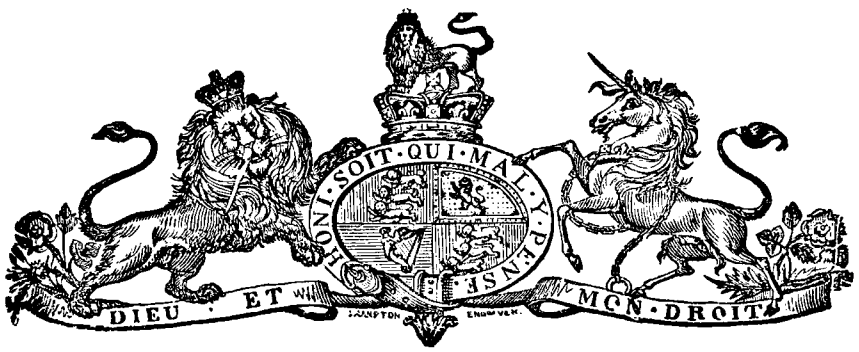


ANNO DECIMO QUARTO & DECIMO QUINTO

VICTORIÆ REGINÆ.

****

CAP. CII.

An Act to amend the Acts relating to the Merchant Seamen's Fund, and to provide for winding up the said Fund, and for the better Management thereof in the meantime. [8th *August* 1851.]

WHEREAS an Act was passed in the Twentieth Year of the Reign of King *George* the Second, intituled *An Act for the Relief and Support of maimed and disabled Seamen, and the Widows and Children of such as shall be killed, slain, or drowned in the Merchant Service:* And whereas another Act was passed in the Session of the Fourth and Fifth Years of the Reign of King *William* the Fourth, intituled *An Act to amend an Act of the Twentieth Year of His Majesty King* George *the Second, for the Relief and Support of sick, maimed, and disabled Seamen, and the Widows and Children of such as shall be killed, slain, or drowned in the Merchant Service; and for other Purposes:* And whereas another Act was passed in the Sixth Year of the Reign of King *William* the Fourth, intituled *An Act to amend an Act of the Fourth and Fifth Years of His present Majesty, in order to enable certain Seamen belonging to* Shetland *or* Orkney *to pay certain Sums of Money payable under that Act* 20 G. 2. c. 38. 4 & 5 W. 4. c. 52. 6 W. 4. c. 15.

to the Seamen's Fund at Lerwick *in* Shetland *or* Kirkwall *in* Orkney: And whereas the Institution established and carried on under the Provisions of the said recited Acts, commonly known by the Name of the "Merchant Seamen's Fund," has been ascertained to be inadequate for the Purposes for which it was established, and can no longer be carried on with Benefit to *British* Merchant Seamen, and it is therefore expedient that the said Institution should be brought to an End, and that such Provision should be made as herein-after mentioned for winding up the Affairs thereof, and for satisfying the just Demands of Persons having Claims upon the said Fund: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. *Preliminary.*

Short Title.

1. This Act may be cited as "The Seamen's Fund Winding-up Act, 1851."

Interpretation.

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

"United Kingdom:"

The Expression "United Kingdom" shall be taken to mean the United Kingdom of *Great Britain* and *Ireland:*

"Board of Trade:"

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

"President and Governors:"

The Expression "President and Governors" shall mean the President and Governors for the Relief and Support of sick, maimed, and disabled Seamen, and of the Widows and Children of such as shall be killed, slain, or drowned in the Merchant Service, incorporated by the first of the said recited Acts:

"the Fund:"

The Expression "the Fund" shall mean the Merchant Seamen's Fund:

"Ship:"

The Word "Ship" shall include every Description of Vessel employed on the High Seas or on the Coasts of the United Kingdom, or in any Port or Creek of the same, except Boats exclusively employed in fishing on the Coasts of the United Kingdom, or the Islands of *Guernsey*, *Jersey*, *Sark*, *Alderney*, or *Man*, and except Vessels employed exclusively in trading or going only from Place to Place within any River of the United Kingdom:

"Home-trade Ship:"

The Expression "Home-trade Ship" shall include every Ship included in the above Definition, employed in trading or going

Preliminary.

within the following Limits; (that is to say,) the Coasts of the United Kingdom, the Islands of *Guernsey*, *Jersey*, *Sark*, *Alderney*, and *Man*, and the Continent of *Europe* between the River *Elbe* and *Brest*, inclusive:

"Foreign-going Ship:" The Expression "Foreign-going Ship" shall include every "Ship" included in the above Definition, employed in trading or going beyond the Limits aforesaid:

"Owner:" The Word "Owner,' when applied to a Ship, shall include all the Persons, if more than One, to whom the Ship belongs:

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

"Seaman." The Word "Seaman" shall include every Person (except Masters and Apprentices duly indentured and registered) employed or engaged to serve in any Capacity on board any Ship.

II. *Repealing Clause.*

Repeal of so much of 20 G. 2. c. 38. as enables President, &c. to purchase Lands and erect a Hospital; so much of Sections 4, 16, 19, 20, and 21 of 4 & 5 W. 4. c. 52. as relates to Purchase of Lands, &c.; so much of Sections 16, 19, 20, and 21 of 4 & 5 W. 4. c. 52. as relates to Appointment of Receivers; the whole of Sections 2, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 17, 22, 23, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, and 35 of 4 & 5 W. 4. c. 52; the whole of 6 W. 4. c. 15.; and the whole of Section 31. of 7 & 8 Vict. c. 112.

