CHAPTER 43.

An Act to amend the Law relating to the Measurement of the Tonnage of Merchant Ships. [26th August 1889.]

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 :—

Amendment of rules for measurement of tonnage.

1.—(1.) In the measurement of a ship for the purpose of ascertaining her register tonnage, no deduction shall be allowed in respect of any space which has not been first included in the measurement of her tonnage.

17 & 18 Vict. c. 104.

(2.) In section twenty-one, paragraph (4), of the Merchant Shipping Act, 1854, the words "First, that nothing shall be added "for a closed-in space solely appropriated to the berthing of the "crew, unless such space exceeds one twentieth of the remaining "tonnage of the ship, and in case of such excess the excess only "shall be added; and secondly"; and in section twenty-two, paragraph (2), of the same Act the words "subject to the deduction "for a closed-in space appropriated to the crew, as mentioned in "Rule I." shall be repealed.

Provided that this section shall not apply until after the expiration of five years from the date of the passing of this Act to any ship in the measurement or re-measurement of which the deductions prohibited by this section have been made before the tenth day of March one thousand eight hundred and eighty-nine, or to any ship the building of which was commenced before the tenth day of March one thousand eight hundred and eighty-nine, and which is registered for the first time between that date and the last day of December one thousand eight hundred and eighty-nine, unless in either case the ship is, before the expiration of the said five years, measured or re-measured in accordance with the provisions of this Act, and any such ship may be measured or re-measured at the request of the owner.

But this exemption shall not extend to any ship in the case of which the allowance for propelling-power space exceeds fifty per cent. of the gross tonnage of the ship.

Subject as aforesaid, the tonnage of every ship shall be estimated for all purposes as if any deduction prohibited by this section had not been made, and the particulars relating to the ship's tonnage in the register book, and in her certificate of registry, shall be corrected accordingly.

Rule as to allowance for engine room in steamers.

2. In the case of any ship built or measured after the passing of this Act, such portion of the space or spaces above the crown of the engine room and above the upper deck as is framed in for the machinery or for the admission of light and air, shall not be included in the measurement of the space occupied by the propelling power, except in pursuance of a request in writing to the Board of Trade by the owner of the ship, and shall not be included in pursuance of such request unless :—

(*a.*) that portion is first included in the measurement of the gross tonnage; and

(*b.*) a surveyor appointed under the Fourth Part of the Merchant Shipping Act, 1854, certifies that the portion so framed in is reasonable in extent and is so constructed as to be safe and seaworthy, and that it cannot be used for any purpose other than the machinery or for the admission of light and air to the machinery or boilers of the ship.

Deductions for navigation spaces, &c.

3.—(1.) In measuring or re-measuring a ship for the purpose of ascertaining her register tonnage, the following deductions shall be made from the space included in the measurement of the tonnage:—

(*a.*) In the case of a ship wholly propelled by sails, any space set apart and used exclusively for the storage of sails:

(*b.*) In the case of any ship—

(i.) Any space used exclusively for the accommodation of the master;

(ii.) Any space used exclusively for the working of the helm, the capstan, and the anchor gear, or for keeping the charts, signals, and other instruments of navigation, and boatswain's stores; and

(iii.) The space occupied by the donkey engine and boiler, if connected with the main pumps of the ship.

(2.) The deductions allowed under this section shall be subject to the following provisions, namely:—

(*a.*) The space deducted must be certified by a surveyor appointed by the Board of Trade as reasonable in extent and properly and efficiently constructed for the purpose for which it is intended;

(*b.*) There must be permanently marked in or over every such space a notice stating the purpose to which it is to be applied and that whilst so applied it is to be deducted from the tonnage of the ship;

(*c.*) The deduction on account of space for storage of sails must not exceed two and a half per cent. of the tonnage of the ship.

Provisions as to deductions in case of certain steamships.

4. In the case of a screw steamship which, at the passing of this Act, has an engine-room allowance of thirty-two per cent. of the gross tonnage of the ship, and in which any crew space on deck has not been included in the gross tonnage, whether its contents have been deducted therefrom or not, the crew space shall be, on the application of the owner of the ship, or by direction of the Board of Trade, measured and its contents ascertained and added to the register tonnage of the ship; and if it appears that with such addition to the tonnage the engine room does not occupy more than thirteen per cent. of the tonnage of the ship, the existing allowance for engine room of thirty-two per cent. of the tonnage shall be continued, notwithstanding anything in this Act.

Measurement of ships with double bottoms for water ballast.

5. In the case of a ship constructed with a double bottom for water ballast, if the space between the inner and outer plating thereof is certified by a surveyor appointed by the Board of Trade to be not available for the carriage of cargo, stores, or fuel, then the depth required by section twenty-one, paragraph (2), of the Merchant Shipping Act, 1854, shall be taken to be the upper side of the inner plating of the double bottom, and that upper side

shall, for the purposes of measurement, be deemed to represent the floor timber referred to in that section.

Re-measurement of foreign ships.

17 & 18 Vict. c. 104.

6. If and whenever it is made to appear to Her Majesty that the tonnage of any foreign ship, as measured by the rules of the country to which she belongs, materially differs from that which would be her tonnage if measured under the Merchant Shipping Act, 1854, and the Acts amending the same, Her Majesty may from time to time, by Order in Council, direct that, notwithstanding any Order in Council for the time being in force under those Acts, any of the ships of that country may, for all or any of the purposes of those Acts, be re-measured in accordance with the provisions of those Acts, and Her Majesty may revoke any Order so made.

Short title and construction.

7. This Act may be cited as the Merchant Shipping (Tonnage) Act, 1889, and shall be construed as one with the Merchant Shipping Act, 1854, and the Acts amending the same.

CHAPTER 44.

An Act for the Prevention of Cruelty to, and better Protection of, Children. [26th August 1889.]

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:

Punishment for ill-treatment and neglect of children.

1. Any person over sixteen years of age who, having the custody, control, or charge of a child, being a boy under the age of fourteen years, or being a girl under the age of sixteen years, wilfully ill-treats, neglects, abandons, or exposes such child, or causes or procures such child to be ill-treated, neglected, abandoned, or exposed, in a manner likely to cause such child unnecessary suffering, or injury to its health, shall be guilty of a misdemeanor, and, on conviction thereof on indictment, shall be liable, at the discretion of the court, to a fine not exceeding one hundred pounds, or alternatively, or in default of payment of such fine, or in addition to payment thereof, to imprisonment, with or without hard labour, for any term not exceeding two years, and on conviction thereof by a court of summary jurisdiction, in manner provided by the Summary Jurisdiction Acts, shall be liable, at the discretion of the court, to a fine not exceeding twenty-five pounds, or alternatively, or in default of payment of such fine, or in addition thereto, to imprisonment, with or without hard labour, for any term not exceeding three months.

Power to increase fine where offender interested in death of child.

2. If it be proved that a person convicted on indictment as aforesaid was interested in any sum of money accruable or payable in the event of the death of the child, and had knowledge that such sum of money was accruing or becoming payable, the court may, in its discretion, increase the amount of the said fine so that the fine shall not exceed two hundred pounds. Such interest as aforesaid in any sum of money accruable or payable in the event of