Ship [*insert Names of Ship and Master*], Master, belonging to [*Name and Place of Business or Residence of Owner of Ship*], freighted by [*the same of the Freighter*], and to the Cargo therein, consisting of [*state very shortly the Descriptions and Quantities of the Goods and the Names and Addresses of their Owners and Consignees*]:

And whereas the said Ship and Cargo have been brought into the Port of [*insert Name and Situation of Port*], and a Statement of the Salvage Claim has been sent to [*insert the Name of the Consular Officer or Vice-Admiralty Judge, and of the Office he fills*], and he has fixed the Amount to be inserted in this Bond at the Sum of [*state the Sum*]:

Now I, the said [*Master's Name*], do hereby, in pursuance of the above-mentioned Act, bind the several Owners for the Time being of the said Ship and of the Cargo therein, and of the Freight payable in respect of such Cargo, and their respective Heirs, Executors, and Administrators, to pay among them such Sum not exceeding the said Sum of [*state the Sum fixed*], in such Proportions and to such Persons as [*if the Parties agree on any other Court, substitute the Name of it here*] the High Court of Admiralty in England shall adjudge to be payable as Salvage for the Services so alleged to have been rendered as aforesaid.

In witness whereof I have hereunto set my Hand and Seal this [*insert the Date*] Day of

Signed, sealed, and delivered by the said [*Master's Name*].

(L.S.)

In the Presence of [*Name of Consular Officer or Vice-Admiralty Judge, and of the Office he fills*].