3. The following Enactments; (that is to say,) so much of the said Act of the Twentieth Year of the Reign of King *George* the Second, Chapter Thirty-eight, as enables the said President and Governors to purchase Lands and erect a Hospital; so much of the Fourth, Sixteenth, Nineteenth, Twentieth, and Twenty-first Sections of the said Act of the Fifth Year of the Reign of King *William* the Fourth, Chapter Fifty-two, as relates to the Purchase by the said President and Governors, or by any Trustees at Outports, of Lands, Tenements, or Hereditaments; so much of the Sixteenth, Nineteenth, Twentieth, and Twenty-first Sections of the last-mentioned Act as relates to the Appointment by any Trustees at Outports of Receivers of the Fund, and to the Collection of Duties; the Second, Fifth, Sixth, Seventh, Eighth, Ninth, Tenth, Eleventh, Twelfth, Thirteenth, Fourteenth, Seventeenth, Twenty-second, Twenty-third, Twenty-fifth, Twenty-sixth, Twenty-seventh, Twenty-eighth, Twenty-ninth, Thirtieth, Thirty-first, Thirty-second, Thirty-third, Thirty-fourth, and Thirty-fifth Sections of the last-mentioned Act; the Act of the Sixth Year of the Reign of King *William* the Fourth, Chapter Fifteen; and the Thirty-first Section of the Act of the Eighth Year of the Reign of Her present Majesty, Chapter One hundred and twelve, shall be repealed, except as to any Offences committed or Penalties or Liabilities incurred under any of the said Enactments before the passing of this Act.

III. *Agency for managing the Fund.*

Board of Trade to

4. The Board of Trade shall undertake the general Supervision of the Business of winding up the Fund in manner herein-after mentioned;

superintend the Business of winding up the Fund.

tioned; and the Two Persons nominated to assist such Board in the Execution of the Mercantile Marine Act, 1850, shall assist such Board in the Execution of this Act; and such Board may for the Purpose of carrying this Act into execution appoint such Officers, Clerks, and Servants as it may deem necessary, and make use of the General Register Office of Merchant Seamen, and may, if necessary for such Purpose, increase the Number of Persons employed there, and may appoint additional Remuneration to any Persons now employed there upon whom additional Duties are thrown by reason of this Act.

Corporation and Trustees nominated under Provisions of 20 G. 2. c. 38. and 4 & 5 W. 4. c. 52. to continue so long as necessary for carrying this Act into effect.

5. The President and Governors and the several Boards of Trustees nominated under the Provisions of the Act of the Twentieth Year of the Reign of King *George* the Second, Chapter Thirty-eight, and of the Act of the Fourth and Fifth Years of the Reign of King *William* the Fourth, Chapter Fifty-two, or of either of such Acts, shall continue to exist, and to have Succession, or to be from Time to Time nominated, as provided by the said Acts or either of them, for such Time and to such Extent as are consistent with the Provisions of this Act, and necessary for carrying the same into effect; and the said President and Governors and Boards of Trustees (including the Guild and Brotherhood of the Master and Pilots Seamen of the Town and Port of *Kingston-upon-Hull*, and the Master, Wardens, and Commonalty of Merchant Venturers of the City of *Bristol*,) shall continue to have and exercise such of the Powers granted to them respectively by the said Acts or either of them as are consistent with the Provisions of this Act; but no Trustees shall be appointed at any Outport at which they have not been appointed before the passing of this Act.

No Trustees to be appointed where there have hitherto not been any.

In certain Cases the Board of Trade may suspend the Functions of the President and Governors or Trustees.

6. If the said President and Governors, or any of the Boards of Trustees at Outports, fail to be duly chosen or constituted, or resign, or neglect or refuse to discharge their Duties in respect of the Fund, or to obey any of the Provisions of this Act, or any Regulations or Orders lawfully issued in pursuance thereof, the Board of Trade may, by Letter to be signed by One of the Secretaries or Assistant Secretaries to such Board, declare the Functions of the said President and Governors or of any such Board of Trustees (as the Case may be) in respect of the Fund to be suspended, and the said Corporation or Board of Trustees shall thereupon cease, so long as such Suspension continues, to have any Rights or Powers in respect thereof, and shall deliver all Property and Matters relating to the said Fund to the Board of Trade, or as it directs; but no such Suspension shall relieve the said President and Governors, or any such Board of Trustees, from

from the Obligation of making any Payments, Transfers, Deliveries, Returns, Accounts, or Explanations which the Board of Trade is hereby authorized to require.

Agency for managing the Fund.

7. In any Case in which the Functions of the said President and Governors or of any of the Boards of Trustees of Outports are suspended as herein-before mentioned, the Board of Trade may, in its Discretion, either take into its own Hands the entire Management of that Portion of the Fund with reference to which such Functions are suspended, or, if there is a Local Marine Board at the Port willing to undertake the same, may commit the Functions of the said President and Governors or of such Board of Trustees, as the Case may be, or any Part of such Functions, to such Local Marine Board, and may at any subsequent Time, if it thinks fit, resume the same or any Part thereof.

Their Functions in that Case may be undertaken by Board of Trade, or committed to Local Marine Board.

8. At each Port the Shipping Masters appointed under the Mercantile Marine Act, 1850, or such of the said Shipping Masters, if more than One, as the Board of Trade directs, shall be the Receivers of such Contributions to the Fund from Masters and Seamen as may be payable under the Provisions herein-after contained; and in the Case of Shipping Masters appointed by a Local Marine Board constituted under the said last-mentioned Act, such Board may, with the Sanction of the Board of Trade, and in other Cases the Board of Trade may appoint any Clerks or Servants to assist the Shipping Masters in the Discharge of their Duties as Receivers; and the Board of Trade may sanction such Remuneration (if any) as it may deem necessary for the Discharge of such Duties.

