[Q. / 11]

2,500—3-5-95.

I 25/3.

ORDINARY, MS.

Marine DEPARTMENT.
G.O., DATED 23/3/95
No. 90

INDEXED.

When given for copying. 23/3.

[Despatch Abstract.]

Relative to laying the receipt of letter from H. R. H. Drummond reporting that he has assumed command as Rear Admiral and Commander-in-Chief of the East Indies station.

BACK PAPER, No. Jr. 224 Mar dt 23.V.91 OF 189 .

FURTHER PAPER, No. Jr 50 Mar dt 7.3.92 OF 189 .

READ AGAIN ORDER OF GOVERNMENT, DATED
189 , No. , MISCELLANEOUS.

ENCLOSURES.

CURRENT No.

STATEMENT WITH DITTO.

ORDER OF GOVERNMENT	A	A
LETTER OF GOVERNMENT.		
STATEMENT WITH DITTO.		
PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH IN ORIGINAL (not paged).		

N.B.—
A = Copy in full.
B = Not to be copied.
P = Copy abstract only.
Q = Copy heading only.

[G / 9]
2,000—23-1-95.

DO
Current No. 217

DEPARTMENT.

From
R. b. b. batt Esq

No.

Dated 20. 3. 95
Received 20/3
Read 21/3
Enclosures 1

SUBJECT.
Forwd for necessary action the enclosed letter from the Rear admiral and commander in chief of the East Indies Station:

Mar 1895 80 d 1-2-92

Copied 21/3.

Letter dt 23 March 1895. No. 90.

To
His Excellency Rear Admiral E. Drummond, Naval Commander-in-Chief. dis/pd 23/3/95

Your Excellency,

I have the honor to acknowledge the receipt of Your Excellency's letter of the 16th instant intimating that you have assumed Command as Rear Admiral and Commander-in-Chief of the East Indies Station

J.B.
for C.S.
21/3/95.

Fair tobe signed by His Excellency the Governor

E 3

D.O.No. 217

PRIVATE SECRETARY TO THE GOVERNOR · MADRAS ·
CHIEF SECRETARY TO THE GOVERNMENT OF MADRAS
20 MAR. 1858

20 March 58

My dear W. Price

I am desired to send you the enclosed for the necessary action. There is I suppose a fixed form of reply which will be submitted for His Excellency's signature.

Yours sincerely

R Clarke

"Bonaventure," Bombay

16 March 1895.

My Lord,

I have the honor to inform Your Excellency that I have this day assumed Command as Rear Admiral and Commander-in-Chief of the East Indies Station.

I have the honor to be,
My Lord
Your Excellency's
obedient Servant

Edmd Drummond.
Rear Admiral

His Excellency
The Right Hon^ble
Lord Wenlock
G.C.I.E.
Governor of Madras.

Date taken out.	For what purpose.			Initials of clerk taking the paper or of attender.	Date returned.	Initials of attender.
	Department.	C. No.	Year.			

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Date taken out.	For what purpose.			Initials of clerk taking the paper or of attender.	Date returned.	Initials of attender.
	Department.	C. No.	Year.			

[Ref. 4]

15,000—13-2-06.

DEPARTMENT.

Paper taken out of the Records from the charge of the Reference.

Press / Miscellaneous / Routine No. 87, dated 19.3.95 190 .

Date taken out.	For what purpose.			Initials of clerk taking the paper or of attender.	Date returned.	Initials of attender.
	Department.	C. No.	Year.			
22.5.06	Mar. Marine				6-11-06	

LEGISLATIENT.

WE, the undersigned, Members cee to which the Bill to consolidate and amend certain Indian enactments relating to Merchant Shipping and the carriage of passengers by sea was referred, have considered the Bill and the papers noted in the margin, and have now the honour to submit this our preliminary Report, with the Bill as amended by us annexed thereto.

From Government of India, Legislative Dts of Madras, Bombay and Bengal, and Chief Commissioner, ted 10th January, 1893, and enclosures [Papers No. 1].
Office memorandum from Government of Indtural Department, No. 288—6, dated 6th February, 1893 [Pa
Office memorandum from Government of IndNo. 31, dated 27th February, 1893 [Paper No. 3].
From Chief Commissioner, Burma, No. 9th June, 1893 [Paper No. 4].
From Government, Madras, No. 216, dated 26osures [Papers No. 5].
From High Court, Calcutta, No. 2043, dated er No. 6].
From Government, Bombay, No. 4613, dated and enclosures [Papers No. 7].
From Government, Bengal, No. 36, dated 5th closure [Papers No. 8].
From Secretary of State for India, Revenue Nary, 1894, and enclosure [Papers No. 9].
From Government, Bengal, No. 797, dated 18thlosures [Papers No. 10].
From Government, Bombay, No. 165, dated 27tlosures [Papers No. 11].
From Government, Bengal, No. 50-T., dated 1 and enclosures [Papers No. 12].
From the Hon'ble P. Playfair, dated 26th Novelosures [Papers No. 13].
Resolution by Government of India, Finance anment, No. 5981-S.R., dated 5th December, 1894, and enclosures [P
Office memorandum from Government of India, erce Department, No. 6183-S. R., dated 19th December, 1894, and enc. 15].
From Shipowners' Association, Liverpool, dat, 1894 [Paper No. 16].
Telegram from Chamber of Commerce, Bombary, 1895 [Paper No. 17].
Office memorandum from Government of India, Ferce Department, No. 126-S. R., dated 9th January, 1895, and enclosu].
From Clyde Steamship Owners' Association, Gla December, 1894 [Paper No. 19].
From Chamber of Shipping of the United Kingdd 27th December, 1894 [Paper No. 20].
Office memorandum from Government of India, Fierce Department, No. S. R. 274, ated 16th January, 1895, and enclos 21].
From Glasgow Shipowners' Association, dated 2894 [Paper No. 22].
From Shipowners' Association, Liverpool, dated 1[Paper No. 23].
From Chamber of Shipping of the United Kingdated 4th January, 1895; from ditto, dated 9th January, 1895 [Papers N
Memorial of Serangs and Lascars, Bombay, dated95 [Paper No. 25].
Office memorandum by Government of India, Fimerce Department, No. S. R.—671, dated 6th February, 1895, ar d enclos. 26].
From Bengal Chamber of Commerce, No. 148—9bruary, 1895, and annexures [Papers No 27].
From ditto, No 154—95, dated 5th February, 18 8].
From Government, Bombay, No. 588, dated 12th 5, and enclosures [Papers No. 29].
From Govern nent, Bengal, No. 434 Marine, dated, 1895, and enclosures [Papers No. 30].
Office memorandum from Government of India, Hont, No. 71, dated 25th February, 1895, and enclosure [Papers No. 31].
Resolution by Government of India, Finance and Cpartment, No. 973-S. R., dated 23rd February, 1895, and enclosure [Pape
From Bengal Chamber of Commerce, No. 314—95,arch, 1895 [Pap No. 33].

2. The whole Bill has been cross-referenced to the Merchant Shipping Act, 1894, and we have introduced into the Bill all changes necessitated by the substitution of that Act for the numerous other Shipping Acts which it repealed.

3. We have closely compared the provisions of the Bill with those of the Merchant Shipping Act, 1894, in view to bringing the former measure into accord with the latter in all cases where it seemed clear that no sufficient reasons for a difference in the law existed.

4. We have also carefully compared the of the two measures and have altered the wording of the Bill so as to bring it into ty with the wording of the Merchant Shipping Act, 1894, in all cases in which the n of the two measures is the same, and in which it seemed possible that tion of a different wording in the Bill, however it might otherwise be justified, mig to a reasonable supposition that a difference in the two laws was intended.

5. We have omitted section 17 of the Bh rendered liable to port-dues the space occupied by deck cargo in home-trade d have recast, but without materially modifying, the provisions of the whole of Par

6. *Section 25.*—We have p
masters of "Asiatic ships", the
annexed to this section. We do
of Asiatic ships should be subjec
of the rules of the road at sea, th

7. In section 26 we have
engineers in Her Majesty's navy
ants and officers of a higher grad
We have further provided fo
mate of a home-trade ship not ex
before the passing of this Act ser
of one hundred tons and upward
require suddenly that none but ce
trade ships of between one hundr
the existing law require certific
if a steamer sixty, and if a sailing

8. *Section 31* (5).—We have
of Asiatic ships shall possess eith
competency.

9. In section 32 we have emp
tion of home-trade ships so as to
foreign port on the coast of Arabi
from Aden.

10. *Section 33* (1).—We ha
powered Local Governments to
regard to certificated officers impo
this power is not given in the Eng
interests of the country.

11. *Sections 37 and 38.*—We
37 and in section 38 from the list
default, the certificate of a master,
Court or by a Local Government.
English law a certificate can be su
donment of, or serious damage to, t
In all such cases it will still remain
and we do not think that the India
law.

12. We have recast and consi
we have inserted the words "short
which regulations may, with the apl
and inserted in the agreement with
accord with the English law on the
still be possible for the Governor
cases to prohibit the entry in any a

To section 50 (*h*) we have, a
Government of Bombay, added a
shipped at Aden or ordinarily reside
which would be likely to result in m
to the State. We have added a fu
India of European race or extractio
deemed to be a Native seaman with

We have made an important alt
agreement with the crew being sign
stead of requiring, as under the exis
cases be signed by the master.

13. *Section 55.*—We have modi
in section 51, so as to make the mast
a lawful agreement having been mad
owner's agent.

14. *Section 59.*—We have struc
bound the master to report to the
change in his crew occurring before
was engaged in India or elsewhere.
sary only when change occurs in a cr

r the grant of certificates of competency to
f which term we have defined in the explanation
mplate that the examination to which masters
do much more than ensure their knowledge
of signals, etc.

for the grant of local certificates of service to
Royal Indian Marine as well as to sub-lieuten-
services.

t of a local certificate of service as master or
hree hundred tons to any master or mate who
ster or mate respectively of a home-trade ship
pears to us that it would be a hardship to
officers should henceforth be allowed on home-
ree hundred tons burthen which do not under
cers unless they are passenger boats carrying,
irty, Native passengers.

odified section 31 (5) as to require that masters
certificates of service or local certificates of

he Government of Bombay to extend the defini-
British steam-ships proceeding from Aden to any
ca not being more than six hundred miles distant

tted the proviso to section 33 (1), which em-
foreign steam-ships from the requirements in
British ships. It has been pointed out to us that
and that its exercise might be injurious to the

nitted the offence of stranding a ship in section
ces for which, if caused by his wrongful act or
r engineer may be suspended or cancelled by a
ffence in question is not one for which under the
l or cancelled unless it results in the loss or aban-
or in loss of life, or is the result of incompetency.
able under the Bill as we propose to amend it,
should in this matter differ from the English

modified sections 50 and 51. In section 50 (*g*)
nce of provisions" among the punishments for
of the Governor General in Council, be made
ew. This modification will bring the clause into
t and with the existing Indian law, while it will
l in Council in any case or in any particular
nt of a penalty of the nature referred to.
instance of the Resident at Aden and of the
o to prevent lascars or other Native seamen not
that port from being discharged there, a course
nconvenience both to the seamen concerned and
proviso to the effect that a statutory Native of
not, except with his own express consent, be
meaning of this section.
on in the existing law in order to permit of the
ther by the master or by the owner's agent, in-
law in England and in India, that it shall in all

section 55 (1), consequent on the alteration made
unishable when he carries a seaman to sea without
th him either by the master himself or by the

t the words "or elsewhere" in section 59, which
perintendent of a Mercantile Marine Office any
s final departure no matter whether the crew
der the section as it stands report will be neces-
engaged in India.

15. *Section 62.*—We have inserted
the terms thereof" after the word "dis
the section into harmony with the Engli

16. *Section 67.*—In sub-section (4)
Bill where an equivalent expression was
may be detained" or words to that e
detain the ship" or equivalent words.
that an order of a Local Government
of rule

To section 67 (5) we have prefix
ing in British India" to show clearly tha
17. *Section 68.*—In section 68 (1) (*a*)
class of officers whose certificates are to
a Mercantile Marine Office.

18. *Section 70.*—This section of
seaman himself only. We have altered th
made in an agreement for a payment in a
seaman. This brings the section into acc
there seem to be no reasonable grounds wh

For sub-section (2), which the mod
have substituted clause (*b*) of section 140
quential amendments have been made in su

19. *Sections 71 and 72.*—We have
seaman of allotments of his wages to the
we have in section 72 adopted the definiti

20. *Section 79.*—The section, as it ori
of discharged seamen being paid to them i
cantile Marine Office. We have slightl
being paid either as above or *through* a S

21. *Section 85.*—For this important
which a seaman's wages are to be paid, we
Act in preference to those of the Bill. Th
wages due within two days (exclusive of
holiday) after the time when the seaman la
ment, an advance of pay being claimable on
The English law is in tolerably close acc
the wages payable within three days after t
of the seaman's discharge, whichever first
adduced for the change of practice propose
within one week after the delivery of the ca

22. *Section 91.*—We have omitted this
126, which made the provisions of Chapters
seamen engaged at any port in British India
there are no equivalent provisions in the Engl
dure could hardly be made without the cons
be difficult to obtain.

23. *Section 100* (1) (*a*).—We have omitt
of this sub-section in view to making the sec
British India, which has not been heard of
port of departure, whether situated in British

24. *Section 106.*—We have altered sec
bring it into more exact conformity with sec
corresponds. We have provided, as in the En
inspection under the section, and we have fu
been certified under section 206 of the Merch
shall be again inspected under this section in

25. *Section 107.*—At the suggestion of th
compulsory on an officer to whom a complain
water complained of. The modification made
the English law.

26. *Section 110.*—We have modified sect
reduction of provisions being imposed as a p
We have added a new sub-section empowerin
to require an inspection and report by a Supe
other duly empowered officer.

otherwise than in accordance with
the fifth line of this section to bring
th justice.
and in all other sections of the
substituted the words "the ship
words "the Local Government may
necessary, as has been pointed out,
uired in any ordinary case of breach

tion applies only to such cases.
included engine-drivers among the
lly produced to a Superintendent of

mits of advances being made to the
as to admit of a stipulation to be
made either to, or *on behalf of*, a
existing English law, from which
differ.

scribed above practically cancels, we
nglish Act. Further slight conse-
and (4).

in the English Act, the granting by a
relatives," for which expression
section 141 (4) of the English Act.

ood in the Bill, provided for the wages
sence of a Superintendent of a Mer-
ghtl the section so as to admit of wages
Mercantile Marine Office.

which determines the period within
pted the provisions of the English
day, fast day in Scotland, or Bank
aves the ship at the end of his engage-
the seaman lawfully leaves the ship.
the existing Indian law, which makes
has been delivered or within five days
s. No sufficient reasons have been
Bill, which makes wages payable
commenced.

and also sections 114, 117, 119 and
XIII, XIV and XV applicable to Native
in a foreign ship. We find that
Act, and the proposed change in proce-
oreign Powers, which consent it would

words "in British India" in clause (*a*)
plicable to a British ship registered in
months or upwards since leaving a

106, a new provision in Indian law, to
06 of the English Act, with which it
Act, that no fee shall be levied for an
provided that no provisions which have
ing Act 1894, for use in any voyage
course of the same voyage.

vernment of Bombay we have made it
made to examine the provisions and
he section brings it into accord with

110 (1) (*a*) to provide for the case of a
ment in accordance with section 50 (*g*).
e Court or Magistrate trying the case
endent of a Mercantile Marine Office or

27. *Section 113.*—The pa to the provision of space for Native crews have been considered by the Sele They find that the proposal to increase the space has met with a strong nd in view of this fact, and of the observations made during the discussion in of the importance of the interests involved, they do not consider it wise, i measure that is mainly one of consolidation, to propose any amendment of th on the subject.

28. *Section 114.*—We h this section from the Bill. It is generally conceded that, if it is found ne duce the size of lascars' chests, the desired end can best be obtained by provid the agreement which a master enters into with his crew.

29. *Section 115.*—We h section 115 to admit of any other officer appointed for the purpose by t vernment performing, in lieu of the Superintendent or Deputy Superintend rcantile Marine Office, the duties of inspecting medicines, medical stores, etc.

30. *Section 116* (*1*).—We modified the wording of clause (*a*) of this sub-section to make the intenti

31. *Section 120.*—We hav his section to bring it more closely into accord with sections 163 and 212 of h Act, on which it is based, and we have added a new sub-section, No. (*4*), equ ection 163 (*2*) of the English Act, to render it clear that nothing in section ded to affect the provisions of the Bill with respect to allotment-notes.

32. *Section 130.*—We have he wording of the section to make it agree more closely with the English e have inserted in the section the provisions of the existing Indian law, under offences of desertion, neglect or failure to join the ship or absence without leav shable with imprisonment.

The English Act provides t ere than in England these offences shall be punishable with imprisonment. hink that the offence of desertion in India may involve such serious consequence penalty against it should not be reduced.

33. We have omitted section om the Bill as amended. The provision in question, which allows any seaman or e of a British ship to absent himself from his ship or his duty by giving forty- rs' notice to the owner or the master, is by the English Act declared applicable t ted Kingdom only. A similar provision incorporated in Indian law would re gatory the various measures which it has been found necessary to pass from time o prevent European seamen being left stranded in this country.

34. *Section 143.*—We have a ew clause 143 (*1*) (*a*) providing that a seaman or apprentice may be sent on ip in lieu of being kept in prison if he has been imprisoned (without any limit of t he ground of his having neglected or refused to join or to proceed to sea in any sh s deserted or absented himself from the ship without leave or has committed her breach of discipline. This is the existing Indian law, and the omission of rovision in the Bill was apparently due to oversight.

35. *Section 152.*—We have m this section to admit of the wages due to a seaman or apprentice left behind i h India on the ground of unfitness or inability to proceed to sea to be paid to the ntendent of a Mercantile Marine Office instead of to the seaman or apprentice hims

36. *Section 174.*—The Bill exe l native craft not square-rigged from the provisions of Chapter XXI in regard to l ing appliances. We consider that the Bill goes too far, and we have limited the exe to the case of native craft of not more than two hundred tons burthen and not c passengers.

37. *Section 176.*—In respect of ower to make rules with regard to the life-saving appliances that shall be required h ship or class of ships we have specially provided in section 343 that draft rul ll first be published and shall not be taken into consideration for six months after da publication.

We have made a similar provi n respect to the rules which a Local Government is empowered by section 204 of Bill to make in view to regulating the making of surveys under Chapter XXIII. We k that the importance of the matters dealt with under the two sections referred to jus the demand for ample time for consideration of the rules which has been pressed upo by interested bodies.

