sum or sums as shall, in the discretion of the court or judge before whom such action or proceedings shall be tried, be reasonable, and the court or judge before whom such action or proceedings shall be tried may award a less sum than forty shillings in respect of each and every such unauthorised representation or performance as aforesaid, or a nominal penalty or nominal damages as the justice of the case may require.

Costs to be in discretion of judge. 45 & 46 Vict. c. 40.

2. The costs of all such actions or proceedings as aforesaid shall be in the absolute discretion of the judge before whom such actions and proceedings shall be tried, and section four of the Copyright (Musical Compositions) Act, 1882, is hereby repealed.

Proprietor not wilfully permitting such performance to be exempt.

3. The proprietor, tenant, or occupier of any place of dramatic entertainment, or other place at which any unauthorised representation or performance of any musical composition, whether published before or after the passing of this Act, shall take place, shall not by reason of such representation or performance be liable to any penalty or damages in respect thereof, unless he shall wilfully cause or permit such unauthorised representation or performance, knowing it to be unauthorised.

Saving for operas and plays.

4. The provisions of this Act shall not apply to any action or proceedings in respect of a representation or performance of any opera or stage play in any theatre or other place of public entertainment duly licensed in that respect.

Short title.

5. This Act may be cited as the Copyright (Musical Compositions) Act, 1888.

CHAPTER 18.

An Act to carry into effect an International Convention respecting the Liquor Traffic in the North Sea.

[5th July 1888.]

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:

Confirmation of Convention.

1. The Convention set out in the schedule to this Act (hereinafter referred to as the scheduled Convention) is hereby confirmed, and the articles thereof shall be of the same force as if they were enacted in the body of this Act.

Penalty for supplying, exchanging, or otherwise selling spirits.

2. If within the North Sea limits but outside territorial waters any person belonging to or on board a British vessel supplies spirituous liquors to any person belonging to a sea fishing boat he shall be liable—

(*a*) if the liquors are supplied in exchange for any article not belonging to the person supplied, to a fine not exceeding fifty pounds, or, in the discretion of the court, to imprisonment for a term not exceeding three months, with or without hard labour; and

(*b*) if the liquors are sold otherwise than by way of exchange, as aforesaid, to a fine not exceeding thirty pounds, or in the discretion of the court, to imprisonment for a term not exceeding three months, with or without hard labour.

Penalty for purchasing spirits by exchange or otherwise.

3. If within the North Sea limits but outside territorial waters any person belonging to or on board a British sea fishing boat purchases spirituous liquors, he shall be liable—

(*a*) if he gives any article not belonging to him in exchange for the liquors, to a fine not exceeding fifty pounds, or, in the discretion of the court, to imprisonment for a term not exceeding three months, with or without hard labour; and

(*b*) if he purchases the liquors otherwise than by way of exchange, as aforesaid, to a fine not exceeding ten pounds.

Penalty for breach of licence.

4. If within the North Sea limits but outside territorial waters any person belonging to or on board a British vessel deals with any person belonging to or on board a sea fishing boat in any provisions or other articles for his use, except spirituous liquors, without a licence granted in pursuance of Article Three of the scheduled Convention, or without carrying on his vessel the mark agreed upon in pursuance of that Article, or in contravention of any conditions of a licence so granted, he shall be liable to a fine not exceeding twenty pounds, and his licence may be revoked.

Power to make regulations as to licences and other matters.

5. Her Majesty the Qeeen may from time to time by Order in Council make, vary, and revoke regulations for any of the following purposes

(*a*) for prescribing the authority by whom licences under Article Three of the scheduled Convention are to be granted, renewed, and revoked; and

(*b*) for prescribing the mode of application for such licences, and the conditions under which, and the time for which, the licences are to be granted; and

(*c*) generally for giving effect to any of the provisions of this Act or any of the articles of the scheduled Convention.

Enforcement of Act.

46 & 47 Vict. c. 22.

6. For the purpose of enforcing the provisions of this Act in the case of British and foreign vessels, whether within or beyond the North Sea limits, all British and foreign sea fishery officers respectively within the meaning of the Sea Fisheries Act, 1883, shall have the same powers, and be entitled to the same protection as they have and are entitled to for the purpose of enforcing the provisions of that Act in the case of British and foreign sea fishing boats respectively.

Provided that in the case of a vessel not being either a sea fishing boat or a vessel habitually employed in dealing with fishermen the power of a sea fishery officer to take the vessel to any port shall not be exercised unless the sea fishery officer is satisfied that its exercise is necessary for the suppression of grave disorder.

Legal proceedings.

7. Sections sixteen, eighteen, nineteen, twenty, twenty-one, and twenty-two of the Sea Fisheries Act, 1883, shall apply in the case of offences, fines, and legal proceedings under this Act in the same manner as they apply in the case of offences, fines, and legal proceedings under that Act.

Evidence.

8. Section seventeen of the Sea Fisheries Act, 1883, shall apply in the case of any formal statement drawn up in pursuance of Article Seven of the scheduled Convention in the same manner as it applies in the case of any document drawn up in pursuance of the Convention set out in the First Schedule to that Act.