Shipping Masters appointed under the Mercantile Marine Act 13 & 14 Vict. c. 93. ss. 35, 42, 43. to act as Receivers.

9. The several Persons now employed by the said President and Governors or by the said Boards of Trustees at Outports in any Duties other than the Collection of the Duties payable under the said Acts shall, unless the Board of Trade otherwise directs, be continued in such Employment, so far as the same may be requisite for the Purposes of this Act; but the Board of Trade may alter and regulate the Salaries or Remuneration to be paid to such Persons, and if it appears to such Board that their Services may be dispensed with, may dismiss them, and may commit the Performance of their Duties to the Shipping Masters above mentioned, or to any other Persons whom it may appoint for the Purpose, and may also, in any Cases in which it appears to such Board just and proper so to do, grant to any Persons so dismissed, and also to any Persons now employed in the Collection of Duties, a fair and moderate Compensation for any Loss they may sustain by reason of this Act.

Persons now employed in distributing Relief, &c. may be continued, with Power to Board of Trade to regulate Remuneration and to dismiss them.

No new Officer to be appointed without Sanction of the Board of Trade.

10. No new Officers or Servants shall be appointed to assist in the Administration of the Fund, and no Salaries or Remuneration shall be granted or Expenses incurred without the Sanction of the Board of Trade.

Board of Trade may require Security from all Officers employed.

11. The Board of Trade may require from all Persons employed in the Collection or Distribution of the Fund such Security for the Performance of their Duties as it may consider expedient.

Salaries, &c. to be approved by Treasury.

12. All Salaries, Remunerations, and Compensations hereby authorized shall be first submitted to the Commissioners of Her Majesty's Treasury, for their Approval.

Salaries, &c. to be paid out of General Fund.

13. All Salaries, Remunerations, and Wages payable to any Persons employed in the Administration of the Fund, and all Expenses incurred in respect thereof, shall be defrayed out of the General Fund herein-after mentioned, and all Disbursements on account of the Fund shall be made through the Hands of the Officers appointed for that Purpose, and shall not be made by any other Person or in any other Manner.

IV. *Sources and Collection of Fund.*

One General Fund to be formed.

14. All Monies and Property, whether real or personal, forming Part of or belonging to the Merchant Seamen's Fund or any Branch thereof, as well Capital Stock, Land, and Securities, as yearly Revenue and Cash, and all Monies arising from Contributions or otherwise accruing to the said Fund, shall form One General Fund for the Purpose of meeting the various Expenses hereby authorized.

President and Governors and Trustees to apply Property belonging to Fund as Board of Trade directs.

15. Upon being required so to do by the Board of Trade, the President and Governors and the several Boards of Trustees at Outports shall pay and apply all Monies in their Possession or Power as Trustees of the Fund (except Monies held under Gifts for special or local Purposes, distinct from the general Purposes of the Fund at the Port,) in such Manner as the Board of Trade directs for the Purpose of carrying into effect the Provisions of this Act, and as to all other Securities and Property, whether real or personal, in their Possession or Power as Trustees of the Fund (except Securities and Property held for such special or local Purposes as aforesaid) shall, as and when the Board of Trade directs, either sell, call in, and convert the same into Money, and pay and apply the Proceeds as the Board of Trade directs for the Purpose aforesaid, or transfer the same to the Board of Trade, or retain the same in their present Condition or Investment for such Period as the Board of Trade directs, and shall, until such Payment and Transfer as aforesaid, hold all such Monies, Stock, Securities, and Property upon Trust for giving Effect

Effect to the Provisions of this Act, and shall apply the same in such Manner as the Board of Trade directs for the Purpose aforesaid.

Sources and Collection of Fund.

Property held upon special Trusts to be retained or transferred to new Trustees, as the Case may require.

16. If the President and Governors or any such Board of Trustees as aforesaid of the Fund have in their Possession or Power as Trustees of the Fund any Monies or other Property, either real or personal, held upon Trusts for special or local Purposes, distinct from the general Purposes of the Fund at the Port, they shall, so long as they continue to act as Administrators of the Fund, apply such Monies and Property upon the Trusts and for the Purposes upon and for which the same ought according to Law to be applied, and if they cease to act as Administrators of the Fund shall, upon being required so to do by the Board of Trade, pay and transfer such last-mentioned Monies and Property to such new Trustees as the Board of Trade appoints for the Purpose; and whenever any subsequent Appointment of new Trustees of such Monies and Property is rendered necessary by Death, Resignation, or otherwise, the Board of Trade shall make the same, and such Monies and Property shall be paid over and transferred to the new Trustees so appointed from Time to Time as Occasion requires; and all such new Trustees as aforesaid shall hold and administer all Monies and Property so paid and transferred upon the Trusts and for the Purposes last aforesaid.

Provision for facilitating Arrangements.

17. If in any Case a Question arises whether any Monies and Property in the Possession or Power of the said President and Governors or Trustees are, under the Provisions herein contained, applicable to the general Purposes of the Fund or to such special or local Purposes as aforesaid, and any Arrangement for settling such Question is agreed to by such President or Governors or Trustees (as the Case may be), and is approved of by the Board of Trade as a fair and proper Arrangement, such Monies or Property shall be applied in pursuance of such Arrangement, and such Application shall not be deemed to be a Breach of Trust.