38. *Section 183A.*—We have pro d, as in the English Act, for the levy of a fee for the inspection of ships with regard ghts and fog-signals. No fee, however, will be levied where the lights and signals are nd to be in order unless the visit is made on the application of the owner.

39. *Section 183B.*—We have e wered the Governor General in Council to exempt from the provisions of Chapter II of the Bill any classes of native craft which do not use lights or fog-signals.

40. *Section 204.*—Power of Local G o make rules to regulate the making of surveys. See remark against section 1

41. *Section 205.*—We have modified of the Bill, which exempts certain ships from the provisions of Chapter XXI d to "unsafe ships," "load-lines," etc. We have restricted the exception p the Bill of all home-trade ships of less than one hundred and fifty tons regist se of *sailing ships*. In the case of *steam-ships*, we have limited the exemptio e of home-trade steam-ships of less than eighty tons register. On the other h e exempted all ships employed solely in fishing.

42. *Section 206.*—We have added a s providing that for the purpose of determining whether any ship is so load ubmerge the centre of the disc in perfectly smooth salt water the ship may, i or master so desires, be taken into a wet basin or dock. The costs of such a would, under section 225, be borne by Government if the disc were found not erged.

43. *Section 247.*—We have omitted fr (*b*) of the proviso to this section the amending words inserted in the Bill which it the powers of a Local Government to exempt officers who have not p survey test prescribed in section 246 from practising as surveyors in any port in surveyor who has passed the test is exercising the profession of a ship survey main object of the proviso as it stands in the existing law was, as was sta Hon'ble Mr. Stokes in proposing it, to admit of an expert-surveyor being sent t untry in certain cases from England for the special purpose of surveying and di pairs. This object of the proviso would be defeated by the introduction of the g words proposed in the Bill.

44. *Section 253.*—In cases where the a salvage claimed exceeds one thousand rupees we have provided that an appeal sha ed against the decision of a Magistrate.

45. *Section 260.*—We have modified se (*2*) with the view of providing that the Magistrate who is a member of a Cou vestigation appointed by the Local Government shall be a Magistrate of the fi that another member shall be some person of nautical skill and knowledge, and he other or others (if any) shall be persons of nautical, engineering, mercantile r special skill or knowledge.

46. *Sections 262 and 263.*—We have these sections in view to securing that a master, mate or engineer charged wit petency, etc., shall have reasonable time for the preparation of his defence.

47. *Section 277.*—We have slightly m the first line of the section to make the meaning clearer.

We have also added a clause exemptin the operation of this Part of the Bill any ships to which the provisions of the Inla m-vessels Act, 1884, are applicable.

48. *Section 279.*—We have added wor e definition of "native passenger" to show that passengers of the first and second are excluded from the definition, which is intended to refer only to passengers of the class or steerage passengers.

We have modified clause (*a*) to show th oyage *from* Aden to any other port in British India is a long voyage as well as a vo the contrary direction.

We have slightly modified clauses (*d*) an o make the intention clearer.

49. *Section 280.*—We have omitted the la r lines of section 280 (*1*) after the words "seasons of foul weather." We have caref fined the terms "long voyage," "short voyage," "shelter-port voyage" and "excurs oyage," and we think it unnecessary to vest the Governor General in Council with fu power to declare what shall be deemed to be a long voyage, a short voyage, a shelter- voyage or an excursion voyage.

50. *Section 282.*—We have reduced the of notice of sailing to be given in the case of all voyages other than long voyages twenty-four hours before the time of sailing to six hours before that time.

51. *Section 284* (*1*).—We have provided t ertificate B shall be required to be held by a master in the case of short voyages as we in the case of long voyages, for which latter case only the Bill provides. The Bill d ot propose to exempt ships proceeding on short voyages from the necessity of hold a certificate that food, fuel, water, etc., necessary for the passengers are carried (*vide* tion 303 of the Bill), and this is the chief matter dealt with in Certificate B. The existi aw requires that Certificate B shall be held in the case of *all* voyages.

In sub-section (*2*) (*c*) (*iii*) we have added rds to show that railings and netting protected by curtains will be treated as equival to substantial bulwarks.

52. *Section 288.*—We have modified the s on in view to requiring the surveyor to report that the ship, besides fulfilling the oth equirements of the section, is properly lighted. We have slightly altered sub-section to make the meaning clearer.

53. *Section 291.*—We have added words the fourth clause to exempt from the necessity of carrying a medical officer any ship rrying more than four hundred Native

passengers and trading betwe
of Bombay and other ports not
situated on the west coast of I
us to be unnecessarily stringer

54. *Section 294.*—We hav
providing that the upper deck,
class passengers and the air
reserved as a hospital for the u
native passengers in the prop
bears to the total number whi
section (*3*)) providing that t
six feet. The intention of the
included in the recommendatio
passenger ships, by rules unde
provision for them in the body

55. *Section 296.*—We have
immediate notice of any alterati
passengers which a ship can
punishable under a new section

56. *Section 297A.*—We ha
Bill a number of new provisi
and from the Hedjaz. These s
vention agreed to at the Inter
Government at Paris early in 18
accepted by the Government of I

In the sections of the Bill
are defined; and, while under t
under the Native Passenger Ship
the Bill as amended will apply to
for every one hundred tons of gro

57. *Section 297A.*—The not
on a long voyage is under sectio
case of pilgrim ships to three days

58. Section 300 of the Bill, w
that no native passenger shall be
Sea until the passenger has been
renders medicial examination com
case of all pilgrims, and the inspec
pilgrim suffering from cholera, chol
any dangerously infectious or conta
upon or otherwise in contact with a

A new sub-section (*4*) is adde
taminated by persons suffering fro
infectious or contagious disease, o
before being taken on board a pil
medical officer appointed by the L
the Local Government shall direct.

59. A new section 300A provic
required to pay the whole amount o

60. *Section 301.*—The provisio
report of the native Passenger Ship
to be allotted to native passenge
sailing ships and steam-ships, resp
weather, respectively. We have r
provisos of the nature of those refer
or portions thereof for the use of na
of the roof of decks.

We have also provided that the c
a short voyage or a shelter-port vo
bulwarks.

61. *Section 302.*—To the word
added the words" or rails and nettin

62. *Section 303.*—We have provi
to carry food, fuel, pure water, etc.,
port that he has complied with this r
and shall not apply to the case of shelt

he territories administered by the Government
ritories in cases where these latter ports are
requirements of the Bill in this matter appear to

o new sub-sections: the first (sub-section (*2*))
the portion set apart for the first and second
for the crew and any space which may be
passengers, shall be reserved for the use of the
ch the number of native passengers on board
p is calculated to carry, and the second (sub-
between decks shall in no case be less than
provide for these objects, both of which were
Hon'ble Dr. Lethbridge's Committee on native
24. It has seemed to us preferable to make

a new section 296A requiring the master to give
p which has the effect of altering the number of
we have made failure to furnish the information

d between section 297 and section 301 of the
g specially with pilgrim ships proceeding to
ovisions give effect to the terms of the con-
Sanitary Conference convened by the French
far as the terms of the convention have been

to the words "pilgrim ship" and "pilgrim"
ing law no steam-ship carrying pilgrims comes
less it carries sixty pilgrims of the lowest class,
m ships which carry not less than one pilgrim
ge.
iling, which for ordinary native passenger ships
) one day, is extended by section 297A in the

ves power to the Local Government to direct
d on board a ship carrying passengers to the Red
ly inspected, has been largely modified. It now
prior to being received on board ship in the
icer is required to prohibit the embarkation of a
disposition or any form of suspicious diarrhœa or
disease, or who has recently been in attendance
son so suffering.
n provides that all articles which have been con-
ra or choleraic indisposition, or any dangerously
suspected of having been so contaminated, shall,
ship, be disinfected under the supervision of a
overnment for the purpose, in such manner as

at the master of every pilgrim ship shall be
anitary taxes at the ports visited.
section 301 of the Bill, which are based on the
mmission already referred to, prescribe the space
short, shelter-port and excursion voyages in
ely, and in seasons of fair weather and foul
the section and have introduced into it two
in paragraph 54 above reserving the upper deck
passengers, and providing for the proper height

on which any native passenger is carried during
in a season of foul weather shall have solid

substantial bulwarks" in the sixth line we have
otected by curtains" as in section 284.
that clauses (*c*) and (*d*), which required the master
the use of the passengers, and to certify at each
, shall be limited to the cases of short voyages,
port and excursion voyages.

63. *Section 315.*—We have reduced th
two hundred to one hundred rupees.

64. *Section 317* (*2*).—We have added
Paris Convention that the whole of any fine
this section shall be paid to the complaina
neglect.

65. *Section 343.*—We have somewha
rem arks against sections 176 and 204 abo

66. The publication ordered by the Co

In t

Gazette.	*Date.*
Gazette of India	. . . . 22nd October, 1892.
Fort Saint George Gazette . . .	. . . . 20th December, 1892.
Bombay Government Gazette . . .	. . . . 8th December, 1892.
Calcutta Gazette	. . . . 30th November, 1892.
Burma Gazette	. . . . 17th December, 1892.

In the V

ars.

Province.		*Date.*
Madras	Malayalam .	. . . 26th September, 1893.
	Kanarese .	. . . 3rd October, 1893.
	Telugu .	. . . 14th November, 1893.
	Tamil .	. . . 21st November, 1893.
Bombay	Maráthi .	. . . 18th January, 1894.
	Gujaráthi .	. . . 15th February, 1894.

67. As the amendments and alteratio
in the Bill are very numerous and are in som
recommend that the Bill as amended be repu

in sub-section (*2*) of this section from

ction providing under the terms of the
on the master of a pilgrim ship under
n or pilgrims who have suffered by the

ed section 343 as explained in the

been made aa follows:—

ch we have found it necessary to make
tances of considerable importance, we
d for general information.

The 20th March, 1895.

H. F. CLOGSTOUN.
ALEX. EDW. MILLER.
J. WESTLAND.
A. S. LETHBRIDGE.
PHEROZESHAH M. MEHTA.
P. PLAYFAIR.
C. C. STEVENS.

No. II.

THE INDIAN MERCHANT SHIPPING BILL, 1895.

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No. II.

A

BILL

TO

Consolidate and amend certain Indian enactments relating to Merchant Shipping and the carriage of passengers by sea.

[Bill of 1867, preamble.] WHEREAS it is expedient to consolidate and amend certain Indian enactments relating to Merchant Shipping and the carriage of passengers by sea;

It is hereby enacted as follows:—

PART I.

CHAPTER I.

PRELIMINARY.

Title and commencement.

1. (*1*) This Act may be called the Indian Merchant Shipping Act, 1895; and

(*2*) Except as provided in section 6 *and section 272B*, it shall come into force on the first day of .

Repeal.

2. (*1*) On and from the first day of the enactments mentioned in Part A of Schedule I shall be repealed to the extent specified in the third column thereof.

[Act IX of 1879, s. 2; Act V of 1883, s. 2; Act VI of 1884, s. 3 (*2*); Act X of 1887, s. 4 (*2*); Bill of 1867, s. 2; Bill of 1882, s. 2.]

(*2*) But all offices established or constituted, officers appointed, persons nominated or authorised, powers conferred, ports and places appointed, directions given, rules, declarations and exemptions made, bonds executed, forms sanctioned, fees or scales fixed, investigations held, certificates granted, suspended or cancelled, agreements made, proceedings commenced and other things duly done under any enactment repealed by sub-section (*1*) or under any enactment repealed by any enactment repealed by sub-section (*1*), shall, so far as may be practicable, be deemed to have been respectively established, constituted, appointed, nominated, authorised, conferred, given, made, executed, sanctioned, fixed, held, granted, suspended or cancelled, commenced and done under this Act.

[Act VI of 1884, s. 3 (*3*).]

(*3*) For the purposes of sub-section (*2*), certificates of *competency or service as engineer in the Sea Service or second engineer in the Sea Service respectively* granted under *the Burma Steamer Survey Act or Bombay Act IV of 1873 or Bengal Act I of 1868* shall be deemed to be certificates *as first class and second class engineer respectively*, and to have

been granted under the provisions of *Chapter IV of* this Act.

(*4*) Any enactment or document referring to any enactment repealed by sub-section (*1*), or to any enactment repealed by any enactment repealed by sub-section (*1*), shall, so far as may be practicable, be construed to refer to this Act or the corresponding portion thereof. [Act X of 1887, s. 4 (3); and cf. Act XIII of 1889, s. 2 (3).]

3. In *this Act*, unless there is something repugnant in the subject or context,— Definitions.

(*1*) "ship" includes a steam-ship:

(*2*) "steam-ship" means every description of vessel used in navigation and propelled wholly or in part by the agency of steam: [Act VII of 1884, s. 3.]

(*3*) "home-trade ship" means a ship employed in trading between any ports in British India, or between any port in British India and any port or place on the continent of India or in the Straits Settlements or in the Island of Ceylon: [Act I of 1859, s. 118 (am. by Act VI of 1891, s. 5); Bill of 1867, s. 3; Bill of 1882, s. 3.] Cf. *1894, s. 742.*

(*4*) "foreign-going ship" means a ship employed in trading between any port in British India and any port or place not being either in British India or on the continent of India or in the Straits Settlements or in the Island of Ceylon: [Act I of 1859, s. 118 (am. by Act VI of 1891, s. 5); Bill of 1867, s. 3; Bill of 1882, s. 3.] Cf. *1894, s. 742.*

(*5*) "seaman" means every person (except masters, pilots, harbour-masters and apprentices *duly indentured*) employed or engaged in any capacity on board any ship: [Act I of 1859, s. 118 Act XIII of 1876, s. 2; Bill of 1867, s. 3; Bill of 1882, s. 3.] Cf. *1894, s. 742.*

(*6*) "Board of Trade certificate" means a certificate, either of competency or service, as master, mate or engineer, as the case may be, granted by the Board of Trade under the Merchant Shipping Act, 1894, *or any Act repealed by that* Act: 57 & 58 Vict., c. 60.

(*7*) "Colonial certificate" means a certificate of competency as master, mate or engineer, as the case may be, granted—

(*a*) in British India, under Chapter IV of this Act, or

(*b*) in any other British Possession, under the authority of the Legislature of that Possession,

and which has been declared by Order in Council under the Merchant Shipping

(Colonial) Act, 1869, *or the Merchant Shipping Act, 1894*, to be of the same force as if it had been granted under the Merchant Shipping Acts *therein respectively mentioned*: 32 & 33 Vict., c. 11. 57 & 58 Vict., c. 60.

(*8*) "local certificate" means—

(*i*) a certificate, either of competency or service, as master or mate, as the case may be, or

(*ii*) a certificate of competency as engineer or engine-driver, as the case may be,

granted by a Local Government under Chapter IV of this Act, *not being a colonial certificate as hereinbefore defined*:

[Act IX of 1879, s. 3.] *Cf. 1894, s. 742.*

(*9*) "Customs-collector" means a Customs-collector appointed under the Sea Customs Act, 1878, and includes, for the purposes of Chapter XXXV, any person appointed by the Local Government by name or by virtue of his office to discharge the functions of a Customs-collector under that chapter at any port: VIII of 1878.

[Act VII of 1884, s. 3.] Cf. *1894, s. 267.*

(*10*) "passenger" includes any person carried in a ship other than the master and crew and the owner, his family and servants: and

[Act VII of 1880, s. 4; Act VII of 1884, s. 3.]

(*11*) "prescribed" means prescribed by a rule made under this Act.

Cf. 1894, s. 743.

4. The provisions of *this Act applying* to steam-ships shall apply to ships propelled by electricity or other mechanical power, with such modifications as the Governor General in Council may, by notification in the Gazette of India, direct for purposes of adaptation. Provisions as to steam-ships to apply to ships propelled by electricity, etc.

[Act I of 1859, s. 114; Act IX of 1879, s. 1; Act VII of 1880, ss. 3, 80; Act V of 1883, s. 5; Act VII of 1884, s. 5 (*c*); Act X of 1887, s. 2 (*2*) (i), (ii); Bill of 1867, s. 4; Bill of 1882, s. 4.] Cf. *1894, s. 741.*

5. (*1*) Nothing in this *Act* except Chapter XVIII shall apply to any ship belonging to, or in the service of, Her Majesty or the Government of India, *or to any ship of war belonging to any foreign Prince or State.* Exemption of public ships.

[Act IX of 1879, s. 1; Act X of 1887, s. 2 (*2*) (iii); Act I of 1859, s. 114; Act VII of 1880, s. 80; Act V of 1883, s. 5; Act VII of 1884, s. 5 (*d*); Bill of 1867, s. 4; Bill of 1882, s. 4.]

(*2*) Nothing in *this Act*, except Chapters *VII, VIII and* XVIII, shall apply to any ship belonging to any foreign Prince or State when employed mainly on the public service of the Prince or State.

PART II.

CHAPTER II.

MEASUREMENT AND REGISTRY OF BRITISH SHIPS.

Whereas certain classes of British ships are now registered in British India under *certain* Acts passed by the Governor General of India in Council;

And whereas certain *other* classes of ships *are now and* have *for many years* been registered in British India under the *Merchant Shipping* Act, *1854*, as amended for the time being by subsequent Acts;

17 & 18 Vict., c. 104.

And whereas it is enacted in section 547 of the said Merchant Shipping Act, 1854, that "the legislative authority of any British Possession shall have power, by any Act or Ordinance, confirmed by Her Majesty in Council, to repeal wholly, or in part, any provisions of this Act relating to ships registered in such Possession; but no such Act or Ordinance shall take effect until such approval has been proclaimed in such Possession, or until such time thereafter as may be fixed by such Act or Ordinance for the purpose;"

And whereas it is expedient that certain provisions of the said Merchant Shipping Acts should be repealed *so far as relates to* British ships *registered* in British India, and that other provisions should be enacted in place thereof;

It is hereby enacted as follows:—

Commencement.

6. This Chapter shall come into force *on the day on which* Her Majesty's approval *thereof is* published in the Gazette of India.

Repeal.

7. (*1*) On and from the commencement of this chapter, the enactments mentioned in Part B of Schedule I shall be repealed to the extent specified in the third column thereof.

(*2*) Any enactment or document referring to any enactment repealed by sub-section (*1*) shall, so far as may be practicable, be construed to refer to the Merchant Shipping Act, 1894, as amended by this chapter.

57 & 58 Vict., c. 60.

Meaning of "native coasting-ship."

8. In this chapter, "native coasting ship" means a sailing ship not square-rigged, which is owned by one or more Indian subjects of Her Majesty and is a coasting-vessel within the meaning of the Sea Customs Act, 1878.