Definitions.

9. In this Act—

The expression "North Sea limits" shall mean the limits of the North Sea as fixed by Article Four of the Convention set out in the First Schedule to the Sea Fisheries Act, 1883.

The expression "territorial waters" shall mean the territorial waters of Her Majesty's dominions as defined by the Territorial Waters Jurisdiction Act, 1878.

41 & 42 Vict. c. 73.

The expression "sea fishing boat" shall have the same meaning as in the Sea Fisheries Act, 1883.

The expression "vessel" shall include ship, boat, lighter, and craft of every kind, whether navigated by steam or otherwise.

The expression "spirituous liquors" shall include every liquid obtained by distillation and containing more than five per cent. of alcohol.

Commencement and continuance of Act.

10.—(1.) This Act shall come into force on such day as may be fixed by a notice in that behalf published in the London Gazette.

(2.) The provisions in this Act relating to the sea fishery officers of any foreign State bound by the Convention set out in the First Schedule to the Sea Fisheries Act, 1883, shall continue in operation notwithstanding the termination of the operation of that Convention as respects that foreign State.

(3.) So much of this Act as has effect outside territorial waters shall, if the scheduled Convention ceases to be binding on Her Majesty, cease to apply to the vessels and officers of any foreign State bound by the scheduled Convention, but, subject as aforesaid, this Act shall continue in force notwithstanding the determination of the scheduled Convention.

Short title.

11. This Act may be cited as the North Sea Fisheries Act, 1888.

SCHEDULE.

CONVENTION RESPECTING THE LIQUOR TRAFFIC IN THE NORTH SEA.

HER Majesty the Queen of the United Kingdom of Great Britain and Ireland, His Majesty the German Emperor, King of Prussia, in the name of the German Empire, His Majesty the King of the Belgians, His Majesty the King of Denmark, the President of the French Republic, and His Majesty the King of the Netherlands, having recognized the necessity of remedying the abuses arising from the traffic in spirituous liquors amongst the fishermen in the North Sea outside territorial waters, have resolved to conclude a Convention for this purpose, and have named as their Plenipotentiaries, that is to say:

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Honourable Sir William Stuart, Knight Commander of Her Most distinguished Order of St. Michael and St. George, and Companion of her Most Honourable Order of the Bath, her Envoy Extraordinary and Minister Plenipotentiary at the Hague;

His Majesty the German Emperor, King of Prussia, Baron Jean Antoine de Saurma-Feltsch, Chevalier of the second class of his Orders of the Red Eagle and of the Crown, &c., Privy Councillor of Legation, and Envoy Extraordinary and Minister Plenipotentiary at the Hague;

His Majesty the King of the Belgians, Baron Auguste d'Anethan, Grand Officer of his Order of Leopold, Chevalier of the Order of the Netherlands Lion, Grand Cross of the Order of the Oaken Crown of Luxembourg, &c., his Envoy Extraordinary and Minister Plenipotentiary at the Hague, and M. Leopold Orban, Commander of his Order of Leopold, Commander of the Order of the Netherlands Lion, &c., his Envoy Extraordinary and Minister Plenipotentiary, Director-General of Political Affairs at the Ministry for Foreign Affairs at Brussels;

His Majesty the King of Denmark, M. Corneille Marius Viruly, Chevalier of his Order of Danebrog, Consul for Denmark;

The President of the French Republic, M. Louis Désiré Legrand, Officer of the National Order of the Legion of Honour, Grand Cross of the Order of the Netherlands Lion, &c., Envoy Extraordinary and Minister Plenipotentiary of the French Republic at the Hague;

His Majesty the King of the Netherlands, the Jonkheer Abraham Pierre Corneille van Karnebeek, Chevalier of his Order of the Netherlands Lion, &c., his Minister for Foreign Affairs, and M. Edouard Nicolas Rahusen, Chevalier of his Order of the Netherlands Lion, &c., President of the College of Marine Fisheries:

Who, after having communicated their full powers, found in good and due form, have agreed upon the following Articles:—

ARTICLE I.

The provisions of the present Convention shall apply in the North Sea, outside territorial waters, and within the limits fixed by Article IV. of the Convention of the Hague of the 6th May, 1882, respecting the police of the fisheries to every person on board a ship or boat of any one of the High Contracting Parties.

ARTICLE II.

The sale of spirituous liquors to persons on board or belonging to fishing-boats is forbidden.

The purchase of those liquors by such persons is forbidden.

The exchange of spirituous liquors for any article, and especially for products of the fisheries, gear or equipments of fishing boats, or fishing implements, is forbidden.

Every liquid obtained by distillation, and containing more than 5 litres of alcohol per hectolitre, shall be considered a spirituous liquor.

ARTICLE III.

The liberty to deal with fishermen in provisions and other articles for their use (spirituous liquors excepted) shall be subject to a licence to be granted by the government of the country to which the vessel belongs. This licence must specify the following amongst other conditions:—

1. The vessel may not have on board a quantity of spirits greater than what is deemed requisite for the consumption of her crew.