President and Governors and Trustees to give Accounts;

and deliver Documents;

and are to exist for the Purpose of Conveyance.

18. Immediately after the passing of this Act, or as soon as possible afterwards, the President and Governors and the several existing Boards of Trustees shall render to the Board of Trade such Account as it requires of all the Monies, Stocks, Securities, and Property, whether real or personal, in their respective Possession or Power as Trustees or Managers of the Fund, and shall distinguish such as are held for special or local Purposes from such as are applicable for the general Purposes of the Fund, and shall specify the Nature of such Trusts, and shall, if required, deliver to the said Commissioners all Documents relating to any of such Monies, Stock, Securities, and Property; and, notwithstanding anything herein contained, the said President and Governors and Boards of Trustees shall,

Sources and Collection of Fund.

shall, until the Completion of the Transfers, Payments, Accounts, Returns, and Deliveries which are directed by this Act, or which the Board of Trade is hereby authorized to require, continue to have such Powers as may be necessary in order to effect the same.

Payments, &c. to be valid, but not to operate as Release from Breach of Trust.

19. Every Payment and Transfer duly made as aforesaid shall be effectual in the Law, and shall relieve the Parties making the same from all Liability in respect of any subsequent Application of the Monies and Property so paid or transferred; but nothing herein contained shall operate to release any Person or Corporate Body from any Liability arising from any Breach of Trust previously committed by such Person or Body.

No compulsory Contributions in future.

20. After the passing of this Act no Master or Seaman shall be compelled to pay any Duty or Contribution to the Fund; but any Duties which have become due to the Fund, and have been deducted from Wages before the passing of this Act, shall be paid to the Board of Trade, or in such Manner as it directs; and any Master or Owner who neglects or refuses to make such Payment shall, in addition to such Payment, be liable to a Penalty of twice the Amount which he so neglects or refuses to pay.

No one who has not contributed to be allowed to contribute.

21. No Master or Seaman who has not contributed to the Fund before the passing of this Act shall be allowed to contribute thereto, or to establish any Claim for a Pension or other Relief for himself or for his Wife or Children.

Those who have contributed to be allowed to continue.

22. All Masters and Seamen who before the passing of this Act have contributed to the Fund shall be allowed to continue to contribute thereto in manner herein-after mentioned, and shall in respect of their Contributions be entitled to Relief in the Manner and subject to the Conditions herein-after mentioned.

Time of Commencement of new System of Contributions.

23. The Board of Trade shall fix the Time at which the Contributions to be made after the passing of this Act are to commence, and shall give not less than One Month's Notice thereof by advertizing the same in the *London Gazette;* but such Time shall not be later than the First Day of *January* One thousand eight hundred and fifty-two.

Rate and Mode of voluntary Contribution for Men discharged before a Shipping Master ac-

24. In the Case of Masters who discharge their Crews before a Shipping Master under the Provisions of the Mercantile Marine Act, 1850, and of Seamen who are so discharged, such voluntary Contributions shall be as follows; (that is to say,) every Master shall pay Two Shillings and every Seaman One Shilling for each Calendar Month of Service, and the same respective Sums for any further

Number of Days of Service exceeding Twenty, and One Half of such respective Sums for any further Number of Days of Service exceeding Ten and not exceeding Twenty, and One Third of such respective Sums for any further Number of Days not exceeding Ten (such further Numbers of Days to be reckoned as One Month, One Half Month, and One Third of a Month respectively); and such Service shall in the Case of Masters and Seamen respectively be reckoned from the Day of their respectively signing the Agreement to the Day of their Discharge inclusive; and such voluntary Contributions shall be paid to such Shipping Master as aforesaid at the Time of the Discharge.

Sources and Collection of Fund.

cording to 13 & 14 Vict. c. 93. s. 96.

25. In the Case of Masters and Seamen who do not attend before a Shipping Master for the Purpose of Discharge, such voluntary Contributions as aforesaid shall be paid after the Rate and in the Manner following; that is to say, Sixteen Shillings shall be deemed to be the yearly Contribution for a Master and Eight Shillings the yearly Contribution for a Seaman, and so in proportion for any shorter Period, and such Sums shall be deemed to be payable quarterly in advance; and each Master and Seaman who wishes to contribute shall from Time to Time attend before some Shipping Master at stated Periods to be appointed for the Purpose by the Board of Trade, and shall then pay to him such Proportion of his yearly Contribution as he may think fit, so nevertheless that each such Payment made at One Time be either Two Shillings or some Multiple of Two Shillings.

Rate and Mode of voluntary Contribution for Men not discharged before a Shipping Master.

26. In the Case of Seamen who enter the Royal Navy and who desire to continue their Contributions to the Fund, such Contributions shall be according to the Rate herein-before fixed for the Case of Seamen who are not discharged before a Shipping Master, and shall be paid in such Manner as the Board of Trade directs.

Provision for the Case of Men entering the Navy.

27. The Commissioners of Her Majesty's Treasury shall from Time to Time pay towards the Fund, out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, such Sums as may be necessary, in addition to the other Sources of the Fund, to satisfy the Expenditure hereby authorized; and the Board of Trade, with the Consent of the said Commissioners, may from Time to Time regulate the Proportions in which the Deficiency of annual Income is to be made good out of the Capital of the Fund and out of the said Consolidated Fund respectively.

Commissioners of the Treasury to make up any Deficiencies out of the Public Monies.

28. Provided that the Sum to be contributed from the Consolidated Fund towards defraying the Expenditure hereby authorized in any One Year shall never be less than One Half of the Expenditure for such Year.