VIII of 1878.

Re-registration of ships registered under Indian Acts.

9. (*1*) Any British ship registered under Act XIX of 1838 or Act X of 1841 may, within a period of twelve months after the commencement of this chapter,

Cf. 1873, s. 3, last proviso.

or, if the ship is not within a port of registry in British India at any time before the expiration of the said period, then within one month after her next return to a port of registry in British India,

be re-registered under the Merchant Shipping Act, 1894, as amended by this chapter.

57 & 58 Vict., c. 60.

(*2*) No fee shall be payable for the measurement of the tonnage of any ship for the purposes of re-registration under sub-section (*1*).

(*3*) If any ship registered under Act XIX of 1838 or Act X of 1841 is not re-registered as provided by sub-section (*1*), she shall cease to be recognised as a British ship:

Provided that this sub-section shall not apply in the case of any ship referred to in section 10.

Registration of inland ships not to be required.

10. (*1*) Notwithstanding anything in section 2 of the Merchant Shipping Act, 1894, it shall not be obligatory on any person to register under that Act any British ship which is for the time being registered under Bombay Act I of 1863 (*an Act for the registry of vessels and levy of pilotage fees on the river Indus*) or any other British ship which plies solely on inland water.

57 & 58 Vict., c. 60.

Cf. Act VI of 1884, s. 5, clause (3) (am. by Act III of 1890, s. 5 (1) and clause (4), and s. 65.

(*2*) The expression "inland water" means any canal, river, lake or navigable water in British India.

(*3*) The Local Government may, by notification in the official Gazette, define how much of any tidal water shall be deemed to be inland water for the purposes of this section.

Measurement and marking of tonnage of native coasting-ships.

11. (*1*) So far as regards any ship the tonnage of which is measured, ascertained and marked in accordance with rules made under sub-section (*2*), the rules and orders on the same subjects prescribed by or under the Merchant Shipping Act, 1894, *or under any other Act repealed by that Act*, are hereby repealed.

57 & 58 Vict., c. 60.

[Act XI of 1850, s. 3.]

(*2*) The Local Government may make rules to provide for measuring and ascertaining, whether for the purpose of registry or otherwise, the tonnage of native coasting-ships, and for marking the tonnage on such ships; and it shall be optional to the owner of any such ship to have her tonnage measured, ascertained and marked in accordance either with rules made

under this sub-section or with the rules and orders referred to in sub-section (*1*).

(*3*) Rules made under sub-section (*2*) may provide, among other matters, that if any alteration be made in a native coasting-ship after she has been registered in pursuance of the said rules the certificate of registry shall be cancelled and the ship re-measured in accordance with the said rules.

(*4*) The word "alteration" in sub-section (*3*) means any change, whether temporary or permanent, either in the structure of a native coasting-ship or in the use to which any part of a native coasting-ship is put, by which the capacity of the ship for carrying cargo is, either directly or indirectly, increased.

[S. 15 in Bill as introduced.]

Registrars.

57 & 58 Vict., c. 60.

12. (*1*) Clauses (*d*) *and* (*e*) of section *4* of the Merchant Shipping Act, 1894, are hereby repealed.

[Act X of 1841, s. 3 (am. by Act VII of 1891, s. 2).]

(*2*) The following persons *shall be Registrars of* British ships in British India, *namely* :—

(*a*) at the ports of Calcutta, Madras, Bombay, Karachi, Aden and Rangoon, the Port Officer or any other person appointed by the Local Government in this behalf by notification in the official Gazette, and

57 & 58 Vict., c. 60.

(*b*) at any other port which has been approved under section *89* of the Merchant Shipping Act, 1894, for the registry of ships, any person appointed by the Local Government in this behalf by a like notification.

[S. 12 in Bill as introduced.]

Substitution of Local Government for Board of Trade.

57 & 58 Vict., c. 60.

13. (*1*) The references to the Board of Trade in the following *portions of the Merchant Shipping Act, 1894*, namely :—

[Act X of 1841, s. 11 (am. by Act VII of 1891 s. 3).]

sections 7, 47, 77 (2), 78, 80, 85, 86, 724 (4) and clause 5 of Rule I of the Second Schedule,

shall, in their application to British India, be read and construed as if the Local Government were therein named instead of the Board of Trade.

(2) The reference to the Governor of a British Possession in section 89 aforesaid shall be read and construed as if the Local Government were therein named instead of the Board of Trade.

(3) The following portions of the Merchant Shipping Act, 1894, namely, sections 64 (1) and 77 (2), so far as they relate to fees, and sections 83 and 210 (3), and clauses 2 to 8, both inclusive, of the sixth schedule, are hereby repealed.

(*4*) The fees payable in British India in respect of the matters mentioned in Schedule III shall be such sums, not exceeding those specified in that Schedule, as the Local Government, with the previous sanction of the Governor General in Council, may, by notification in the local official Gazette, appoint.

[S. 16 in Bill as introduced.]

Transfers, transmissions and mortgages of native coasting-ships.

14. Sections *31 to 46* (both inclusive) of the Merchant Shipping Act, 1894, are hereby repealed so far as regards native coasting-ships.

57 & 58 Vict., c. 60.

[S. 13 in Bill as introduced.]

Deduction from register tonnage on account of crew space.

15. (*1*) No place in any British ship registered in British India which is occupied by seamen or apprentices engaged under this Act and appropriated to their use shall authorise a deduction from register tonnage, unless there *be* in the ship one or more properly constructed privy or privies for the use of the crew ; such privy or privies to be of such number and of such construction as may be approved by a surveyor appointed under section *727 of the Merchant Shipping* Act, *1894*.

57 & 58 Vict., c. 60.

(*2*) *Every place so occupied and appropriated* as aforesaid shall, whenever the ship is registered or re-registered in British India, be inspected by a surveyor appointed as aforesaid, who shall, if satisfied that the same is in all respects such as is required by section 113 of this Act, give to the Registrar a certificate to that effect, and, *if such certificate is obtained, but not otherwise*, such space shall be deducted from the register tonnage.

(*3*) No such deduction shall be authorised unless there is permanently cut in a beam, and cut in or painted on or over the doorway or hatchway of *every* place *so occupied and appropriated*, the number of men which it is constructed to accommodate, with the words "Certified to accommodate seamen."

(*4*) Upon any complaint concerning any place *so occupied and appropriated* as aforesaid, any surveyor appointed as aforesaid may inspect the same, and, if he finds that any of the provisions of section 113 of this Act with respect thereto are not complied with, he shall report the fact to the Registrar at the port where the ship is registered, and thereupon the register tonnage shall be altered, and the deduction aforesaid disallowed, unless and until it is certified by the same surveyor, or by some other surveyor appointed as aforesaid, that the provisions of the said section in respect of such place are fully complied with.

14. *Fees.* [*Omitted.*]

17. *Space occupied by deck cargo to be liable to dues.* [*Omitted.*]

PART III.

MASTERS, SEAMEN AND APPRENTICES.

[Act I of 1859, preamble; Bill of 1882, preamble.]

Whereas *it is enacted in* section 288 of 17 & 18 Vict., c. 104. the Merchant Shipping Act, 1854, that if the Governor General of India in Council *should* by any Acts, Ordinances, or other appropriate legal means, apply or adapt any of the provisions in the Third Part of *that* Act contained to any British ships registered at, trading with or being at any place within *his* jurisdiction, and to the owners, masters, mates and crews thereof, such provisions, when so applied and adapted as aforesaid, and as long as they remain in force, *should* in respect of the ships and persons to which the same are applied, be enforced, and penalties and punishments for the breach thereof *should* be recovered and inflicted, throughout Her Majesty's dominions, in the same manner as if such provisions had been so adapted and applied, and such penalties and punishments had been expressly imposed *by that Act;*

17 & 18 Vict., c. 104. 57 & 58 Vict., c. 60. And whereas the *said* Merchant Shipping Act, *1854, and the other Acts amending the same have been repealed by the Merchant Shipping Act, 1894, and the above recited provision of the first mentioned Act has been re-enacted in substance by section 264 of the last mentioned Act;*

And whereas by Act I of 1859 (*an Act for the amendment of the law relating to Merchant Seamen*) and later Acts passed by the Governor General of India in Council, certain *of the* provisions *aforesaid have been applied or adapted to British ships, and certain other provisions enacted* with respect to foreign ships and the owners, masters, mates and crews thereof, *respectively*, and it is expedient that the said provisions should be re-enacted with the amendments hereinafter appearing;

It is hereby enacted as follows:—

CHAPTER III.

MERCANTILE MARINE OFFICES.

[Act I of 1859, ss. 2, 3; Bill of 1867, ss. 100, 101; Bill of 1882, ss. 5, 6.] Cf. 1894, s. 240(3), 247(2).

Mercantile Marine Offices and establishments.

18. (*1*) A Mercantile Marine Office shall be established at such ports as the Governor General in Council may deem necessary.

(*2*) For every such office there shall be a Superintendent, with such Deputy Superintendents, clerks and servants (if any) as the Local Government may consider necessary.

(*3*) Superintendents and Deputy Superintendents of Mercantile Marine Offices shall be appointed by the Local Government.

(*4*) Every act done by or before a Deputy Superintendent shall have the same effect as if done by or before a Superintendent.

[Act I of 1859, s. 8; Bill of 1867, s. 106; Bill of 1882, s. 11.] Cf. 1894, s. 246(3).

Power to direct that business of Mercantile Marine Office be transacted at Custom-house or elsewhere.

19. The Local Government may direct that, at any port at which no separate Mercantile Marine Office is established, the whole or any part of the business of the Mercantile Marine Office shall be conducted at the Custom-house, or at the office of the Port Officer, or at such other office as the Local Government shall direct, and thereupon the same shall be there conducted accordingly;

and in respect of such business such Custom-house or office as aforesaid shall for all purposes be deemed to be a Mercantile Marine Office, and the officer to whom such business is committed shall for all purposes be deemed to be a Superintendent of a Mercantile Marine Office within the meaning of this Act.

[Bill of 1867, s. 107.] Cf. 1894, s. 249.

Power to dispense with superintendence of Superintendent of Mercantile Marine Office.

20. The Local Government may, by special order in any particular case, dispense with the transaction before a Superintendent of a Mercantile Marine Office or in a Mercantile Marine Office of any matters required by this Act to be so transacted; and thereupon *those* matters, if otherwise duly transacted, *shall* be as valid as if *they were* transacted before a Superintendent of, or in, a Mercantile Marine Office.

[Act I of 1859, s. 4; Bill of 1867, s. 102; Bill of 1882, s. 7. Cf. 1894, ss. 105, 247(1).

Business of Superintendents of Mercantile Marine Offices.

21. It shall be the general business of Superintendents of Mercantile Marine Offices—

(*a*) to superintend and facilitate the engagement of seamen for, and the discharge of seamen from, British ships, in manner hereinafter mentioned,

(*b*) to provide means for securing the presence on board at the proper times of men who are so engaged,

(*c*) to give to all persons desirous of apprenticing boys to the sea-service, and duly authorised so to do by Act XIX of 1850 (*concerning the binding of apprentices*), and also to owners and masters of British ships requiring apprentices, such assistance as may be in their power for facilitating the making of such apprenticeships, and

(*d*) to perform such other duties relating to seamen and British or foreign ships as are for the time being committed to them by or under this Act or the Merchant Shipping Act, *1894*.

57 & 58 Vict., c. 60.

22. (*1*) Such fees, not exceeding those specified in Table A in Schedule *IV*, as may be fixed by the Local Government with the previous sanction of the Governor General in Council and published in the local official Gazette shall be payable—

[Act I of 1859, ss. 5, 6, 25, 116; Bill of 1867, ss. 103, 104, 125, 129; Bill of 1882, ss. 8, 9, 32, 38.]

Fees to be paid upon engagements and discharges of seamen.

(*a*) by owners or masters of British ships, upon all engagements and discharges of seamen effected before a Superintendent of a Mercantile Marine Office, and

(*b*) by masters of foreign ships, upon all engagements and discharges before a Superintendent of a Mercantile Marine Office of seamen who have been engaged under section 63.

(*2*) Scales of the fees payble for the time being shall be conspicuously placed in the Mercantile Marine Offices; and all Superintendents, Deputy Superintendents, clerks and servants may refuse to proceed with any engagement unless the fees payable thereon are first paid.

(*3*) Any owner or master who has paid the fees fixed under sub-section (*1*) in respect of any engagement or discharge of seamen may, for the purpose of in part reimbursing himself, deduct, in respect of each such engagement or discharge, from the wages of all seamen so engaged or discharged, and retain any sums not exceeding the sums specified in that behalf in Table B in Schedule *IV*:

Provided as follows:—

(*i*) if the Local Government has in any case fixed, under sub-section (*1*), fees lower than those specified in the said Table A, the sums which may be deducted and retained by owners or masters shall not exceed such sums as may be fixed in this behalf by the Local Government with the previous sanction of the Governor General in Council and published in the local official Gazette;

(*ii*) the sums so fixed shall bear as nearly as may be the same proportion to the sums specified in the said Table B as the fees fixed under sub-section (*1*) bear to the fees specified in the said Table A;

(*iii*) if in any case the sums which an owner or master is authorised by this sub-section to deduct exceed the amount of the fees payable by him, such excess shall be paid by him to the Superintendent in addition to such fees.

(*4*) For the purpose of determining the fees to be paid upon the engagement and discharge of seamen engaged under a running agreement

made under Chapter VII, the crew shall be considered to be engaged when the agreement is first signed, and to be discharged on the termination of the agreement; and all intermediate engagements and discharges shall be considered to be engagements and discharges of single seamen.

(*5*) In sub-section (*4*) "termination" means, when an agreement has been renewed under section 61, the termination of the period for which the agreement has been renewed.

(*6*) The Local Government, with the previous sanction of the Governor General in Council, may, if it thinks fit, at any time abolish or suspend, by notification in the local official Gazette, the fees payable under sub-section (*1*) upon engagements and discharges; and in the event of such abolition, or during such suspension, no deduction shall be made under sub-section (*3*) from the wages of any person engaged or discharged.

23. Any Superintendent or Deputy Superintendent, or any clerk or servant in a Mercantile Marine Office, who demands or receives any remuneration whatever, either directly or indirectly, for hiring or supplying any seaman for any ship, excepting the fees payable under section 22, shall be *liable to* fine which may extend to two hundred rupees, and may also be dismissed from his office.

[Act I of 1859, s. 7; Bill of 1867, s. 105; Bill of 1882, s. 10. Cf. 1894, *s.* 250.

Penalty on Superintendent, etc., taking other remuneration.

CHAPTER IV.

EXAMINATION OF, AND GRANT OF CERTIFICATES TO, MASTERS, MATES, ENGINEERS AND ENGINE-DRIVERS.

[Act I of 1859, ss. 9, 10; Act VII of 1884, s. 26; Bill of 1867, ss. 108, 109; Bill of 1882, ss. 12, 13.] Cf. 1894, *ss. 94, 96, 102.*

Appointment of examiners.

24. The Local Government may appoint persons for the purpose of examining the qualifications of persons desirous of obtaining—

(*a*) certificates of competency as masters or mates, or

(*b*) certificates of competency as engineers or engine-drivers.

[Act I of 1859, s. 11 (am. by Act V of 1883, s. 35); Act VII of 1884, s. 27(*1*); Bill of 1867, s. 110; Bill of 1882, s. 14.] Cf. 1894, *ss. 93, 98.*

Grant of certificates of competency as master, mate, engineer or engine-driver.

25. The Local Government shall grant—

(*a*) to every person who is reported by the examiners to possess the necessary qualifications and to have given satisfactory evidence of his sobriety, experience, ability and general good conduct on board ship, a certificate of competency to the effect that he is competent to act as master or first mate or only mate or second mate of a foreign-going ship, or as master or mate of a home-trade ship, *or as master of an Asiatic ship*, as the case may be, and

(*b*) to every person who is reported by the examiners to possess the necessary qualifications and to have given satisfactory evidence of his sobriety, experience and ability a certificate of competency to the effect that he is competent to act as a first-class engineer, or a second-class engineer, or as an engine-driver, as the case may be :

Provided that the Local Government may, in any case in which it has reason to believe that the report has been unduly made, require, before granting a certificate, a re-examination of the applicant or a further enquiry into his testimonials and character.

Explanation.—In this Chapter and in Chapter V "Asiatic ship" means a sailing ship navigated and manned exclusively by Arabs, lascars or other Asiatic masters and seamen.

Grant of local certificates of service as master or mate of a foreign-going ship.

[Act I of 1859, s. 12 (am. by Act VI of 1891, s. 1); Bill of 1867, s. 111; Bill of 1882, s. 15.] Cf. 1894, s. 99.

26. (*1*) Local certificates of service differing in form from certificates of competency, shall be granted by the Local Government as follows, that is to say,—

(*a*) *every* person who has attained or shall attain the rank of lieutenant, or any corresponding or higher rank, in the service of Her Majesty, or the rank of commander or *lieutenant* in the Royal Indian Marine, shall be entitled to a local certificate of service as master for a foreign-going ship :

(*b*) *every* person who has attained or shall attain the rank of second grade officer in the Royal Indian Marine shall be entitled to a local certificate of service as first mate for a foreign-going ship :

(*c*) *every person who has attained or shall attain the rank of engineer or assistant engineer in Her Majesty's Navy or Indian Marine Service shall be entitled, if an engineer, to a local certificate of service as first class engineer, and, if an assistant engineer, to a local certificate of service as second class engineer.*

(*2*) A certificate of service granted under this section, *clauses* (*a*), (*b*) *and* (*c*), shall have the same effect as a local certificate of competency granted under section 25, *clauses* (*a*) *and* (*b*).

Certificate of service to masters of Asiatic ships.

(*d*) *Every person who before the passing of this Act has served as master of a home-trade ship of a burden of one hundred tons or upwards shall be entitled to a certificate of service as master of a home-trade ship of three hundred tons burden or under.*

(*3*) *Each of such certificates of service shall contain particulars of the name and of the length and nature of the previous service of the person to whom it is delivered ; and the Local Government shall deliver every such certificate of service to the person entitled thereto upon his proving himself to have served as aforesaid and upon his giving a full and satisfactory account of the particulars aforesaid.*

Certificates to be in prescribed form and to be made in duplicate.

[Act I of 1859, s. 15; Act VII of 1884, ss. 27 (2), 29; Bill of 1867, s. 114; Bill of 1882, s. 18.] Cf. 1894, s. 100.