2. All exchange of the articles above indicated for products of the fisheries, gear, or equipments of fishing-boats, or fishing implements, is forbidden.

Vessels provided with this licence must carry a special and uniform mark to be agreed upon by the High Contracting Powers.

ARTICLE IV.

The High Contracting Parties engage to take, or to propose to their respective Legislatures, the necessary measures for insuring the execution of the present Convention, and especially for punishing, by either fine or imprisonment, or by both, those who may contravene Articles II. and III.

ARTICLE V.

The Tribunals competent to take cognizance of infractions of Articles II. and III. are those of the country to which the accused vessel belongs. If vessels of different nationalities should be implicated in the same infraction, the Powers to which such vessels belong will mutually communicate to each other the Judgments given by the Tribunals.

ARTICLE VI.

Prosecutions for infractions shall be instituted by the State, or in its name.

Infractions may be verified by all means of proof allowed by the legislation of the country of the Court concerned.

ARTICLE VII.

The superintendence shall be exercised by the cruizers of the High Contracting Parties which are charged with the police of the fisheries.

When the officers commanding these cruizers have reason to believe that an infraction of the measures provided for in the present Convention has been committed, they may require the captain or master to exhibit the official documents establishing the nationality of his vessel, and where the case occurs, the licence. The fact of such documents having been exhibited shall then be indorsed upon them immediately.[g]

Further, formal statements of the facts may be drawn up by the said officers whatever may be the nationality of the accused vessel. These formal statements shall be drawn up according to the forms and in the language used in the country to which the officer belongs; they may be used as means of proof in the country where they are adduced, and conformably with the laws of that country. The accused and the witnesses shall be entitled to add or to have added thereto, in their own language, any explanations which they may think useful. These declarations must be duly signed.

Resistance to the directions of Commanders of cruizers, or of those who act under their orders, shall, without taking into account the nationality of the cruizers, be considered as resistance to national authority.

The Commander of the cruizer may, if the case appears to him sufficiently serious to justify the step, take the offending vessel into a port of the nation to which she belongs.

ARTICLE VIII.

The proceedings in respect of infractions of the provisions of the present Convention shall always take place as summarily as the Laws and Regulations will permit.

ARTICLE IX.

The High Contracting Parties will communicate to each other, at the time of the exchange of ratifications, the Laws which shall have been made in their respective countries in relation to the object of the present Convention.

ARTICLE X.

States which have not signed the present Convention may adhere to it on making a request to that effect. This adhesion shall be notified through the diplomatic channel to the Government of the Netherlands, and by the latter to the other Signatory Powers.

ARTICLE XI.

The present Convention shall be brought into operation from and after a day to be agreed upon by the High Contracting Parties.

It shall remain in force for five years from that day, and, unless any of the High Contracting Parties shall, twelve months before the expiration of

the said period of five years, have given notice of its intention to terminate its operation, it shall remain in force for one year longer, and so on from year to year.

If the Convention of the Hague of the 6th May, 1882, respecting the police of the fisheries, should cease to be in force, Article XXVI. of the same Convention shall continue to operate as regards the object of the present arrangement.

ARTICLE XII.

The present Convention shall be ratified; the ratifications shall be exchanged at the Hague as soon as possible, and, if practicable, within a year.

In witness whereof, the respective Plenipotentiaries have signed the present Convention, and have thereto affixed their seals.

Done at the Hague, in six copies, the 16th November, 1887.

(L.S.) W. STUART.
(L.S.) Baron SAURMA.
(L.S.) Baron A. D'ANETHAN.
(L.S.) LEOPOLD ORBAN.
(L.S.) C. M. VIRULY.
(L.S.) LOUIS LEGRAND.
(L.S.) v. KARNEBEEK.
(L.S.) E. N. RAHUSEN.

CHAPTER 19.

An Act to amend the Habitual Drunkards Act, 1879.

[24th July 1888.]

WHEREAS the Habitual Drunkards Act, 1879, is limited to expire at the termination of ten years from the passing thereof and the then next session of Parliament; and whereas it is expedient to provide for the continuance of the said Act, and for the amendment of the same: 42 & 43 Vict. c. 19.

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

1. This Act may be cited for all purposes as the Inebriates Act, 1888. Short title.

2. So much of the second section of the Habitual Drunkards Act, 1879, as provides that the said Act shall be in force until the termination of ten years from the passing thereof and to the end of the then next session of Parliament, is hereby repealed; and be it enacted in lieu thereof that the aforesaid Act as amended by this Act shall be and remain in force until otherwise provided by Parliament. Repeal.

3. Subject to the approval of the Local Authority granting a licence for a retreat, the licensee of any retreat may from time to time appoint a deputy to act for him during his temporary absence, and such deputy shall during the absence of the licensee have and exercise all powers, and be subject to all the duties, disabilities, Licensee may appoint a deputy.