The Sum contributed by the Treasury to be at least One Half.

29. When-

V. *Wages and Effects of deceased Seamen.*

Masters to take charge of or sell Effects of Seamen dying on board, and to remit them to the Board of Trade.

29. Whenever any Seaman or Apprentice belonging to any *British* Ship proceeding upon a Voyage which is finally to terminate in the United Kingdom dies during such Voyage, the Master shall take charge of his Money or other imperishable or unsaleable Effects on board, and shall as soon as convenient cause his Clothes and other perishable or saleable Effects on board to be sold on board by Auction at the Mast or other public Auction, and shall at the Time make an Entry of such Sale in the Official Log Book, stating therein the Date, the Articles sold, and the Sum received for each, and shall cause such Entry to be attested by a Mate or One of the Crew, and shall, in the Case of a Foreign-going Ship, upon attending before a Shipping Master for the Discharge of his Crew, and in the Case of a Home-trade Ship, upon his first subsequent Attendance before or Transmission of half-yearly Returns to a Shipping Master under the Provision in the Twenty-seventh Section of the Act of the Eighth Year of Queen *Victoria*, Chapter One hundred and twelve, and in the Mercantile Marine Act, 1850, in that Behalf contained, deliver any Effects which he has taken charge of, and pay any Money which he has either taken charge of or received from such Sale as aforesaid, and also the Balance of Wages due to the Seaman or Apprentice at his Death, to such Shipping Master, and shall give to the Board of Trade or to such Shipping Master such Account as they require of such Effects, Money, and Wages.

13 & 14 Vict. c. 93. ss. 51. 90.

Penalties for not taking charge of, selling, remitting, or accounting for such Monies and Effects.

30. If any Master fails to take such Charge of the Money or other Effects of a Seaman or Apprentice dying on board, or to make such Sale thereof, or to make such Entries in respect of such Sale, or to procure such Attestation to such Entries, or to make such Payment or Delivery of any Money, Wages, or Effects of any Seaman or Apprentice dying on board, or to give such Account in respect thereof, as are herein-before respectively directed, he shall be accountable for the Money, Wages, and Effects of the Seaman or Apprentice to the Board of Trade, which may by itself or any Agent recover the same; and such Master shall also for every such Offence be liable to a Penalty not exceeding double the Value of the Money or Effects not accounted for, or, if such Value is not ascertained, not exceeding Fifty Pounds.

Provision for Payment of such Wages and Effects until due Notice can be given of the foregoing Provisions, and until the new Re-

31. Provided that in the Case of Voyages commenced before the First Day of *October* One thousand eight hundred and fifty-one no Master who complies with the Provisions relating to the Effects and Wages of Seamen dying on board or abroad contained in the said repealed Thirtieth Section of the Act of the Fifth Year of the Reign of King *William* the Fourth, Chapter Fifty-two, and in the said repealed Thirty-first Section of the Act of the Eighth Year of the Reign of Her present Majesty, Chapter One hundred and

and twelve, and who pays and delivers the Monies and Effects which are by him payable or deliverable thereunder to any Person appointed to receive such Wages and Effects by or in pursuance of this Act, shall be liable to any Suit or Penalty by reason of his Noncompliance with any new Provisions herein-before contained relating to such Wages or Effects: Provided also, that until the Time at which the Shipping Masters appointed under the Mercantile Marine Act, 1850, first undertake the Duties of receiving Contributions to the Fund as herein-before provided, all Wages and Effects of deceased Seamen which under the said recited Acts or this Act may be payable to the said President and Governors, or any Board of Trustees, or to the Board of Trade, shall be paid and delivered to the Persons now acting as Receivers of the said Fund, or to such other Persons as the Board of Trade appoints for the Purpose: Provided also, that all Monies arising from the Wages or Effects of deceased Seamen which now are or may hereafter be in the Possession or Power of the said President and Governors, or of any Board of Trustees, or of the said Receivers, shall be applied in the Manner in which the same have hitherto been applicable under the Provisions with respect to such Wages and Effects hereby repealed, and shall for that Purpose be paid over to such Persons or in such Manner as the Board of Trade may direct.

Wages and Effects of deceased Seamen.

Receivers undertake their Duties

32. After the Time at which the Shipping Masters appointed under the Mercantile Marine Act, 1850, first undertake the Duty of receiving Contributions to the Fund, the Lists or Schedules marked respectively C. and D., which by the said Act of the Eighth Year of Her Majesty Queen *Victoria*, Chapter 112, and by the Mercantile Marine Act, 1850, Masters or Owners are required to deliver as therein mentioned, shall contain, in addition to the Particulars required by the Acts aforesaid or either of them, the following Particulars; (that is to say,)

Schedules C. and D. to 7 & 8 Vict. c. 112. to be made to contain the Particulars necessary to show the Amount of Wages, &c. of deceased Seamen.

1. The Time, Place, and Cause of Death of any of the Crew who may have died:
2. The Wages due to any of the Crew who may have died at the Time of Death:
3. The Clothes or other Effects belonging to any of the Crew who may have died, with a Statement of the Manner in which they have been dealt with, and the Money for which any of them have been sold:

And the Board of Trade may, notwithstanding any Provision to the contrary in the Mercantile Marine Act, 1850, contained, issue new Forms of the said Lists or Schedules containing such additional Particulars and otherwise altered as may be found expedient, on giving

13 & 14 Vict. c. 93. ss. 20, 21.