27. Every certificate of competency or service granted under this Chapter shall be in *the* prescribed form, and shall be made in duplicate, and one copy shall be delivered to the person entitled to the certificate, and the other shall be kept by the Local Government and recorded in the prescribed manner.

Record of orders affecting certificates.

[Act I of 1859; s. 15; Bill of 1867, s. 114; Bill of 1882, s. 18.] Cf. 1894, s. 100.

28. A note of all orders made for suspending, cancelling, altering or otherwise affecting any certificate of competency or service in pursuance of the powers contained in this Act shall be entered on the copy of the certificate kept by the Local Government.

Copy of certificate to be granted in certain cases.

[Act I of 1859, s. 16; Act VII of 1884, s. 30; Bill of 1867, s. 115; Bill of 1882, s. 19.] Cf. 1894, s. 100.

29. Whenever a master, mate, engineer or engine-driver proves, to the satisfaction of the Local Government which granted his certificate, that he has, without fault on his part, lost or been deprived of *a certificate already granted to him, the Local Government shall, and in any other case may, upon payment of such fee, if any, as the Governor General in Council may direct, cause* a copy of the certificate to which, by the record kept as provided by law, he appears to be entitled *to* be granted to him, and *such copy* shall have all the effect of the original.

Power to make rules as to grant of certificates of competency or service.

[Act I of 1859, s. 10 (am. by Act V of 1883, s. 34); Act VII of 1884, s. 36; Bill of 1867, s. 109; Bill of 1882, s. 13.] Cf. 1894, ss. 94, 96, 100.

30. (*1*) The Governor General in Council may make rules to regulate the granting of certificates of competency under this Chapter, and may by such rules—

(*a*) provide for the conduct of the examination of persons desirous of obtaining certificates of competency as masters, mates, engineers or engine-drivers ;

(*b*) prescribe the qualifications to be respectively required of persons desirous of obtaining certificates of competency as masters, first mates, only mates, second mates, *masters of Asiatic ships*, first-class engineers, second-class engineers or engine-drivers ;

(*c*) fix the fees to be paid by all applicants for examination ;

(*d*) prescribe the form in which such certificates are to be framed, and the manner in which the copy of the certificate which is kept by the Local Government is to be recorded; *and*

(*e*) *fix the fees to be paid for copies of certificates granted under section 29.*

(2) The Governor General in Council may also make rules with respect to the grant of local certificates of service to masters, mates *and engineers* under this Chapter, and may by such rules— [Act VI of 1884, s. 29 (am. by Act XIII of 1891, s. 1).]

(*f*) fix the fees to be paid for such certificates; and

(*g*) prescribe the form in which such certificates are to be framed, and the manner in which the copy of the certificate which is kept by the Local Government is to be recorded.

CHAPTER V.

SHIPS REQUIRED TO CARRY CERTIFICATED OFFICERS.

31. (1) A foreign-going British ship shall not proceed to sea from any port in British India unless she has, as her master, a person possessing a Board of Trade, Colonial or local certificate as master of a foreign-going ship. [Act I of 1859, ss. 13, 14; Bill of 1867, ss. 112, 113; Bill of 1882, ss. 16, 17.] Cf. *1894, s. 92.*

British ships required to carry certificated masters and mate or mates.

(2) A foreign-going British ship of a burden of one hundred tons or upwards shall not proceed to sea from any port in British India unless she has—

(*a*) as her only mate, a person possessing a Board of Trade, Colonial or local certificate as only mate or first mate or master of a foreign-going ship, or

(*b*) as her first and second mates, two certificated mates,—

(*i*) the first possessing a Board of Trade, Colonial or local certificate as first mate or master of a foreign-going ship, and

(*ii*) the second possessing a Board of Trade, Colonial or local certificate as second mate of a foreign-going ship *or a certificate of a higher grade.*

(3) A home-trade British ship carrying passengers, or a home-trade British ship of a burden of one hundred tons or upwards not carrying passengers, shall not proceed to sea from any port in British India unless she has, as her master, a person possessing a local certificate as master of a home-trade ship, or a Board of Trade, Colonial or local certificate as master of a foreign-going ship.

(4) A home-trade British ship of a burden of one hundred tons or upwards shall not proceed to sea from any port in British India unless she has, as her only or first mate, a person possessing a local certificate as mate *of a* home-trade ship, or a Board of Trade, Colonial or local certificate as only *or* first mate of a foreign-going ship *or a certificate of a higher grade:*

[Act V of 1883, s. 37; Bill of 1867, s. 116; Bill of 1882, s. 20.]

(5) *Provided that, notwithstanding anything in the foregoing provisions of this section, an Asiatic ship may proceed to sea from any port in British India if she has a master possessing a local certificate as master of an Asiatic ship.*

[Act VII of 1884, ss. 31, 32, 33; Bill of 1867, s. 112.] Cf. *1894, s. 92.*

32. (1) A foreign-going British steam-ship shall not proceed to sea from any port in British India unless she has,—

British steam-ships required to carry certificated engineers, engineer or engine-driver.

(*a*) if the steam-ship has engines of one hundred nominal horse-power or upwards, as her first and second engineers, two certificated engineers,—

(*i*) the first possessing a Board of Trade, Colonial or local certificate as first-class engineer, and

(*ii*) the second possessing a Board of Trade, Colonial or local certificate as second-class engineer or first-class engineer;

(*b*) if the steam-ship has engines of under one hundred nominal horse-power, as her only or first engineer, an engineer possessing a Board of Trade, Colonial or local certificate as second-class engineer or first-class engineer.

(2) A home-trade British steam-ship shall not proceed to sea from any port in British India unless she has—

(*c*) if the steam-ship has engines of fifty nominal horse power or upwards, as her only or first engineer, an engineer possessing a Board of Trade, Colonial or local certificate as second-class engineer or first-class engineer;

(*d*) if the steam-ship has engines of under fifty nominal horse-power, as her engineer, a person possessing a local certificate as engine-driver, or a Board of Trade, Colonial or local certificate as second-class engineer or first-class engineer.

(2A) *The Governor of Bombay in Council, with the previous sanction of the Governor General in Council, may, by notification in the official Gazette, declare that all or any British steam-ships proceeding from Aden to any foreign port on the coast of Arabia or Africa not being more than six hundred miles distant from Aden shall be deemed for the purposes of this section to be home-trade ships.*

(*3*) This section shall not apply to any steam-ship to which the provisions of *the Inland Steam-vessels Act, 1884*, are applicable.

VI of 1884.

[Act VII of 1884, ss. 31, 32.] Cf. *1894, s.* 92.

33. (*1*) A foreign steam-ship shall not carry passengers from any port in British India to any other port in British India unless she has—

Foreign steam-ships required to carry British certificated master, mate, engineer or engine-driver.

(*a*) as her master, a person possessing a local certificate as master of a home-trade ship or a Board of Trade, Colonial or local certificate as master of a foreign-going ship;

(*b*) if the steam-ship is of a burden of one hundred tons or upwards, as her only or first mate, a person possessing a local certificate as mate of a home-trade ship or a Board of Trade, Colonial or local certificate as mate of a foreign-going ship *or a certificate of a higher grade;*

(*c*) if the steam-ship has engines of fifty nominal horse-power or upwards, as her only or first engineer, an engineer possessing a Board of Trade, Colonial or local certificate as second-class engineer or first-class engineer;

(*d*) if the steam-ship has engines of under fifty nominal horse-power, as her engineer, a person possessing a local certificate as engine-driver or a Board of Trade, Colonial or local certificate as second-class engineer or first-class engineer.

[Act VII of 1884, s. 33.]

(*2*) So much of this section as relates to engineers or engine-drivers shall not apply to any steam-ship to which the provisions of *the Inland Steam-vessels Act, 1884*, are applicable.

VI of 1884.

[Act I of 1859, s. 13; Act VII of 1884, s. 34; Bill of 1867, s. 112; Bill of 1882, s. 16.] Cf. 1894, s. 92.

34. (*a*) If any person who has been engaged to serve in any of the capacities referred to in section 31, section 32 or section 33 in any ship to which those sections apply, respectively, proceeds in the ship in that capacity without being at the time entitled to, and possessed of, the certificate thereby required, *or of a certificate of a higher grade*, or

Penalty for serving, or engaging a person to serve, as master, mate, engineer or engine-driver without a certificate.

(*b*) if any person employs any person in any capacity referred to in section 31, section 32 or section 33 in any ship to which those sections apply, respectively, without ascertaining that he is at the time entitled to, and possessed of, the certificate thereby required, *or of a certificate of a higher grade*,

he shall be *liable to* fine which may extend to five hundred rupees.

CHAPTER VI.

SUSPENSION AND CANCELLATION OF CERTIFICATES OF MASTERS, MATES, ENGINEERS AND ENGINE-DRIVERS, AND GRANT OF NEW CERTIFICATES.

[Act V of 1883, s. 18; Bill of 1882, s. 147.]

Saving of powers conferred by English Acts and Orders in Council in reference to Board of Trade and Colonial certificates.

35. Nothing in this Act shall affect—

(*a*) the powers conferred by the Merchant Shipping Act, *1894*, on Courts making investigations referred to in section 260 or section 263 or holding enquiries under section 262 of this Act to suspend or cancel Board of Trade or Colonial certificates, or

57 & 58 Vict., c. 60.

(*b*) any powers conferred on any Local Government by Order in Council made under the Merchant Shipping (Colonial) Act, 1869, *or under the Merchant Shipping Act, 1894*, for dealing with, or granting, Colonial certificates in place of Board of Trade or Colonial certificates which have been suspended or cancelled.

32 & 33 Vict., c. 11. 57 & 58 Vict., c. 60.

[Act V of 1883, s. 19; Bill of 1882, s. 147.]

Power to issue local certificates in lieu of Board of Trade or Colonial certificates which have been suspended or cancelled.

36. (*1*) When any Court referred to in clause (*a*) of section 35 suspends or cancels any Board of Trade or Colonial certificate, the Local Government may, if it thinks fit, whether or not a recommendation to that effect has been made by the Court, grant, without examination, to the holder of the certificate, when the certificate is a certificate as master, a local certificate of competency as mate, and, when the certificate is a certificate as mate or engineer, a local certificate of competency as mate or engineer, as the case may be, of a grade lower than that which he held at the time of the suspension or cancellation:

Provided that the power conferred by this sub-section shall not be exercised by any Local Government which is for the time being empowered to grant Colonial certificates in place of Board of Trade *or* Colonial certificates which have been suspended or cancelled.

(*2*) A certificate granted under sub-section (*1*) shall have the same effect as if it had been granted after examination.

[Act V of 1883, s. 24A (*1*), (*2*) (added by Act VI of 1831, s. 13); Bill of 1867, ss. 195, 196; Bill of 1882, s. 148.] Cf. *1894, s.* 470 (*1*), (*2*), (*4*).

Power of Court to suspend or cancel local certificates of masters, mates or engineers.

37. (*1*) A local certificate (whether of competency or service) granted to a master, mate or engineer may, if a Court conducting an investigation under Chapter XXVII finds that the loss, abandonment or *serious* damage to any ship, or loss of life, has been caused by the wrongful act or default of the master, mate or engineer, or that he is incompetent or has been guilty of any gross act of drunkenness, tyranny or other misconduct. be suspended or cancelled by the Court:

Provided that the Court shall not suspend or cancel a certificate unless the holder of the certificate was furnished before the commencement of the investigation with the copy of the report or statement required by section 262 or section 263, as the case may be.

(*2*) At the conclusion of the investigation, or as soon afterwards as possible, the Court shall state in open sitting the decision to which it may have come with respect to the suspension or cancellation of any certificate.

Power *of* Local Government to suspend or cancel local certificates of masters, mates or engineers.

[Act V of 1883, s. 20 (rep. in part by Act VI of 1891, s. 12); Bill of 1867, s. 199; Bill of 1882, s. 148.] Cf. *1894, s. 469.*

38. A local certificate (whether of competency or service) granted to a master, mate or engineer may be suspended or cancelled, either by the Local Government which granted the same or by any other Local Government, in any of the following cases, that is to say :—

(*a*) if, on any investigation made beyond British India under the Merchant Shipping Act, *1894*, or on any investigation made beyond British India by any Court or tribunal for the time being authorised by the Legislature of any British Possession to make inquiry into charges of incompetency or misconduct on the part of masters, mates or engineers of ships, or as to shipwrecks or other casualties affecting ships, the Court or tribunal reports that the master, mate or engineer is incompetent, or has been guilty of any gross act of misconduct, drunkenness or tyranny, or that the loss or abandonment of, or *serious* damage to, any ship, or loss of life, has been caused by his wrongful act or default;

57 & 58 Vict., c. 60.

(*b*) if he is proved to have been convicted of any offence which, if committed in British India, would be non-bailable, or, if committed in England, would be a felony;

(*c*) if, in the case of a master, he has been superseded by the order of any Admiralty Court, or of any Naval Court constituted as provided by the Merchant Shipping Act, 1894, or by any other law for the time being in force.

57 & 58 Vict., c. 60.

Power *of* Local Government to suspend or cancel local certificates of engine-drivers.

[Act VII of 1884, s. 28.]

39. Notwithstanding anything in the foregoing provisions of this chapter, the Local Government may at any time, *after such enquiry as it may think necessary*, suspend or cancel any

local certificate granted by it to an engine-driver, if, in its opinion, the holder is, or has become, unfit to act as an engine-driver.

Obligation to deliver up local certificate on suspension or cancellation.

[Act V of 1883, s. 21, *s. 24A* (*3*), (*4*) (added by Act VI of 1891, s. 13); Bill of 1867, s. 200; Bill of 1882, s. 149.] Cf. *1894, s. 473.*

40. (*1*) Every master, mate or engineer whose certificate has been suspended or cancelled by a Court under section 37 shall deliver the certificate to the Court, and the Court shall forward the same to the Local Government, together with the report which it is required by section 269, sub-section (*1*), to transmit to that Government.

(*2*) Every master, mate, engineer or engine-driver whose certificate has been suspended or cancelled under section 38 or section 39 shall deliver the certificate to the Superintendent of the Mercantile Marine Office or to such other person as the Local Government which suspended or cancelled the certificate may direct.

(*3*) Any master, mate, engineer or engine-driver failing to deliver a certificate as required by this section shall be *liable to* fine which may extend to five hundred rupees.

Report to other Local Governments.

[Act V of 1883, s. 22; Bill of 1867, ss. 196, 200; Bill of 1882, s. 150.]

41. If the Local Government which suspends or cancels a certificate under section 38 is not the Local Government which granted the certificate, the Local Government so suspending or cancelling the certificate shall report the proceedings, and the fact of suspension or cancellation, to the Local Government which granted the certificate.

Report to Board of Trade.

[Act V of 1883, s. 23; Bill of 1867, s. 196; Bill of 1882, s. 151.]

42. Every Local Government suspending or cancelling a certificate under section 38 shall, as soon as may be practicable, report to the Board of Trade the fact of such suspension or cancellation.

Power to revoke suspension or cancellation and to grant new local certificate.

[Act V of 1883, s. 24; Bill of 1867, s. 200; Bill of 1882, s. 152.] Cf. *1894, s. 474.*

43. (*1*) Any Local Government may, at any time, revoke *or alter* any order of suspension or cancellation which it may have made under section 38 or section 39, or grant, without examination, to any person whose certificate it has so cancelled, a new local certificate of the same or of any lower grade.

(*2*) A certificate granted under sub-section (*1*) shall have the same effect as if it had been granted after examination.

Duties and powers of Local Government where a local certificate has been suspended or cancelled by a Court.

[Act V of 1883, s. 24A (*5*) (added by Act VI of 1891, s. 13.)]

44. (*1*) The Local Government to which the Court has forwarded the certificate under section 40 *may, if it thinks that the justice of the case requires it, re-issue and return the*

certificate of a master, mate or engineer which has been cancelled or suspended, or shorten the time for which it is suspended, or grant in place thereof a certificate of the same or any lower grade.

(2) A local certificate for a home-trade ship shall be deemed, for the purposes of this *and the next preceding* section, to be of a lower grade than a local certificate for a foreign-going ship.

General provision with respect to surrender of certificates.

45. (1) When any Board of Trade, Colonial or local certificate of a master, mate, engineer or engine-driver is suspended or cancelled under any law for the time being in force, he shall deliver to the Court or person entitled to receive delivery from him of such suspended or cancelled certificate every other Board of Trade, Colonial or local certificate, if any, held by him. [Act VI of 1891, s. 14.]

(2) If any master, mate, engineer or engine-driver fails to comply with the requirement of sub-section (1), he shall be *liable to* fine which may extend to five hundred rupees.

CHAPTER VII.

ENGAGEMENT OF SEAMEN.

Licenses to procure seamen.

46. (1) The Local Government, or any Board or officer authorised by the Local Government in this behalf, may grant to such persons as may be deemed fit licenses to engage or supply seamen *or apprentices* for ships. [Act I of 1859, s. 18; Bill of 1867, s. 117; Bill of 1882, s. 21.] Cf. *1894, s. 110.*

(2) Such licenses shall be granted on such terms, shall continue for such periods, and shall be revocable on such conditions, as the Local Government may think proper.

Penalty for engaging seamen without license.

47. (1) *A person shall not engage or supply a seaman or apprentice to be entered on board any ship unless that person either holds a license granted under the last preceding section, or is the owner or master or mate of the ship, or is bonâ fide the servant and in the constant employment of the owner, or is a Superintendent of a Mercantile Marine Office.* [Act I of 1859, s. 19; Bill of 1867, s. 118; Bill of 1882, s. 22.] Cf. *1894, s. 111.*

(2) *A person shall not employ for the purpose of engaging or supplying a seaman or apprentice to be entered on board any ship any person, unless that person either holds a license granted as aforesaid, or is the owner or*

master or mate of the ship, or is bonâ fide the servant and in the constant employment of the owner, or is a Superintendent as aforesaid.

(3) A person shall not receive or accept to be entered on board any ship any seaman or apprentice, if that person knows that the seaman or apprentice has been engaged or supplied in contravention of this section.

(4) If a person acts in contravention of this section, he shall, for each seaman or apprentice in respect of whom an offence is committed, be liable to fine which may extend to two hundred rupees, and, if a licensed person, shall forfeit his license.

Penalty for receiving remuneration from seamen for engagement.

48. (1) *A person shall not demand or receive directly or indirectly from a seaman or apprentice to the sea service, or from a person seeking employment as a seaman or apprentice to the sea service, or from a person on his behalf, any remuneration whatever for providing him with employment other than any fees authorised by this Act.* [*Act I of 1859, s. 20; Bill of 1867, s. 119; Bill of 1882, s. 23.*] *Cf. 1894, s. 112.*

(2) If a person acts in contravention of this section, he shall for each offence be liable to fine which may extend to fifty rupees.

Engagement of Seamen.

Agreements with crew.

49. (1) *The master of every foreign-going British ship shall enter into an agreement in accordance with this Act with every seaman whom he carries to sea as one of his crew from any port in British India.* [*Act V of 1883, s. 26; Bill of 1867, s. 120; Bill of 1882, s. 24.*] *Cf. 1894, s. 113 (1).*

Form and contents of agreement.

50. (1) Every such agreement shall be in a form sanctioned by the Governor General in Council, shall be dated at the time of the first signature thereof, *and shall be signed by the master or the agent of the owner before any seaman signs the same.* [Act V of 1883, ss. 27, 28, 29; Bill of 1867, s. 120; Bill of 1882, ss. 25, 26, 27.] Cf. *1894, s. 114 (1), (2), (3).*

(2) *Every such agreement* shall contain the following particulars as terms thereof (that is to say)—

(*a*) either—

(*I*) the nature and, as far as practicable, the duration of the intended voyage or engagement, or

(*II*) the maximum period of the voyage or engagement and (*i*) the places or parts of the world to which the voyage or engagement is to extend, or (*ii*) the places or parts of the world to which the voyage or engagement is not to extend;

(*b*) the number and description of the crew, specifying how many are engaged as sailors;

(*c*) the time at which each seaman is to be on board or to begin work;

(*d*) the capacity in which each seaman is to serve;

(*e*) the amount of wages which each seaman is to receive;

(*f*) a scale of the provisions which are to be furnished to each seaman, such scale being, in the case of lascars or other native seamen, not less than a scale to be fixed by the Governor General in Council and published in the Gazette of India;

(*g*) any regulations as to conduct on board, and as to fines *or short allowance of provisions* or other lawful punishments for misconduct, which have been sanctioned by the Governor General in Council as regulations proper to be adopted, and which the parties agree to adopt; and

(*h*) where it is agreed that the service of any lascar or other native seaman shall end at any port not in British India, a stipulation *to provide him either* fit employment on board some other ship bound to the port at which he was shipped, or *to such* other port in British India as may be agreed on, or a passage to some port in British India free of charge, or on such other terms as may be agreed on:

Provided that, for the purpose of this section, Aden shall not be deemed to be a port in British India except in the case of sailors shipped from, or ordinarily resident in, that port:

Provided also that a statutory native of India of European race or extraction shall not, except with his own express consent, be deemed to be a native seaman within the meaning of this section.

(*3*) *Every such agreement shall be so framed as to admit of such stipulations, to be adopted at the will of the master and seaman in each case, whether respecting the advance and allotment of wages, supply of warm clothing, or otherwise, as are not contrary to law.*

(*4*) Every stipulation referred to in clause (*h*) of *sub-section* (*2*) shall be signed by the owner of the ship or his agent.

Signature of agreement, explanation of agreement to seamen, and disposal of copies.

[Act I of 1859, s. 22; Act V of 1883, ss. 27, 29; Bill of 1867, ss. 120, 123; Bill of 1882, ss. 25, 27, 29.] *Cf. 1894, ss. 114(1), 115 (1), (2), (3), (4).*

51. (*1*) Every such agreement shall, subject to the provisions of sub-section (*4*) be signed by each seaman in the presence of a Superintendent of a Mercantile Marine Office.

(*2*) The Superintendent shall cause the agreement to be read over and explained to each seaman, in a language understood by him, or shall otherwise ascertain that each seaman understands the same before he signs it, and shall attest each signature.

(*3*) When the crew is first engaged the agreement shall be signed in duplicate. One copy shall be retained by the Superintendent, and the other shall be delivered to the master and *shall* contain a special place or form for the descriptions and signatures of substitutes or persons engaged subsequently to the first departure of the ship.

(*4*) *Where a substitute is engaged in the place of a seaman who duly signed the agreement, and whose services are within twenty-four hours of the ship's putting to sea lost by death, desertion or other unforeseen cause, the engagement shall, when practicable, be made before some Superintendent of a Mercantile Marine Office and, when not practicable, the master shall, before the ship puts to sea, if practicable, and if not as soon afterwards as possible, cause the agreement to be read over and explained to the substitute, and the substitute shall thereupon sign the same in the presence of a witness, and the witness shall attest the signature.*

Engagement of a single seaman for a foreign-going ship belonging to the United Kingdom or a British possession.

[Act I of 1859, s. 23; Act V of 1883, s. 30; Bill of 1867, ss. 120, 123; Bill of 1882, ss. 28, 29.] *Cf. 1894, s. 114 (4).*

52. (*1*) If the master of any foreign-going British ship belonging to the United Kingdom or any British possession other than British India has an agreement with his crew, made in due form according to the law of the place to which the ship belongs, or in which her crew were engaged, and engages single seamen, not being lascars or other native seamen, at any port in British India, *each* seaman may sign the agreement so made, and, notwithstanding anything in section 50, it shall not be necessary for him to sign an agreement in the form required by that section.

(*2*) *Each* seaman signing an agreement under sub-section (*1*) shall do so in the presence of a Superintendent of a Mercantile Marine Office.

(*3*) The Superintendent shall cause the agreement to be read over and explained to the seaman, in a language understood by him, or shall otherwise ascertain that the seaman understands the same before he signs it, and shall attest his signature.

Running agreements for foreign-going British ships making short voyages.

[Act I of 1859, s. 23; Bill of 1867, s. 127; Bill of 1882, s. 30.] *Cf. 1894, s. 115 (5), (6).*

53. (*1*) In the case of any foreign-going British ship making voyages averaging *less than* six months in duration, a running agreement with the crew may be made to extend over two or more voyages, but every such agreement shall

terminate either within six months from the date on which it was executed, or on the first arrival of the ship at her port of destination in British India after the expiration of that period, or on the discharge of cargo consequent upon such arrival, *whichever of these dates shall be the latest :*

Provided that no such agreement shall continue in force if, after the expiration of such period *of six months* as aforesaid, the ship proceeds on a voyage from a port out of British India to any other such port which is not on the direct road to her port of destination in British India.

Cf. Board of Trade's Instructions No. 446, dated March, 1892.

(2) The provisions of sections 50 and 51 shall apply to every running agreement made under sub-section (1) ; and every seaman shall sign the same, whether engaged upon the first commencement thereof or otherwise.

Agreements for home-trade British ships.

54. (1) The master of every home-trade British ship of eighty tons or upwards *registered tonnage* shall enter into an agreement with every seaman whom he engages at, and carries to sea from, any port in British India as one of his crew.

[Act I of 1859, ss. 26, 32 (1); Act V of 1883, s. 26; Bill of 1867, ss. 120, 130, 136 (1); Bill of 1882, ss. 24, 33, 42 (1).]
Cf. *1894, ss. 113, 114, 116.*

(2) The provisions of sections 50 to 53 (both inclusive) shall apply to every such agreement, as if the ship were a foreign-going ship :

Provided as follows :—

(*a*) the agreement need not, unless the master thinks fit, be signed by the seamen in the presence of a Superintendent of a Mercantile Marine Office ;

(*b*) where any seaman has not so signed the agreement, the master shall, before the ship puts to sea, if practicable, and, if not, as soon afterwards as possible, cause the agreement to be read over and explained to him, and the seaman shall thereupon sign the same in the presence of a witness who shall attest his signature ;

(*c*) where several home-trade ships of a burden of eighty tons or upwards belong to the same owner, then—

[Act I of 1859, s. 27, s. 32, second para. (added by Act VI of 1891, s. 3); Bill of 1867, s. 131; Bill of 1882, s. 34.]

(*i*) the agreement with the seamen may be made by the owner instead of by the master, and the seamen may be engaged to serve in any two or more of such ships, provided that the names of the ships and the nature of the service are specified in the agreement ; and

(*ii*) the owner or his agent may enter into time-agreements, in forms to be sanctioned by the Governor General in Council, with individual seamen to serve in any

one or more of such ships, which agreements need not terminate within six months from the dates on which they were respectively executed.

Penalties.

[Act I of 1859, s. 28; Bill of 1867, s. 132; Bill of 1882, s. 35.]
Cf. *1894, s. 113 (2).*

55. (1) If in any case a master of a British ship carries any seaman to sea *with whom no agreement has been entered into* in the form and manner and at the place and time hereby in such case required, the master, in the case of a foreign-going ship, and the master or the owner, in the case of a home-trade ship, shall be *liable to* fine which may extend to fifty rupees for each such seaman.

[Act V of 1883, s. 28; Bill of 1882, s. 26.]

(2) If any master or owner of a British ship enters into an agreement with a lascar or other native seaman for a scale of provisions less than the scale fixed under section 50, clause (*f*), he shall be *liable to* fine which may extend to two hundred rupees for each such seaman.

Power to board British ship and muster seamen.

[Act I of 1859, s. 30; Bill of 1867, s. 134; Bill of 1882, s. 37.]
Cf. 1894, s. 723.

56. (1) For the purpose of preventing seamen from being taken on board any British ship at any port in British India contrary to the provisions of this Act, any Superintendent or Deputy Superintendent of a Mercantile Marine Office may enter at any time on board any such ship upon which he has reason to believe that seamen have been shipped, and may muster and examine the several seamen employed therein.

(2) Any person who obstructs a Superintendent or Deputy Superintendent in the exercise of his powers under sub-section (1) shall be *liable to* fine which may extend to one hundred rupees.

Irregular stipulations and alterations in agreements to be void.

[Act I of 1859, s. 48; Bill of 1867, s. 168; Bill of 1882, s. 60.]
Cf. *1894, s. 156 (1).*

57. (1) If any agreement made under this chapter (other than an agreement signed under section 52) between a master or owner of a British ship and a seaman contains a stipulation which is inconsistent with any provision of this Act, such stipulation shall be void.

[Act I of 1859, s. 33; Bill of 1867, s. 137; Bill of 1882, s. 43.]
Cf. *1894, s. 122.*

(2) Every erasure, interlineation or alteration in any agreement as aforesaid (except additions made under this chapter for shipping substitutes or persons engaged subsequently to the first departure of the ship) shall be inoperative unless proved to have been made with the consent of all the persons interested in such erasure, interlineation or alteration by the written attestation—

(*a*) (if made in Her Majesty's dominions) of some Superindendent of a Mercantile Marine Office, Justice, officer of Customs or other public functionary, or

(*b*) (if made out of Her Majesty's dominions) of a British consular officer, or, where there is no such officer, of two respectable British merchants.

Copy of agreement to be made accessible to crew.

58. The master of every British ship for which an agreement has been made under this chapter (other than an agreement signed under section 52) shall, at the commencement of every voyage or engagement, cause a legible copy of the agreement, and if necessary a translation thereof in a language understood by the majority of the crew (omitting the signatures), to be placed or posted up in the ship so as to be accessible to the crew, and in default shall be *liable to* fine which may extend to fifty rupees.

[Act I of 1859, s. 34; Bill of 1867, s. 138; Bill of 1882, s. 44.] Cf. *1894, s. 120.*

Changes in crew of foreign-going British ship to be reported.

59. (*1*) The master of every foreign-going British ship of which the crew has been engaged before a Superintendent of a Mercantile Marine Office in British India shall, before finally leaving British India, sign and send to the nearest Superintendent of a Mercantile Marine Office a full and accurate statement, in a form sanctioned by the Governor General in Council, of every change which takes place in his crew before finally leaving British India, and in default shall be *liable to* fine which may extend to fifty rupees.

[Act I of 1859, s. 29; Bill of 1867, s. 133; Bill of 1882, s. 36.] Cf. *1894, s. 117.*

(*2*) Such statements shall be admissible in evidence.

Discharge and engagement of seamen of foreign-going British ship during pendency of a running agreement.

60. (*1*) The master of every foreign-going British ship for which a running agreement is made under section 53 shall, upon every return to any port in British India before the termination of the agreement, discharge or engage before the Superintendent of the Mercantile Marine Office at such port any seaman whom he is required by law so to discharge or engage;

[Act I of 1859, s. 24; Bill of 1867, s. 128; Bill of 1882, s. 31.] Cf. *1894, s. 115 (7), (8).*

and shall, upon every such return, endorse on the agreement a statement (as the case may be) either that no such discharges or engagements have been made or are intended to be made before the ship again leaves port, or that all such discharges or engagements have been duly made as hereinbefore required;

and shall deliver the agreement so endorsed to the Superintendent.

(*2*) Any master who wilfully makes a false statement in such endorsement shall be *liable to* fine which may extend to two hundred rupees.

(*3*) The Superintendent shall also sign an endorsement on the agreement to the effect that the provisions of this Act relating to such agreement have been complied with, and shall re-deliver the agreement so endorsed to the master.

(*4*) In this section "termination" means, when an agreement has been renewed under section 61, the termination of the period for which the agreement has been so renewed.

Renewal of running agreement for foreign-going British ship.

61. (*1*) When a running agreement with the crew of a foreign-going British ship has been made under section 53, and the ship arrives, after the expiration of a period of six months from the date on which the agreement was executed, at a port of destination in British India which is not the port at which the crew have agreed to be discharged, the master may, with the previous sanction of the Superintendent of the Mercantile Marine Office, renew the agreement, or he may be required by the Superintendent to renew the same, for the voyage from such port of destination to the port in British India at which the crew have agreed to be discharged.

[Act I of 1859, s. 24A (inserted by Act VI of 1891, s. 2).]

(*2*) If the master is required by the Superintendent to renew the agreement and refuses so to do, any expenses which may be incurred by the Government for the subsistence of the crew and their *conveyance* to the port at which they have agreed to be discharged shall be a charge upon the ship, and shall be recoverable as if they were expenses incurred in respect of distressed seamen under the provisions of Chapter XVIII.

Seamen of British ship discharged before voyage to have compensation.

62. Any seaman belonging to a British ship who has signed an agreement under this chapter, and is afterwards discharged *otherwise than in accordance with the terms thereof* before the commencement of the voyage or before one month's wages are earned, without fault on his part justifying such discharge and without his consent, shall be entitled to receive from the master or owner, in addition to any wages he may have earned, due compensation for the damage thereby caused to him, not exceeding one month's wages, and may, on adducing such evidence as the Court or Magistrate hearing the case may deem satisfactory of his having been discharged as aforesaid, recover such compensation as if it were wages duly earned.

[Act I of 1859, s. 35; Bill of 1867, s. 139; Bill of 1882, s. 45.] Cf. *1894, s. 162.*

Engagements between masters of foreign ships and native seamen.

63. (*1*) Whenever the master of a foreign-going foreign ship or a home-trade foreign ship of a burden of eighty tons or upwards makes an engagement— [Act I of 1859, s. 115 (am. by Act VI of 1891, s. 4, and Act XII of 1891; Bill of 1867, s. 124; Bill of 1882, s. 38.]

(*a*) at Aden, with a seaman being a native of Asia or Africa, or

(*b*) at any other port in British India, with a seaman being a native of India,

to proceed to sea, he shall enter into an agreement with such seaman.

(*2*) The provisions of section 50, section 51, sub-sections (*1*), (*2*) and (*3*), and sections 57, 58, 59 and 62 shall apply to every agreement made for a foreign-going foreign ship under this section, as if the ship were a British ship.

(*3*) The provisions of section 50, section 51, sub-sections (*1*), (*2*) and (*3*), and sections 57, 58 and 62 shall apply to every agreement made for a home-trade foreign ship under this section, as if the ship were a British ship:

Provided as follows :—

(*i*) the agreement need not, unless the master thinks fit, be signed by the seaman in the presence of a Superintendent of a Mercantile Marine Office ;

(*ii*) where any seaman has not so signed the agreement, the master shall, before the ship puts to sea if practicable, and, if not, as soon afterwards as possible, cause the agreement to be read over and explained to him, and the seaman shall thereupon sign the same in the presence of a witness, who shall attest his signature.

(*4*) Whenever an agreement for a foreign-going foreign ship has been made under this section, the master shall give to the Superintendent of the Mercantile Marine Office before whom the agreement was signed a bond, with the security of some approved person resident in British India, for an amount calculated at the rate of one hundred rupees for every seaman signing the agreement and conditioned for the due observance of the agreement and of the provisions referred to in sub-section (*2*), and for the repayment to the Secretary of State for India in Council of all expenses which may be incurred by the Government in respect of any such seaman who may be discharged or left behind at any port out of India and becomes distressed and is relieved under the provisions of the Merchant Shipping Act, 1894, section *191*, and the enactments amending the same. 57 & 58 Vict., s. 60.

Penalty for master of foreign ship illegally engaging native seamen.

64. If any master of a foreign ship engages any seaman referred to in section 63 to proceed to sea, otherwise than in accordance with the provisions of that section, he shall be *liable to* fine which may extend to one hundred rupees for each such seaman. [Act I of 1859, s. 117; Bill of 1867, s. 126; Bill of 1882, s. 40.]

Power to board foreign ship and muster seamen.

65. (*1*) Any Superintendent or Deputy Superintendent of a Mercantile Marine Office may enter at any time on board any foreign ship upon which he has reason to believe that any such seaman has been shipped, and may muster and examine the several seamen employed therein. [Act I of 1859, s. 117; Bill of 1867, s. 126; Bill of 1882, s. 40.] Cf. *1894*, s. *723*.

(*2*) Any person who obstructs a Superintendent or Deputy Superintendent in the exercise of his powers under sub-section (*1*) shall be *liable to* fine which may extend to one hundred rupees.

Power to prohibit engagement of native seamen.

66. (*1*) The Local Government, or such officer as it may appoint in this behalf, may, by order in writing signed by one of its Secretaries or by such officer, prohibit any person from engaging in the territories subject to the said Government, or in any specified portion of such territories, any native of India to serve as a seaman on board any ship, whether British or foreign, specified in the order; but in every case the reasons for the prohibition shall be stated in writing. [Act XIII of 1876, s. 5; Bill of 1882, s. 46.]

(*2*) Whoever wilfully disobeys any such prohibition shall be *liable to* imprisonment for a term which may extend to three months, or *to* fine which may extend to one thousand rupees, or *to* both.

CHAPTER VIII.

Production of Certificates of Officers and Agreements with Seamen.

Production of certificates and agreements in the case of foreign-going British ships.