One

Wages and Effects of deceased Seamen.

One Month's Notice thereof by circulating the same amongst the Local Marine Boards.

Consuls, &c. to remit Effects of Seamen dying abroad on shore.

33. If any such Seaman or Apprentice as aforesaid dies abroad leaving any Money or Effects not on board his Ship, the Chief Officer of the Customs at the Place if in Her Majesty's Dominions, and Her Majesty's Consul or Vice Consul at or nearest the Place if not in Her Majesty's Dominions, shall claim and take charge of all such Money and Effects, and shall, if he thinks fit, sell such Effects, and shall remit the Balance, after deducting Expenses, with a full Account of such Money and Effects, to the Board of Trade, or as it directs.

Wages and Effects of Seamen dying at home to be paid to the Board of Trade.

34. Whenever any Seaman or Apprentice dies in the United Kingdom, and is at the Time of his Death entitled to claim from the Master or Owner of any Ship in which he has served any unpaid Wages or Effects not exceeding in Value Fifty Pounds, such Master or Owner shall, if required by the Board of Trade so to do, pay and deliver or account for the same to the Shipping Master at the Port where the Seaman or Apprentice was or was to have been discharged, or to the Board of Trade or some One of its authorized Agents.

If less than 50*l.* they may be paid without Probate or Administration to Person entitled to them;

35. If the Money and Effects of any deceased Seaman or Apprentice paid, delivered, or remitted to the Board of Trade or its Agents do not exceed in Value the Sum of Fifty Pounds they shall, after deducting Expenses, direct Payment and Delivery thereof to any Claimants who can prove themselves to the Satisfaction of the said Board to be either his Widow or Children, or entitled to his Effects under the Statutes for the Distribution of the Effects of Intestates, or to be entitled to procure Probate or take out Letters of Administration, although no Probate or Letters of Administration have been taken out, and the same shall be paid or delivered to such Claimants accordingly, and shall be applied by them in due Course of Administration; and if such Money and Effects exceed in Value the Sum of Fifty Pounds, the same shall be paid and delivered to the legal personal Representatives of such Seaman or Apprentice.

if more, to personal Representatives.

If unclaimed for Seven Years to go to Friendly Society or to Seamen's Hospital Society.

36. If no Claim for any such Money or Effects as aforesaid is made by any Person proving himself entitled to make the same, within Seven Years from the First Payment or Delivery thereof to the Board of Trade or to a Shipping Master or other Agent of the said Board, such Money and the Sums received from the Sale of such Effects shall, subject to Deduction for Expenses, be appropriated as follows; that is to say, if the Seaman or Apprentice to whom the same

same belonged was at his Death a Member of a Friendly Society duly enrolled and certified according to the Acts for the Time being in force relating to such Societies they shall be paid to such Society, and if he was not at his Death a Member of any such Society they shall be paid to the "Seamen's Hospital Society," and if at any subsequent Time a valid Claim thereto is substantiated, the Society to which they have been paid shall satisfy the same.

Wages and Effects of deceased Seamen.

37. Every Person who, for the Purpose of obtaining either for himself or for another any Money or Effects of any deceased Seaman or Apprentice, fraudulently forges or alters, or procures to be forged or altered, any Document purporting to show or assist in showing a Right to such Wages or Effects, and every Person who for the Purpose aforesaid makes use of any such forged or altered Document as aforesaid, or who for the Purpose aforesaid gives or makes or procures to be given or made, or assists in giving or making or procuring to be given or made, any false Evidence or Representation, knowing the same to be false, shall be punishable with Transportation for Seven Years, or may be summarily prosecuted before Two or more Justices, or in *Scotland* before Two or more Justices or the Sheriff, and punished upon Conviction by Imprisonment for a Period not exceeding Six Months with or without Hard Labour.

Punishment for Forgery and false Representations in order to obtain Wages, &c. of deceased Seamen.

38. If any Deposit made by any Seaman or Apprentice in any Savings Bank appropriated to Seamen remains unclaimed for a Period of Seven Years, the Managers of such Savings Bank may pay the same and all Interest thereon to the "Seamen's Hospital Society," and such Society shall thereupon give a Receipt therefor, which shall discharge such Managers and all other Persons connected with such Savings Banks from all Liability in respect thereof; and if at any subsequent Time any valid Claim to such Deposit is substantiated, such Society shall satisfy the same out of any Monies then in their Hands arising from similar Sources.

Unclaimed Deposits of Seamen in Savings Banks may be paid to Seamen's Hospital Society.

VI. *Objects of Relief.*

39. The Board of Trade shall fix a Time at which Grants of Pensions to be made in pursuance of this Act are to commence, and shall give not less than One Month's Notice thereof by advertising the same in the *London Gazette*; but such Time shall not be later than the First Day of *January* One thousand eight hundred and fifty-two.

Time of Commencement of new System of Pensions.

40. Until such Time as last aforesaid the said President and Governors and Boards of Trustees may continue to grant Pensions or other Relief in the Manner directed by the said recited Acts, but the Board of Trade shall have Power to disallow any Pensions or other Relief so granted; and unless the Board of Trade otherwise directs,

Until then Pensions may be granted as heretofore.

Aggregate Pensions at each Port not to exceed those of preceding Years.

directs, the aggregate Pensions granted at any Port during the Year ending with such Time as last aforesaid shall not exceed in annual Amount or in total Value the aggregate Pensions granted at such Port in the preceding Twelve Months, and any Grants of Pensions made after such Amount or Value has been reached shall be void.

Present Pensions not to be diminished.