67. (*1*) The master of every foreign-going British ship for which an agreement is made under Chapter VII (other than an agreement signed under section 52) shall, on signing the agreement, produce to the Superintendent of the Mercantile Marine Office before whom the same is signed the certificate or certificates which the master, mate or mates (if any) and engineer or engineers (if any) are required by Chapter V to possess; and upon such production being duly made, and the agreement being duly [Act I of 1859, s. 31; Act VII of 1884, s. 35; Bill of 1867, s. 135; Bill of 1882, s. 41.] Cf. *1894*, *ss. 103, 118*.

executed as required by Chapter VII, the Superintendent shall sign and give to the master a certificate to that effect.

(*2*) Where a running agreement for a foreign-going British ship has been made under section 53, the Superintendent of the Mercantile Marine Office shall, before the second and every subsequent voyage made after the commencement of the agreement, sign and give to the master, on his complying with the provisions contained in Chapter VII with respect to such agreements, and producing to the Superintendent the certificate of any mate or engineer then first engaged by him, a certificate to that effect.

(*3*) The master of every ship referred to in sub-section (*1*) or sub-section (*2*) shall, before proceeding to sea, produce the certificate given to him thereunder to the officer authorised to grant a port-clearance.

(*4*) No officer as aforesaid shall grant a port-clearance for any such ship unless such certificate is so produced; and, if any attempt is made to take any such ship to sea without a clearance, *the ship may be detained* until such certificate is so produced.

(*5*) *In the case of a voyage terminating in British India*, the master of every foreign-going British ship shall, within forty-eight hours after the ship's arrival at her final port of destination, or upon the discharge of the crew at that port, whichever first happens, deliver the agreement with the crew (whether the same was made under this Act or any other law) to the Superintendent of the Mercantile Marine Office.

(*6*) Such Superintendent shall thereupon give to the master a certificate of such delivery; and no officer of Customs shall permit the entry of any such ship inwards unless such certificate is produced to him.

(*7*) If any master fails to deliver the agreement with the crew to the Superintendent as directed by sub-section (*5*), he shall be *liable to* fine which may extend to fifty rupees.

Production of certificates and agreements in the case of home-trade British ships.

68. (*1*) Within a period of twenty-one days after the thirtieth day of June and the thirty-first day of December in every year, or, if the ship is not at any port in British India within such period in any year, then within forty-eight hours after her next arrival at any port in British India,— [Act I of 1859, s. 32; Act VII of 1884, s. 35; Bill of 1867, s. 136; Bill of 1882, s. 42.] Cf. *1894, ss. 103, 119.*

(*a*) the master or owner of every home-trade British ship which is required by Chapter V to carry a certificated officer or certificated officers shall produce

to some Superintendent of a Mercantile Marine Office in British India the certificate or certificates which the master, *mates, engineers and engine-drivers* are required by that chapter to possess, and

(*b*) the master or owner of every home-trade British ship of a burden exceeding eighty tons shall transmit or deliver to some Superintendent as aforesaid every agreement made with the crew within the six calendar months next preceding the said thirtieth day of June or thirty-first day of December, as the case may be.

(*2*) Such Superintendent shall thereupon sign and give to the master or owner a certificate of such production, transmission or delivery, as the case may be.

(*3*) The master of every ship referred to in sub-section (*1*) shall, before proceeding to sea, produce the certificate or certificates given to him under sub-section (*2*) to the officer authorised to grant a port-clearance.

(*4*) No officer as aforesaid shall grant a port-clearance for any such ship unless such certificate or certificates is or are so produced; and, if any attempt is made to take any such ship to sea without a clearance, *the ship may be detained* until such certificate or certificates is or are so produced.

(*5*) If any agreement made with the crew of any such ship is not transmitted or delivered to a Superintendent as directed by sub-section (*1*), the master *or* owner, *as the case may be*, shall be *liable to* fine which may extend to fifty rupees.

Production of certificates and agreements in the case of foreign ships.

69. (*1*) The master of every foreign steamship which is required by section 33 to carry an officer or officers possessing a local Board of Trade or Colonial certificate shall, before *taking the ship from* any port in British India, produce the said certificate or certificates to the Superintendent of the Mercantile Marine Office; and upon such production being duly made, the Superintendent shall sign and give to the master a certificate to that effect.

(*2*) When any agreement between the master of a foreign ship and a seaman has been duly executed under Chapter VII at any port, and (in the case of a foreign-going ship) the master has given a bond under section 63, sub-section (*4*), the Superintendent of the Mercantile Marine Office at that port shall sign and give to the master a certificate to that effect.

(*3*) The master of every ship referred to in sub-sections (*1*) and (*2*) shall, before proceeding to sea, produce the certificate or certificates given to him thereunder to the officer authorised to grant a port-clearance.

(*4*) No officer as aforesaid shall grant a port-clearance for any such ship unless such certificate or certificates is or are so produced; and, if any attempt is made to take any such ship to sea without a clearance, the *ship may be detained* until such certificate or certificates is or are so produced.

(*5*) The master of every foreign ship for which an agreement has been made under section 63 shall, within forty-eight hours after the ship's arrival at her port of final destination in British India, or upon the discharge of the crew at that port, whichever first happens, deliver the agreement to the Superintendent of the Mercantile Marine Office.

(*6*) Such Superintendent shall thereupon give to the master a certificate of such delivery; and no officer of Customs shall permit the entry of any such ship inwards unless such certificate is produced to him.

(*7*) If any master fails to deliver the agreement with the crew to the Superintendent as directed by sub-section (*5*), he shall be *liable to* fine which may extend to fifty rupees.

CHAPTER IX.

WAGES AND DISCHARGE OF SEAMEN AND APPRENTICES, AND SETTLEMENT OF CLAIMS.

Advance of Wages.

[Act I of 1859, ss. 36, 37; Bill of 1867, ss. 140, 141; Bill of 1882, ss. 47, 48.] Cf. *1894, s. 140.*

70. (*1*) Any agreement with a seaman of a British ship made under Chapter VII may contain a stipulation for payment to *or on behalf of* the seaman, conditionally on his going to sea in pursuance of the agreement, of a sum not exceeding the amount of one month's wages payable to the seaman under the agreement.

Advance of wages.

(*2*) *Stipulations for the allotment of a seaman's wages may be made in accordance with this Act.*

(*3*) Any agreement made otherwise than as authorised by this section, by or on behalf of the

employer of a seaman of *a* British ship, for the payment of money to or on behalf of the seaman conditionally on his going to sea from any port in British India,

shall be void, and no money paid in satisfaction or in respect of any such agreement shall be deducted from the seaman's wages, and no person shall have any right of action, suit or set-off against the seaman or his assignee in respect of any money so paid or purporting to have been so paid.

(*4*) Nothing in this section shall affect any allotment made under this chapter.

Allotment of Wages.

[Act I of 1859, s. 38; Bill of 1867, s. 142; Bill of 1882, s. 49.] Cf. *1894, ss. 140 (b), 141.*

71. (*1*) Every agreement with a seaman of a British ship made under Chapter VII shall, if the seaman so require, stipulate for the allotment during his absence of any part not exceeding one-half of the wages of the seaman in favour of any *near relative of the seaman.*

Stipulation for allotment to be inserted in the agreement.

(*2*) Every such stipulation shall be signed by the owner of the ship or his agent.

[Act I of 1859, s. 38; Bill of 1867, s. 142; Bill of 1882, s. 49.] Cf. *1894, s. 141.*

72. (*1*) Every such allotment shall be signed by means of an allotment-note.

Allotment-notes.

(*2*) Every allotment-note shall be in a form sanctioned by the Local Government, and shall be made for the benefit only of a *near* relative of the seaman to be named in the note.

(*3*) *For the purpose of the provisions of this Act with respect to allotment-notes, the expression "near relative" means one of the following persons, namely, the wife, father, mother, grandfather, grandmother, child, grandchild, brother or sister of the seaman.*

[Act I of 1859, ss. 39, 40; Bill of 1867, ss, 143, 144; Bill of 1882, ss. 50, 51.] Cf. *1894, ss. 143, 144.*

73. (*1*) A payment under an allotment-note shall begin at the expiration of one month from the date of the agreement *with the crew* or at such later date as may be fixed by the agreement, and shall be made at expiration of every subsequent month, or of such other periods as may be fixed by the agreement, and shall be made only in respect of wages earned before the date of payment.

Payment of sums allotted.

(*2*) The owner or any agent who has authorised the drawing of an allotment-note shall pay to the Superintendent of the Mercantile Marine Office on demand the sums due under the note, and, if he fails to do so, the Superintendent may sue for and recover the same with costs:

Provided as follows :—

(*a*) no such sum shall be recoverable if it is shown to the satisfaction of the Court or Magistrate trying the case that the seaman has forfeited, or ceased to be entitled to, the wages out of which the allotment was to have been paid;

(*b*) the seaman shall be presumed to be duly earning his wages unless the contrary is shown to the satisfaction of the Court or Magistrate, either by a statement made under section 59 of the change in the crew caused by his absence, or by a duly certified copy of some entry in the official log to the effect that he has died or left the ship, or by a credible letter from the master of the ship to the same effect, or by such other evidence, of whatever description, as the Court or Magistrate may consider sufficient.

(*3*) The Superintendent, on receiving any such sum as aforesaid, shall pay it over to the person named in that behalf in the allotment-note.

(*4*) All such receipts and payments shall be entered in a book to be kept for the purpose, and all entries in the said book shall be authenticated by the signature of the Superintendent or the Deputy Superintendent.

(*5*) The said book shall be at all reasonable times open to the inspection of the parties concerned.

Legal Rights to Wages and Salvage.

Right to wages when to commence.

74. The right of a seaman of a British ship to wages shall be taken to commence either at the time at which he begins work, or at the time specified in the agreement for his being on board or beginning work, whichever first happens. [Act I of 1859, s. 47; Bill of 1867, s. 159; Bill of 1882, s. 59.] Cf. *1894, s. 155.*

Seamen not to forfeit lien on ship, remedy for recovery of wages, or salvage rights.

75. (*1*) No seaman of a British ship shall by any agreement forfeit his lien upon the ship or be deprived of any remedy for the recovery of his wages to which he would otherwise have been entitled. [Act I of 1859, s. 48; Bill of 1867, s. 160; Bill of 1882, s. 60.] Cf. *1894, s. 156.*

(*2*) Every stipulation in any agreement by which a seaman of a British ship consents to abandon his rights to wages in case of the wreck or loss of the ship, or to abandon any right which he may have or obtain in the nature of salvage, shall be wholly inoperative.

(*3*) Nothing in this section shall apply to any stipulation made by the seamen belonging to any British ship which, according to the terms of the agreement, is to be employed on salvage service, with respect to the remuneration to be paid to them for salvage services to be rendered by such ship to any other ship. [Bill of 1867, s. 160.]

Wages not to be dependent on the earning of freight.

76. (*1*) The right of a seaman of a British ship to wages shall not be dependent on the earning of freight. [Act I of 1859, s. 49; Bill of 1867, s. 161; Bill of 1882, s. 61.] Cf. *1894, s. 157 (1).*

(*2*) Every seaman and apprentice of a British ship who would be entitled to demand and recover any wages if the ship had earned freight shall, subject to all other rules of law and conditions applicable to the case, be entitled to claim and recover the same notwithstanding that freight has not been earned; but, in all cases of wreck or loss of the ship, proof that he has not exerted himself to the utmost to save the ship, cargo and stores shall bar his claim.

Right of seaman to wages to cease with termination of service by wreck or by being left on shore under a certificate.

77. Where the service of any seaman of a British ship terminates before the period contemplated in the agreement, by reason of the wreck or loss of the ship, or by reason of his being left on shore under a certificate of unfitness or inability to proceed to sea granted under section *188* of the Merchant Shipping Act, 1894, or section 150 of this Act, the seaman shall be entitled to wages for the time of service prior to such termination as aforesaid, but not for any further period. [Act I of 1859, s. 51; Bill of 1867, s. 163; Bill of 1882, s. 63.] Cf. *1894, s. 158.* 57 & 58 Vict., c. 60.

Wages not to accrue during refusal to work or imprisonment.

78. No seaman or apprentice of a British ship shall be entitled to wages for any period during which he unlawfully refuses or neglects to work when required, whether before or after the time specified in the agreement for his beginning work; nor, unless the Court or Magistrate hearing the case otherwise directs, for any period during which he is lawfully imprisoned for any offence committed by him. [Act I of 1859, s. 52; Bill of 1867, s. 164; Bill of 1882, s. 64.] Cf. *1894, s. 159.*

Discharge and Payment of Wages, and Settlement of Claims.

Discharge and payment before Superintendent.

79. (*1*) All seamen discharged from any foreign-going British ship at any port in British India shall be discharged and receive their wages *through or* in the presence of a Superintendent of a Mercantile Marine Office; except in cases where some competent Court otherwise directs. [Act I of 1859, s. 41; Bill of 1867, s. 145; Bill of 1882, s. 52.] Cf. *1894, ss. 127, 131.*

(*2*) Any master or owner who discharges any seaman or pays his wages in contravention of the provisions of sub-section (*1*) shall be *liable to* fine which may extend to one hundred rupees.

(*3*) In the case of home-trade British ships of a burden exceeding eighty tons, seamen may, if the owner or master so desires, be discharged and receive their wages in the presence of a Superintendent of a Mercantile Marine Office *at a port in British India*, except in cases where some competent Court otherwise directs.

80. (*1*) *The master of every British ship shall, before paying off or discharging a seaman, deliver at the time and in the manner provided by this Act a full and true account, in a form sanctioned by the Local Government, of the seaman's wages, and of all deductions to be made therefrom on any account whatever.* [57 & 58 Vict., c. 60, s. 132.]

Master to deliver account of wages.

(*2*) *The said account shall be delivered—*

(*a*) *when the seaman is not to be discharged before a Superintendent, to the seaman himself not less than twenty-four hours before the discharge or payment off; and*

(*b*) *when the seaman is to be discharged before a Superintendent, either to the seaman himself at or before the time of his leaving the ship, or to the Superintendent not less than twenty-four hours before the discharge or payment off.*

(*3*) *If the master of a British ship fails without reasonable cause to comply with this section, he shall for each offence be liable to fine which may extend to fifty rupees.*

(*4*) No deduction from the wages of any seaman of a British ship (except in respect of any matter happening after such delivery as aforesaid) shall be allowed unless it is included in the account delivered under sub-section (*1*).

(*5*) Every master of a British ship shall during the voyage enter the various matters in respect of which such deductions are made, with the amounts of the respective deductions, as they occur, in a book to be kept for the purpose, and shall, if required, produce such book at the time of the payment of wages and also upon the hearing before any competent authority of any complaint or question relating to such payment.

81. (*1*) Every master of a British ship shall, upon the discharge of any seaman, or upon payment of his wages, sign and give him a certificate of discharge, in a form sanctioned by the Local Government, specifying the period of his service and the time and place of his discharge; and shall in default be *liable to* fine which may extend to one hundred rupees. [Act I of 1859, s. 43; Bill of 1867, s. 147; Bill of 1882, s. 54.] Cf. *1894, ss. 128, 129.*

On discharge, master to give seamen certificates of discharge, and return certificates to mates and engineers.

(*2*) *When a seaman is discharged before a Superintendent the master shall make and sign in a form approved by the Local Government a report of the conduct, character and qualifications of the seaman discharged, or may state in the said form that he declines to give any opinion upon such particulars or upon any of them, and the Superintendent before whom the discharge is made shall, if the seaman desires, give to him or endorse on his certificate of discharge a copy of such report.* [57 & 58 Vict., c. 60, s. 129 (*1*).]

Reports of seaman's character.

(*3*) Every master of a British ship shall, upon the discharge of any certificated *officer* whose certificate has been delivered to and retained by him, return such certificate, and shall, *if without reasonable cause he fails to do so*, be *liable to* fine which may extend to two hundred rupees.

82. (*1*) Upon the completion in the presence of a Superintendent of a Mercantile Marine Office of any discharge and settlement, as between the master or owner of a British ship and a seaman, the master or owner and the seaman shall respectively, in the presence of the Superintendent, sign, in a form sanctioned by the Local Government, a mutual release of all claims in respect of the past voyage or engagement, and the Superintendent shall also attest the release and shall retain the same. [Act I of 1859, s. 46; Bill of 1867, s. 157; Bill of 1882, s. 57.] Cf. *1894, s. 136 (1) to (4).*

Release to be signed on settlement of claims.

(*2*) Such release, so signed and attested, shall operate as a mutual discharge and settlement of all demands between the parties thereto in respect of the past voyage or engagement.

(*3*) A copy of such release, certified under the hand of such Superintendent to be a true copy, shall be given by him to any party to the release who may require the same, and such copy shall be admissible in evidence upon any future question touching such claims as aforesaid, and shall have all the effect of the original.

(*4*) In cases in which discharge and settlement in the presence of a Superintendent of a Mercantile Marine Office are required by section 79, sub-section (*1*), no payment, receipt, settlement or discharge otherwise made shall operate as, or be admissible in evidence of, the release or satisfaction of any claim.

83. Notwithstanding anything *hereinbefore contained*, the final settlement of the wages of a seaman of a British ship may, if the seaman consents, be left to the Superintendent of a Mercantile Marine Office under rules (if any) made by the Local Government; and the receipt of the Superintendent shall in that case operate as a release by the seaman under section 82. Cf. *1894, s. 134(b).*

Settlement of wages by Superintendent.

84. Upon any payment being made by a master of a British ship *before a* Superintendent of a Mercantile Marine Office, the Superintendent shall, if so required, sign and give to the master a statement of the whole [Act I of 1859, s. 46, Bill of 1867, s. 157; Bill of 1882, s. 57.] Cf. *1894, s. 335 (5).*

Statement of payments made to be given to master, and to be evidence.

amount so paid; and such statement shall, as between the master and his employer, be admissible in evidence that he has made the payments therein mentioned.

Period within which wages are to be paid.

[Act I of 1859, s. 53; Bill of 1867, s. 165; Bill of 1882, s. 65.] Cf. *1894, ss. 134, 135.*

85. (*1*) The owner or master of every *foreign-going* British ship shall pay to each seaman, *on account of the time when he* lawfully leaves *the* ship at the end of his engagement, twenty rupees or one-fourth of the balance *of wages* due to him, whichever is least, and shall *pay him* the remainder of his wages within two clear days (exclusive of any Sunday or public holiday) after he so leaves the ship.

(*2*) In the event of a seaman's wages or any part thereof not being paid or settled as by this section required, then, unless the delay is due to the act or default of the seaman, or to some reasonable dispute as to liability or to some other cause not being the *wrongful* act or default of the owner or master, the seaman's wages shall continue to run and be payable until the time of the final settlement thereof.

Period within which wages are to be paid.

85A. (1) The master or owner of every home-trade British ship shall pay to every seaman his wages within two days after the termination of the agreement with the crew or at the time when the seaman is discharged, whichever first happens.

(2) If a master or owner fails without reasonable cause to make payment at that time, he shall pay to the seaman a sum not exceeding the amount of two days' pay for each of the days during which payment is delayed beyond that time, but the sum payable shall not exceed ten days' double pay.

(3) Any sum payable under this section may be recovered as wages.

Rate of exchange for payment of seamen or apprentices in British Indian money.

[Act I of 1859, s. 54 (am. by Act XIII of 1876, s. 10); Bill of 1867, s. 166; Bill of 1882, s. 66.] Cf. *1894, s. 130.*

86. (*1*) Where an agreement with the master of a British ship stipulates for the payment of wages or any other money to a seaman or apprentice in British sterling or any other currency not being British Indian currency, any payment in British India, if made in British Indian currency, shall, notwithstanding anything in the agreement, be made at the rate of exchange for the time being current at the place where the payment is made.

(*2*) The Governor General in Council may, by notification in the Gazette of India, declare what shall be deemed, for the purposes of sub-section (*1*), to be the rate of exchange for the time being current at any place in British India.

Award by Superintendent.

[Act I of 1859, s. 44; Bill of 1867, s. 155; Bill of 1882, s. 55.] Cf. *1894, s. 137.*

87. (*1*) Any Superintendent of a Mercantile Marine Office may hear and decide any question as to wages which is raised before him between the master or owner of a British ship and a seaman or apprentice, provided the amount in question does not exceed fifty rupees and the Superintendent does not consider that the question ought to be decided by a Court of law.

(*2*) Subject to the provisions of sub-section (*1*), every Superintendent of a Mercantile Marine Office shall hear and decide any question whatever between a master or owner of a British ship and a seaman or apprentice which both parties agree in writing to submit to him.

(*3*) Every award made by a Superintendent under sub-section (*1*) or sub-section (*2*) shall be binding on both parties, and shall, in any legal proceeding which may be taken in the matter before any Court or Magistrate, be deemed to be conclusive as to the rights of the parties.

(*4*) Any document purporting to be an agreement or award made under this section shall *not require to be stamped and shall* be admissible in evidence.

Master and others to produce ship's papers to Superintendents, and give evidence.

[Act I of 1859, s. 45; Bill of 1867, s. 156; Bill of 1882, s. 56.] Cf. *1894, s. 138.*

88. (*1*) In any proceeding relating to the wages, discharge or claims of any seaman or apprentice of a British ship which is carried on before a Superintendent of a Mercantile Marine Office under the provisions of this Act, the Superintendent may call upon the owner or his agent, the master, or any mate or other member of the crew, to produce any logs, papers or other documents in their respective possession or power relating to any matter in question in such proceeding, and may call before him and examine on any such matter any of such persons being then at or near the place where such office is situate.

(2) If any person so required fails without reasonable cause to comply with the requisition, he shall for each offence be liable to fine which may extend to fifty rupees.

Application to Magistrate for recovery of wages not exceeding five hundred rupees.

[Act I of 1859, s. 55; Act XVI of 1891; Bill of 1867, s. 167; Bill of 1882, s. 67.] Cf. *1894, s. 164.*

89. (*1*) Any seaman or apprentice of a British ship, or any person duly authorised on his behalf, may apply to any Magistrate acting in or near the place at which the service has terminated or at which the seaman or apprentice has been discharged, or at which any person upon whom the claim is made is or resides, for the recovery of any amount of wages due to such seaman or apprentice not exceeding five hundred rupees.

(2) Every application dealt with by a Magistrate under sub-section (1) shall be heard and determined in a summary manner, and the order of the Magistrate thereon shall be final.

Bar of jurisdiction of superior Civil Courts in suits for wages not exceeding five hundred rupees.

90. No suit or proceeding for the recovery of wages not exceeding the sum of five hundred rupees shall be instituted by or on behalf of any seaman or apprentice of a British ship in any Colonial Court of Admiralty or (where there is a Court of Small Causes) in any Civil Court other than a Court of Small Causes, unless the owner of the ship is adjudged bankrupt or declared insolvent, or unless the ship is under arrest or has been sold by the authority of any such Court, or unless the Magistrate, *to whom application has been made under* section 89, refers the parties to such Court. [Act I of 1859, s. 57; Act XVI of 1891; Bill of 1867, s. 169; Bill of 1882, s. 69.] Cf. *1894, s. 165.*

91. *Application of chapter to certain seamen of foreign ships.* [*Omitted.*]

CHAPTER X.

Master's Wages, Disbursements and Liabilities.

Remedies for recovery of master's wages and disbursements and for liabilities incurred by master.

92. (1) Every master of a British ship shall, so far as the case permits, have the same rights, liens and remedies for the recovery of his wages as by this Act or any other law or any custom a seaman has for the recovery of his wages. [Act I of 1859, s. 58; Act XVI of 1891; Bill of 1867, s. 170; Bill of 1882, s. 70.] Cf. *1894, s. 167.*

(2) Every master of a British ship, and every person lawfully acting as master of a British ship by reason of the disease or incapacity from illness of the master of the ship, shall, so far as the case permits, have the same rights, liens and remedies for the recovery of disbursements properly made by him on account of the ship and for liabilities properly incurred by him on account of the ship, as a master of a British ship has, by sub-section (1) or any other law or any custom, for the recovery of his wages.

(3) If in any proceeding in any Colonial Court of Admiralty touching the claim of a master of a British ship, or any person lawfully acting as master of a British ship, to

wages or such disbursements as aforesaid, or on account of such liabilities as aforesaid, any right of set-off or counter claim is set up, it shall be lawful for the Court to enter into and adjudicate upon all questions and to settle all accounts then arising or outstanding and unsettled between the parties to the proceeding, and to direct payment of any balance which is found to be due.

CHAPTER XI.

Power to rescind Contracts.

Power to rescind contracts.

93. (1) Where a proceeding is instituted in or before any Court in relation to any dispute between an owner or master of a British ship and a seaman or apprentice *to the sea service*, arising out of or incidental to their relation as such, or is instituted for the purposes of this section, the Court, if, having regard to all the circumstances of the case, it thinks it just so to do, may rescind any contract between the owner or master and the seaman or apprentice, or any contract of apprenticeship, upon such terms as the Court may think just. Cf. *1894, s. 168.*

(2) The power conferred by this section shall be in addition to any other jurisdiction which the Court can exercise independently of this section.

(3) For the purposes of this section, "Court" includes any Magistrate having jurisdiction in the matter to which the proceeding relates.

CHAPTER XII.

Wages and Effects of Deceased Seamen and Apprentices.

Property of seamen who die during voyage.

94. Whenever a seaman or apprentice dies during a voyage in a British ship which is to terminate at a port in British India, the master shall take charge of all money and effects which he leaves on board. [Act I of 1859, s. 9; Bill of 1867, s. 172; Bill of 1882, s. 72.] Cf. *1894, s. 169.*

(2) *The master may, if he thinks fit, cause any of the effects to be sold by auction at the mast or otherwise by public auction.*

(3) *The master shall enter in the official log-book the following particulars:—*

(*a*) *a statement of the amount of the money and a description of the effects:*

(*b*) *in case of a sale, a description of such articles sold and the sum received for each;*

(*c*) *a statement of the sum due to the deceased for wages and of the amount of deductions (if any) to be made from the wages.*

(4) The entry shall be signed by the master and attested by a mate and some other member of the crew.

Effects to be delivered, and money and wages paid, to Superintendent, with full account.

[Act I of 1859, s. 60; Bill of 1867, s. 173; Bill of 1882, s. 73.] Cf. *1894, s. 170.*

95. (*1*) The master shall, within forty-eight hours after his arrival at his port of destination in British India, deliver such effects as aforesaid remaining in his hands, and pay all money which he has so taken charge of or received, and also the wages due to the deceased, to the Superintendent of the Mercantile Marine Office at such port, and shall give to such Superintendent an account of the effects, money and wages so to be delivered and paid.

(*2*) No deductions claimed in such account shall be allowed unless verified,—

(*a*) if there is an official log, by the entry therein required by section 166, clause (*i*), and

(*b*) by such other vouchers (if any) as may be reasonably required by the Superintendent.

Penalties for contravening section 94 or section 95.

[Act I of 1859, s. 61; Bill of 1867, s. 174; Bill of 1882, s. 74.] Cf. *1894, s. 171.*

96. If any master fails to take charge of any money or effects of a seaman or apprentice or to make or cause to be made entries in respect thereof, or to make delivery or payment, or to give an account, as hereinbefore directed, he shall be accountable for the money, wages and effects of the seaman or apprentice to such Superintendent as aforesaid, and shall pay and deliver the same accordingly; and shall in addition be *liable to* fine which may extend to treble the value of the money, wages and effects, or, if such value is not ascertained, to five hundred rupees.

Wages of seamen and apprentices lost with their ship to be paid to Superintendent.

Cf. *1894, s. 174.*

97. Where a seamen or apprentice of a British ship registered in British India has been lost with his ship, his wages shall be paid by the owner of the ship to some Superintendent of a Mercantile Marine Office in British India.

Wages and effects of seamen and apprentices dying in British India to be made over to Superintendent.

Cf. *1894, s. 175.*

98. Whenever any seaman or apprentice dies in British India, and is at the time of his death entitled to claim from the master or owner of any British ship in which he has served any unpaid wages or undelivered effects, such master or owner shall pay such wages, and deliver or account for such effects, to the Superintendent of the Mercantile Marine Office at the port at which the seaman or apprentice was discharged or was to have been discharged, and in default of so doing shall be *liable to* fine which may extend to treble the value of the money and effects, or, if such value is not ascertained, to five hundred rupees.

Procedure for recovery of money, wages and effects of deceased seamen and apprentices.

[Act I of 1859, s. 61; Bill of 1867, s. 174; Bill of 1882, s. 74.] Cf. *1894, ss. 171 (3), 174 (1).*

99. Any money, wages or effects referred to in section 94, section 95, section 97 or section 98 may be recovered by the Superintendent of a Mercantile Marine Office in the manner provided by Chapter IX or any other law for the time being in force for the recovery of a seaman's wages.

Evidence as to loss of ship *with reference to the recovery of wages.*

Cf. *1894, s. 174 (2), (3).*

100. (*1*) In any proceeding for the recovery of the wages of a seaman or apprentice of a British ship registered in British India who has been lost with his ship,—

(*a*) if it is shown by some official return produced out of the custody of any officer authorized to grant a port-clearance, or by other evidence, that the ship has twelve months or upwards before the institution of the proceeding left a port of departure, and

(*b*) if a certificate from the Local Government is produced to the effect that the ship has not been heard of within a period of twelve months after such departure, and

(*c*) if it is not shown that the ship has been heard of within such period,

the ship shall be deemed to have been lost with all hands on board, either immediately after the time at which she was last heard of, or at such later time as the Court may think probable.

(*2*) The production out of the custody of the Superintendent of any Mercantile Marine Office of any duplicate agreement *or* list of the crew made out at the time of the last departure of the ship from British India, or

the production of a certificate purporting to be a certificate from a Consular or other public officer at any port beyond British India stating that certain seamen or apprentices were shipped in the ship from such port,

shall, unless the contrary be proved, be sufficient evidence that the seamen or apprentices therein named were on board at the time of the loss.

Disposal by Superintendent of money, wages and effects of deceased seaman and apprentice.

[Act I of 1859, s. 62 (am. by Act XII of 1891); Bill of 1867, s. 175; Bill of 1882, s. 75.] Cf. *1894, s. 176.*

101. When money, wages or effects left by or due to any deceased seaman or apprentice who belonged to a British ship is or are received by a Superintendent of a Mercantile Marine Office, then, subject to such deductions for expenses incurred in respect of the sea-

man or apprentice or of his said money, wages or effects as the Superintendent may think proper to allow, the Superintendent may pay and deliver the said money, wages and effects to any claimants who can prove themselves to his satisfaction to be entitled thereto, and the Superintendent shall be thereby discharged from all further liability in respect thereof ;

or, if he thinks fit so to do, the Superintendent may require probate or letters of administation, or a certificate under the Succession Certificate Act, 1889, to be taken out, and thereupon pay and deliver the said money, wages and effects to the legal representative of the deceased.

VII of 1889.

102. (*1*) Where the money, wages or effects of any deceased seaman or apprentice who belonged to a British ship has or have been received by a Superintendent of a Mercantile Marine Office, and no claim thereto is substantiated within one year from such receipt, the Superintendent shall cause such effects to be sold and pay the proceeds of the sale, together with the unclaimed money and wages, into the public treasury.

Procedure where money, wages or effects of deceased seaman or apprentice not claimed within one year.

[Act I of 1859, s. 63 (rep. in part by Act XII of 1876); Bill of 1867, s. 176 ; Bill of 1882, s. 76.] Cf. *1894, s. 179.*

(*2*) If, after any money has been so paid into the public treasury, any claim is made thereto, then,

if the claim is established to the satisfaction of the Superintendent, the amount or so much as shall appear to be due to the claimant shall be paid to him, and

if the claim is not so established, the claimant may apply by petition to a Magistrate ; and such Magistrate, after taking evidence, either orally or on affidavit, shall make such order on the petition as shall seem just :

Provided that, after the expiration of six years from the receipt of such unclaimed money, wages or effects by the Superintendent, no claim to such money or wages or to the proceeds of the sale of such effects shall be entertained without the sanction of the Local Government.

103. The provisions of this chapter as to wages shall apply to wages due to any seaman or apprentice of a British ship under section 76 and remaining unpaid at the date of his death.

Recovery of wages where freight has not been earned.

[Act I of 1859, s. 50 ; Bill of 1867, s. 162 ; Bill of 1882, s. 62.] Cf. *1894, s. 157 (2).*

104. *Application of Chapter to certain seamen of foreign ships.* [*Omitted.*]

CHAPTER XIII.

PROVISIONS, HEALTH AND ACCOMMODATION.

105. The right of a seaman of a British ship to provisions shall be taken to commence either at the time at which he begins work, or at the time specified in the agreement for his being on board or beginning work, whichever first happens.

[Act I of 1859, s. 47 ; Bill of 1867, s. 159 ; Bill of 1882, s. 59.] Cf. *1894, s. 155.*

Right to provisions when to commence.

106. (*1*) All beef or pork in barrels, preserved meat or vegetables in tins, and flour or biscuits in casks, and all water, intended for the use of the crew of any British ship which is about to proceed to sea from a port in British India *on a voyage through the Suez Canal or round the Cape of Good Hope or Cape Horn* shall be inspected by an officer appointed by the Local Government in this behalf :

Cf. *1894, s. 206.*

Inspection of provisions and water for crew of foreign-going ship, prior to departure of ship.

Provided that no provisions which have been certified under section 206 of the Merchant Shipping Act, 1894, for use in any such voyage shall be so inspected. 57 & 58 Vict., c. 60.

(*2*) Such inspection shall be made, if practicable, before the articles are placed on board the ship, and shall be made in the prescribed manner.

(*3*) If the said officer is satisfied that the said articles are fit for such use as aforesaid, he shall sign and give to the master of the ship a certificate to that effect.

(*4*) *The inspecting officer may at any time proceed on board any such ship to ascertain whether the stores and water provided have been duly inspected, or, if not, whether they are of a quality fit for the use of the crew of the ship, and if he finds the same not to have been inspected and to be deficient in quality, the ship shall be detained until the defects are remedied to his satisfaction.*

(*5*) The Local Government may make rules to regulate the inspection of provisions and water under sub-section (*1*).

(*6*) *No fee for an inspection under this section shall be levied on the ship.*

107. (*1*) Any three or more members of the crew of any British ship may complain to any Superintendent of a Mercantile Marine Office or to any officer appointed by the Local Government in this behalf that the provisions or water provided for the use of the crew are or is at any time of bad quality, unfit for use or deficient in quantity.

[Act I of 1859, s. 64 ; Bill of 1867, s. 177 ; Bill of 1882, s. 77.] Cf. *1894, s. 198 (1), (2), (3).*

Examination of provisions or water on complaint of crew.

(*2*) Any officer to whom such complaint is made *shall* thereupon examine the said provisions or water or cause them or it to be examined ; and if, on examination, any of such provisions or water are or is found to be of bad quality and unfit for use or to be deficient in quantity, the person making such examination

shall signify the same in writing to the master of the ship.

(*3*) If the master does not thereupon provide other proper provisions or water in place of any so signified to be of bad quality and unfit for use, or does not procure the requisite quantity of any so signified to be deficient in quantity, or uses any provisions or water which have or has been so signified to be of bad quality and unfit for use, he shall be *liable to* fine which may extend to two hundred rupees.

(*4*) When any such examination as aforesaid has been made, the officer to whom complaint was made as aforesaid shall enter a statement of the result of the examination in the official log (if any), and shall, unless he is himself the Superintendent of a Mercantile Marine Office, send a report thereof to such Superintendent.

(*5*) Such report, if produced out of the custody of such Superintendent, shall be admissible in evidence.

Forfeiture for frivolous complaint.

108. If any officer to whom a complaint is made under section 107 certifies in such statement as aforesaid that there was no reasonable ground for the complaint, each of the parties so complaining shall be liable to forfeit to the owner out of his wages a sum not exceeding the amount of one week's wages. [Act I of 1859, s. 65; Bill of 1867, s. 178; Bill of 1882, s. 78.] Cf. *1894, s. 198 (4).*

Inspection of provisions or water by Superintendent or Deputy Superintendent.

109. (*1*) The Superintendent or Deputy Superintendent of the Mercantile Marine Office at any port in British India may enter at any time on board of any British ship upon which seamen or apprentices have been shipped at such port, and inspect any of the provisions or water provided for the use of the crew, other than provisions or water which have been inspected under section 106. [Act I of 1859, s. 71; Bill of 1867, s. 184; Bill of 1882, s. 84.]

(*2*) If on any such inspection any of the provisions or water are or is found to be of bad quality and unfit for use, or deficient in quantity, the Superintendent shall proceed as provided in section 107, and the penalty provided by that section shall be incurred by any default of the master of the ship in respect of such provisions or water.

Allowance for short or bad provisions.