41. Subject to the Provision lastly herein-before contained, every Person, of whatever Age or Sex, to whom any Pension is duly granted before such Time as last aforesaid, shall continue to receive such Pension.

No Seamen to earn Pensions unless they contribute for Five Years.

42. After the Time last aforesaid no Pensions shall be granted, except to Masters and Seamen, or to the Widows and Children of Masters and Seamen, who have contributed to the Fund for an aggregate Period of Sixty Months, such Contributions to have been made either altogether before the passing of this Act in the Manner directed by the said recited Acts, or partly before that Time in such Manner as last aforesaid, and partly after the Time to be fixed for the Commencement of future Contributions in the Manner herein-before provided in that Behalf.

Failure to contribute for Three Years to be an Abandonment of Right to Relief.

43. Any Seaman who after the Time to be fixed for the Commencement of future Contributions, and before the Termination of his last Service at Sea, ceases altogether for a continuous Period of Three Years to pay his Contribution to the Fund, shall forfeit all Claim to any Relief for himself, his Widow and Children.

Persons who are to be entitled to Pensions.

44. Subject as herein-before provided, such Pensions and Allowances as herein-after mentioned may be granted to any Master or Seaman who is rendered incapable of Service by Sickness, Wounds, or other accidental Misfortunes, or who becomes decrepit or worn out by Age; and also to the Widow and Children of any Master or Seaman who is killed or drowned in the Merchant Service; and also to the Widow and Children of any Master or Seaman who has contributed for Twenty-one Years to the Fund, or who is at the Time of his Death receiving or entitled to receive a Pension; provided, in the Case of such last-mentioned Widow, that she was married to such Master or Seaman before he became entitled to Relief, and, in the Case of such last-mentioned Children, that they are under the Age of Fourteen Years, or are from Infirmity incapable of getting a Livelihood.

Pensions to be on One uniformScale according to

45. The Board of Trade shall take such Steps as it may think necessary for the Purpose of collecting from the various Rates of Pension granted at the several Ports in the United Kingdom during the

the Five Years preceding the First Day of *January* One thousand eight hundred and fifty-one One average Rate of Pension for Masters, Seamen, Widows, and Children respectively, and shall frame and issue One uniform Scale of Pensions to be, so far as possible, in accordance with such average Rate, and to be uniform for all Ports in the United Kingdom; and all Grants of Pensions made after the Time to be fixed as aforesaid for commencing Grants of Pensions to be made in pursuance of this Act shall be in conformity with such Scale as the Board of Trade shall issue for that Purpose.

average Rate of present Pensions.

46. The Rate of Pensions for Masters, and for the Widows and Children of Masters, shall be twice the Amount of Pensions for Seamen, and for the Widows and Children of Seamen respectively.

Masters Pensions to be twice the Rate of Seamen's Pensions.

47. Provided, That in any Case or Class of Cases in which it appears to the Board of Trade desirable so to do, such Board may commute any Pension upon such Terms as it thinks fit, and may also, as regards Relief to Widows and Children, substitute Gratuities for annual Pensions, such Gratuities to bear a fair Proportion to the annual Pension which would otherwise have been granted.

Board of Trade may commute Pensions and give Gratuities to Widows.

48. The aggregate Number of Pensions or Gratuities to be granted at any Port to Masters, Seamen, Widows, and Children respectively in any One Year shall not exceed the average yearly Number of Pensions granted at such Port to the same Classes of Pensioners respectively during the Five Years preceding the First Day of *January* One thousand eight hundred and fifty-one, except in any Case in which the Board of Trade otherwise directs; and in granting Pensions, Care shall be taken that of Seamen who are worn out or decrepit by Age those who have been longest in the Service, and have contributed most to the Fund, shall be first provided for.

Aggregate Number of Pensions in each Port not to exceed Average of last Five Years.

Those who have contributed longest to be first provided for.

49. All Acts done by any Master or Seaman for the Purpose of charging or alienating the whole or any Part of his Pension shall be absolutely null and void.

Pensions to be inalienable.

50. Subject to the Provisions herein-before contained, the Board of Trade may determine and regulate the Principles and Conditions upon which and the Manner in which Pensions or other Relief are to be granted under this Act; and the said President and Governors, and all Boards of Trustees, or other local Administrators of the Fund, shall exercise any Powers of granting Pensions or other Relief which may be vested in them in accordance with any Regulations issued for that Purpose by the Board of Trade in pursuance of this Act.

Board of Trade may regulate the Right to Relief, subject as above mentioned.

51. For

Objects of Relief.

Payment to Seamen's Hospital Society for Seven Years.

4 & 5 W. 4. c. 52. s. 32.

3 & 4 W. 4. c. 9.

51. For the Period of Seven Years from the last Day before the passing of this Act on which any quarterly Payment has been made to the "Seamen's Hospital Society," in pursuance of the Thirty-second Section of the said Act of the Fifth Year of the Reign of King *William* the Fourth, Chapter Fifty-two, the Board of Trade may, out of the Revenues of the Fund, pay to the said Society an annual Sum, not exceeding in any One Year Five hundred and fifty Pounds, to be applied by the said Society according to the Directions contained in the Act of the Third and Fourth Years of the Reign of King *William* the Fourth, Chapter Nine.

VII. *Mode of Distribution.*

President and Governors and Trustees, unless suspended, to distribute Relief.

52. In *London* and in the Outports under the Management of the said President and Governors, such President and Governors, unless suspended as herein-before mentioned, and their Officers, shall undertake the Duty of ascertaining the Persons who, under the Provisions herein-before contained, or any Regulations made in pursuance thereof, are entitled to Relief, and in Outports having Boards of Trustees, such Trustees and their Officers, unless suspended as aforesaid, shall undertake such Duty; and in case of any such Suspension as aforesaid the Local Marine Board of the Port, if appointed to act in administering the Fund under the Powers herein-before contained, or such Persons as the Board of Trade may appoint for that Purpose, shall undertake such Duty; and if in any Case it appears to the Board of Trade that any Pension or other Relief is granted or refused in a Manner inconsistent with the Provisions of this Act, or with any Regulations issued by virtue of Powers herein contained, the Board of Trade may disallow such Grant or Refusal, and either withhold, grant, or alter the Relief, as the Case may require.

Board of Trade to make Regulations as to Applications for Pensions.

53. The Board of Trade may make Regulations as to the Times and Places at which and the Manner in which Applications for Pensions or other Relief are to be made, and as to the Evidence to be required, and may also, subject to the express Provisions herein contained, make Regulations as to the Time, Place, and Manner of distributing the same.

Certificates to be exempt from Stamp Duty and from Fees to Consuls.

54. All Certificates, Receipts, or other Documents used by or under the Directions of the Board of Trade in carrying the Provisions of this Act into execution shall be exempt from Stamp Duty, and any Certificates or other Documents which may be required from any Consul or Vice Consul for the Purpose of proving Claims to Pensions or other Relief under this Act shall be given by him without Fee.

Punishment for Forgery and Personation.

55. Every Person who, for the Purpose of obtaining, either for himself or for another, any Pension, Payment, or Relief from the Fund, fraudulently

fraudulently forges or alters, or procures to be forged or altered, or assists in forging or altering, any Certificate or other Document purporting to show or assist in showing a Right to such Pension, Payment, or Relief, and every Person who for the Purpose aforesaid fraudulently makes use of any forged or altered Certificate or other such Document as aforesaid, or any Certificate or other such Document as aforesaid not belonging to him, or who for the Purpose aforesaid gives or makes or procures to be given or made, or assists in giving or procuring to be given or made, any false Evidence or Representation, knowing the same to be false, shall be punishable with Transportation for Seven Years, or may be summarily prosecuted before Two or more Justices, or in *Scotland* before Two or more Justices or the Sheriff, and punished upon Conviction by Imprisonment for a Period not exceeding Six Months, with or without Hard Labour.

Mode of Distribution.

VIII. *Accounts and Returns.*

56. The Board of Trade may open such Account with the Bank of *England* for the Purposes of this Act as it may find expedient.

Board of Trade may open Account with Bank.

57. The Person appointed for the Time being to act as Accountant to the Board of Trade in carrying into effect the Provisions of this Act shall be the Person who is to render the Accounts of that Board under this Act to the Commissioners of Audit, or other Persons undertaking the Audit thereof.

Accountant for the Purposes of this Act.

58. The President and Governors and all Boards of Trustees or other Persons engaged in the Administration of the Fund shall keep their Accounts in such Manner as the Board of Trade directs, and shall also from Time to Time give to the Board of Trade such Returns and Accounts, and Explanations in respect of all Matters relating to the Fund, whether past, present, or future, as it may require.

All Persons engaged in administering the Funds to make Returns to the Board of Trade.

59. On or before the First Day of *March* in every Year after the Year One thousand eight hundred and fifty-two the Board of Trade shall cause to be made out a Report for the past Year, in such Form as they may think fit, containing the following Particulars:

General Return to be made, and laid before Parliament.

1. The total Amount of Receipts and Disbursements for the Year under their several Heads:
2. The total Amount of Money in hand at the End of the preceding Year, including the Balance at the Bank of *England*, and any Sums which may be outstanding in the Hands of Receivers:

Accounts and Returns.

3. The total Amount of the Capital belonging to the Fund, with the several Investments thereof, distinguishing such Capital as is still outstanding, and such Debts and Investments as are considered bad or doubtful:
4. The Number of Pensioners, distinguishing between Men, Women, and Children, and between different Scales of Pension, and the total Amount of Pensions in each Class:
5. The Number and Amount of the whole of the Pensions, and of each Class of Pensions, granted in the Year:
6. The Number and Amount of the whole of the Pensions, and of each Class of Pensions, expired in the Year:
7. The Amount of Salaries and Expenses of Management:
8. A Statement of the Money and Securities applicable to private Trusts, with a general Account of the Nature of the Trusts, and of the Income and Expenditure in respect thereof:

And such other Particulars as the Board of Trade may deem expedient:

And such Report shall be laid before each House of Parliament in the Month of *March* in every Year, if Parliament is then sitting, or if not within One Month after the next meeting thereof.

IX. *Legal Proceedings.*

Orders, &c. published in Gazette to be Evidence.

60. All Notices published in the *London Gazette*, and purporting to be Notices or Copies of any Orders or Regulations issued by the Board of Trade in pursuance of this Act, shall be taken as Evidence of such Orders or Regulations, without further Proof.

Procedure to be same as under Mercantile Marine Act.

61. All Penalties and other Sums of Money hereby made recoverable may be recovered in the same Manner as Penalties and Sums of Money recoverable under the Mercantile Marine Act, 1850, and shall be paid to the Board of Trade, for the Purposes of the Fund; and all Rules of Law, Practice, and Evidence which are by the said Mercantile Marine Act, 1850, made applicable to legal Proceedings thereunder, shall be applicable to Proceedings under this Act.

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1851.