110. (*1*) In either of the following cases (that is to say)— [Act I of 1859, s. 66; Bill of 1867, s. 179; Bill of 1882, s. 79.] Cf. *1894, s. 199.*

(*a*) if during a voyage in a British ship the allowance of any of the provisions for which a seaman has stipulated by his agreement is reduced *except in accordance with any regulations for reduction by way of punishment contained in the agreement with the crew, and also except for any time during which the seaman wilfully and without sufficient cause refuses or neglects to perform his duty or is lawfully under confinement for misconduct either on board or on shore; or*

(*b*) if it is shown that any of such provisions are or have during the voyage been bad in quality and unfit for use;

the seaman shall receive by way of compensation for such reduction or bad quality, according to the time of its continuance, the following sums, to be paid to him in addition to and to be recoverable as wages (that is to say)—

(*i*) if his allowance is reduced by any quantity not exceeding one-third of the quantity specified in the agreement, a sum not exceeding four annas per diem in the case of a European seaman or other person shipped on the same footing as a European seaman, or one anna per diem in the case of a lascar or other native seaman:

(*ii*) if his allowance is reduced by more than one-third of such quantity, eight annas per diem in the case of a European seaman or other person shipped on the same footing as a European seaman, or two annas per diem in the case of a lascar or other native seaman:

(*iii*) in respect of such bad quality as aforesaid, a sum not exceeding twelve annas per diem in the case of a European seaman or other person shipped on the same footing as a European seaman, or three annas per diem in the case of a lascar or other native seaman:

Provided that, if it is shown to the satisfaction of the Court or Magistrate trying the case that any provisions, the allowance of which has been reduced, could not be procured, or supplied in proper quantities, and that proper and equivalent substitutes were supplied in place thereof, the Court or Magistrate shall take such circumstances into consideration, and shall modify or refuse the compensation payable under this *sub*-section as the justice of the case may require.

(*2*) *The Court or Magistrate trying the case may, before making an order awarding compensation under sub-section (1), require the Superintendent of the Mercantile Marine Office, or any other officer appointed by the Local Government in this behalf, to inspect any provisions, which are alleged to be bad in quality and unfit for use, and to report to such Court or Magistrate the result of such inspection.*

[Act I of 1859, s. 67 (rep. in part by Act XII of 1876); Bill of 1867, s. 180; Bill of 1882, s. 80.] Cf. *1894, s. 200.*

Medicines, medical stores, disinfectants and medical appliances to be provided and kept on board certain ships.

111. (*1*) All foreign-*going* British ships, all home-trade British ships carrying passengers, and all home-trade British ships of a burden of eighty tons or upwards not carrying passengers, shall have always on board a sufficient supply of medicines, medical stores, disinfectants and medical appliances suitable for diseases and accidents likely to happen on sea voyages, according to such scale as may be fixed by the Governor General in Council and published in the Gazette of India.

(*2*) If in any ship medicines, medical stores, disinfectants or medical appliances are not provided or kept on board as required by sub-section (*1*), the owner or master of the ship

shall be deemed to be in fault and shall be *liable to* fine which may extend to two hundred rupees, unless he can prove that the non-compliance with the said requirements was not caused by any inattention, neglect or wilful default on his part, and, if it is proved that some person other than the owner or master is in fault, such person shall be *liable to* fine which may extend to two hundred rupees.

(*3*) Nothing in this section shall apply to ships navigating from the United Kingdom and complying with the provisions of section *200* of the Merchant Shipping Act, *1894*.

57 & 58 Vict., c. 60.

112. (*1*) Every master of a British ship shall keep on board proper weights and measures for the purpose of determining the quantities of the several provisions and articles served out to the crew, and shall allow the same to be used at the time of serving out such provisions and articles in the presence of a witness whenever any dispute arises in regard to such quantities.

Weights and measures.

[Act I of 1859, s. 68 Bill of 1867, s. 181 ; Bill of 1882, s. 81.] Cf. *1894, s. 201.*

(*2*) Any master failing to comply with the provisions of this section shall be *liable to* fine which may extend to one hundred rupees.

113. (*1*) Every place in any British ship which is occupied by seamen or apprentices engaged under this Act and appropriated to their use shall have,—

Provision of accommodation for seamen and apprentices.

[Act I of 1859, s. 70 (am. by Act XIII of 1876, s. 9); Bill of 1867, s. 183; Bill of 1882, s. 83.] Cf. *1894, s. 201.*

(*a*) for each European seaman or apprentice or other person shipped on the same footing as a European seaman, a space of twelve superficial and seventy-two cubic feet, and

(*b*) for each lascar or other native seaman or person shipped on the same footing as a lascar, a *space* of six superficial and thirty-six cubic feet,

measured on the deck or floor of such place.

(*2*) Every such place shall be such as to make the space aforesaid available for the proper accommodation of the seamen or apprentices who are to occu y it, shall be securely constructed, properly lighted and ventilated, properly protected from weather and sea and, as far as practicable, properly shut off and protected from effluvium which may be caused by cargo or bilge-water.

(*3*) No place under the top-gallant forecastle shall be occupied by or appropriated to the use of any lascar or other native seaman or person shipped on the same footing as a lascar unless the forecastle deck is not less than five feet six inches above the deck immediately below it.

(*4*) Every place referred to in sub-section (*1*) shall be kept free from stores or goods of any kind, not being the personal property of the crew in use during the voya ge.

(*5*) If any such place is not kept free from goods and stores as aforesaid, the master of the ship shall be deemed to be in fault, and shall forfeit and pay to each seaman or apprentice lodged therein the sum of eight annas per diem for each day after cemplaint made to him by any two or more of such seamen or apprentices during which any goods or stores, not being the personal property of the crew, are stored or kept therein.

(*6*) If in any other respect the provisions of this section are not observed with respect to any such place, the owner of the ship shall be deemed to be in fault, and shall be *liable to* fine which may extend to two hundred rupees.

114. *Prohibition as to size of lascars' chests.* [*Omitted.*]

115. The Superintendent and Deputy Superintendent of the Mercantile Marine Office, *or other officer appointed for the purpose by the Local Government*, at any port in British India, may enter at any time on board of any British ship upon which seamen or apprentices have been shipped at such port, and inspect the medicines, medical stores, disinfectants and medical appliances, and the accommodation for seamen or apprentices, prescribed by or under this Act or the Merchant Shipping Act, *1894*.

Inspection of medicines, medical stores, disinfectants, medical appliances and accommodation.

[Act I of 1859, s. 71 ; Bill of 1867, s. 184 ; Bill of 1882, s. 84.] Cf. *1894, s. 202.*

57 & 58 Vict., c. 60.

116. (*1*) The following expenses in respect of the illness or burial of the master or any seaman or apprentice of any British ship registered in British India shall be defrayed by the owner of the ship, without any deduction on that account from the wages of the master, seaman or apprentice :—

Expenses consequent upon illness of master, seaman or apprentice how to be defrayed.

[Act. I of 1859, s. 69 ; Bill of 1867, s. 182 ; Bill of 1882, s. 82.] Cf. *1894, s. 207.*

(*a*) when any such master, seaman or apprentice receives any hurt or injury in the service of the ship—the expenses of providing the necessary surgical and medical advice and attendance, with medicines, and of his subsistence, until he is cured, or is brought back to the port from which he was shipped or other port agreed upon, and the expenses of his conveyance to such port, and *in case of death* the expenses (if any) of his burial ;

(*b*) when any such master, seaman or apprentice is, on account of illness, temporarily removed from the ship for the purpose of preventing infection, or otherwise for the convenience of the ship, and subsequently returns to his duty—the expenses of such removal, and of providing the necessary surgical and medical advice and attendance with medicines, and of his subsistence, while away from the ship;

(*c*) when any such master, seaman or apprentice is ill otherwise than as mentioned in clause (*a*)—the expenses of all medicines and surgical or medical advice and attendance given to him while on board his ship:

Provided that where a seaman or apprentice is during any period, by reason of illness, incapable of performing his duty, and it is proved that such illness has been caused by his own wilful act or default, he shall not be entitled to wages for that period.

(*2*) Whenever it is shown that any seaman or apprentice of any British ship registered in British India is ill and has, through the neglect of the owner or master, not been provided with proper food or water according to his agreement, or with such medicines, medical stores, medical appliances, anti-scorbutics or accommodation as are required by or under this Act or the Merchant Shipping Act, 1894, as the case may be, then, unless it can be shown that the illness has been produced by other causes,

57 & 58 Vict., c. 60.

the owner or master shall be liable to pay all expenses properly and necessarily incurred by reason of such illness (not exceeding in the whole three months' wages), either by the seaman or apprentice himself or on his behalf by—

(*d*) any Local Government or Superintendent of a Mercantile Marine Office in British India, or

(*e*) any officer authorised in that behalf by the Government of any other British Possession, or

(*f*) any British Consular officer.

(*3*) Nothing in sub-section (*2*) shall affect— [*Bill of 1867, s. 180, last clause.*]

(*g*) any further liability to which any owner or master is subject in respect of such neglect as aforesaid, or

(*h*) any remedy which any seaman or apprentice would have but for that sub-section.

(*4*) In cases not provided for by sub-section (*1*) or sub-section (*2*), any reasonable expenses

duly incurred by the owner of a British ship registered in British India—

(*i*) for a master or seaman in respect of illness, or

(*j*) in respect of the burial of a master, seaman or apprentice dying while on service,

shall, if duly proved, be deducted from the wages of such master, seaman or apprentice.

(*5*) Where any expenses referred to in sub-section (*1*) have been paid by the master, seaman or apprentice himself, or where any expenses are payable under sub-section (*2*), the same may be recovered as if they were wages duly earned; and, if any such expenses are paid or allowed out of any moneys forming part of the revenues of India, the amount shall be a charge upon the ship, and may be recovered with full costs of suit by the Secretary of State for India in Council.

117. *Application of Chapter to certain seamen of foreign ships.* [*Omitted.*]

CHAPTER XIV.

Complaints by Seamen and Apprentices.

[Act 1 of 1859, s. 72; Bill of 1867, s. 186; Bill of 1882, s. 85.] Cf. *1894, s. 211.*

Seaman or apprentice to be allowed to go ashore to make complaint to a Magistrate or Superintendent.

118. (*1*) If any seaman or apprentice, while on board any British ship, states to the master that he desires to make complaint to a Magistrate or a Superintendent of a Mercantile Marine Office against the master or any member of the crew, the master shall,

if the ship is then at a place where there is a Magistrate or a Superintendent of a Mercantile Marine Office, so soon as the service of the ship will permit, or, if the ship is not then at such a place, so soon after her first arrival at such a place as the service of the ship will permit,

allow such seaman or apprentice to go ashore or send him ashore in proper custody, so that he may be enabled to make such complaint.

(*2*) Any master failing to comply with the provisions of this section shall be *liable to* fine which may extend to one hundred rupees.

119. *Application of section 118 to certain seamen of foreign ships.* [*Omitted.*]

CHAPTER XV.

PROTECTION OF SEAMEN AND APPRENTICES FROM IMPOSITION.

Protection of wages and salvage from encumbrances.

120. (*1*) No wages due or accruing to any seaman or apprentice of a British ship shall be subject to attachment by order of any Court. [Act I of 1859, s. 73; Bill of 1867, s. 187; Bill of 1882, s. 86.] Cf. *1894, ss. 163, 212.*

(*2*) Every payment of wages to a seaman *or apprentice* of a British ship shall be valid in law, notwithstanding any previous sale or assignment of such wages or any encumbrance thereon.

(*3*) No assignment or sale *of* wages or salvage made by a seaman *or apprentice* of a British ship prior to the accruing thereof shall bind the *person making the same*, and no power-of-attorney or authority for the receipt of wages or salvage due or accruing due to such a seaman *or apprentice* shall be irrevocable.

(*4*) *Nothing in this section shall affect the provisions of this Act with respect to allotment-notes.*

Debt exceeding three rupees when recoverable.

121. No debt exceeding in amount three rupees, incurred by any seaman of a British ship after he has engaged to serve, shall be recoverable until the service agreed for is concluded. [Act I of 1859, s. 74; Bill of 1867, s. 188; Bill of 1882, s. 87.] Cf. *1894, s. 213.*

Penalty for overcharge by lodging-house-keeper.

122. If any person demands or receives from any seaman or apprentice of a British ship payment in respect of his board or lodging in the house of such person for a longer period than that during which the seaman or apprentice has actually boarded or lodged therein, he shall *for each offence* be *liable to* fine which may extend to one hundred rupees. [Act I of 1859, s. 75; Bill of 1867, s. 189; Bill of 1882, s. 88.] Cf. *1894, s. 215.*

Penalty for retaining money or effects of seaman or apprentice.

123. (*1*) If any person receives or takes into his possession or under his control any moneys or effects of any seaman or apprentice of a British ship, and does not return the same or pay the value thereof when so required by the seaman or apprentice, subject to the deduction of any sum which may be justly due to him from the seaman or apprentice in respect of board or lodging or otherwise, or absconds with any such moneys or effects, he shall *for each offence* be *liable to* fine which may extend to one hundred rupees. [Act I of 1859, s. 76; Bill of 1867, s. 190; Bill of 1882, s. 89.] Cf. *1894, s. 216.*

(*2*) Any Magistrate imposing a fine under sub-section (*1*) may direct the amount or value of such moneys or effects as aforesaid, subject to such deduction as aforesaid, to be forthwith paid to the seaman or apprentice.

Penalty for being on board ship without permission before seamen leave.

124. Where a British ship is about *to* arrive, is arriving or has arrived at the end of her voyage, every person, not being in Her Majesty's service authorised by law for the purpose, who— [Act I of 1859, s. 77; Bill of 1867, s. 191; Bill of 1882, s. 90.] Cf. *1894, s. 218.*

(*a*) goes on board the ship, without the permission of the master, before the seamen lawfully leave the ship at the end of their engagement, or are discharged (whichever last happens), or,

(*b*) being on board the ship, remains there after being warned to leave by the master, or by a police-officer,

shall *for each offence* be *liable to* fine which may extend to two hundred rupees, or with imprisonment for a term which may extend to six months; and the master of the ship may take him into custody, and deliver him up forthwith to a police-officer to be taken before a Court or Magistrate capable of taking cognizance of the offence, and dealt with according to law.

Penalty for solicitations by lodging-house-keepers.

125. If, within twenty-four hours after the arrival of any British ship at any port in British India, any person then being on board the ship solicits any seaman or apprentice to become a lodger at the house of any person letting lodgings for hire, or takes out of the ship any effects of any seaman or apprentice, except under the personal direction of the seaman or apprentice and with the permission of the master, he shall be *liable to* fine which may extend to fifty rupees. [Act I of 1859, s. 78; Bill of 1867, s. 192; Bill of 1882, s. 91.] Cf. *1894, s. 217.*

126. *Application of sections 120 to 123 to certain seamen of foreign ships.* [*Omitted.*]

CHAPTER XVI.

DISCIPLINE.

Power of Admiralty and Criminal Courts to remove master and appoint a new master.

127. Any Colonial Court of Admiralty in British India, or the principal Court of ordinary criminal jurisdiction at any port in British India where there is no Colonial Court of Admiralty, may, [Act I of 1859, s. 80; Act V of 1883, s. 4 (2); Act XVI of 1891; Bill of 1867, ss. 194, 201; Bill of 1882, s. 107.] Cf. *1894, s. 472.*

upon application by the owner, a part owner, the agent of the owner, the consignee, any certificated mate, or one-third or more of the

members of the crew, of any British ship being within the jurisdiction of the Court, and upon proof on oath to the satisfaction of the Court that the removal of the master of the ship is necessary, remove him accordingly; and

may, with the consent of the owner or his agent, or the consignee of the ship, or, if there is no owner or agent of the owner or consignee of the ship within the jurisdiction of the Court, then without such consent, appoint a new master in his stead; and

may make such order, and require such security, in respect of costs in the matter, as it may think fit.

[Act I of 1859, s. 99; Bill of 1867, s. 218; Bill of 1882, s. 127.] Cf. *1894, s. 258.*

On change of master, documents to be handed over to successor.

128. (*1*) If, during the progress of a voyage, the master of any British ship registered in British India is *removed or* superseded, or for any other reason quits the ship, and is succeeded in the command by some other person, he shall deliver to his successor the various documents relating to the navigation of the ship and to the crew thereof which are in his custody; and shall in default be *liable to* fine which may extend to one thousand rupees.

(*2*) Such successor shall, immediately on assuming the command of the ship, enter in the official log a list of the documents so delivered to him.

[Act I of 1859, s. 79 (am. by Act V of 1883, s. 36); Bill of 1867, s. 193; Bill of 1882, s. 106.] Cf. *1894, s. 220.*

Punishment for misconduct endangering ship, life or limb.

129. If any master, seaman or apprentice of a British ship, by wilful breach of duty, or by neglect of duty, or by reason of drunkenness,—

(*a*) does any act tending to the immediate loss, destruction or *serious* damage of the ship, or tending immediately to endanger the life or limb of any person belonging to, or on board of, the ship, or

(*b*) refuses or omits to do any lawful act proper and requisite to be done by him for preserving the ship from immediate loss, destruction or *serious* damage, or for preserving any person belonging to or on board of the ship from immediate danger to life or limb,

he shall be *liable to* fine which may extend to one thousand rupees, or *to* imprisonment for a term which may extend to two years, or *to* both.

[Act I of 1859, s. 83; Bill of 1867, s. 202; Bill of 1882, s. 108.] Cf. *1894, ss. 221, 225.*

Punishment of seamen and apprentices for certain other offences.

130. Whenever any seaman of a British ship who has been lawfully engaged, or any apprentice of a British ship, commits any of the following offences, he shall, notwithstanding anything in Chapter XXII of the Code of Criminal Procedure, 1882, be tried in a summary way, and shall be punishable as follows (that is to say)— X of 1882.

Desertion.

(*1*) *if he deserts*, he shall be liable—

(*a*) to forfeit all or any part of *the effects he leaves on board and of* the wages or emoluments which he has then earned, and

(*b*) if the desertion takes place at any place not in British India, at the discretion of the Court, to forfeit all or any part of the wages or emoluments which he may earn in any other ship in which he may be employed until his next return to a port in British India, and to satisfy any excess of wages paid by the master or owner of the ship from which he deserts to any substitute engaged in his place at a higher rate of wages than the rate stipulated to be paid to him, *and also, except in the United Kingdom, he shall be liable to imprisonment for any period not exceeding twelve weeks, with or without hard labour;*

Failing to join ship, or absence without leave.

(*2*) for neglecting or refusing, without reasonable cause, to join his ship or proceed to sea in his ship, or

for absence without leave at any time within twenty-four hours *of* the ship's sailing from any port either at the commencement or during the progress of any voyage, or

for absence at any time without leave and without sufficient reason from his ship or from his duty, where such absence does not amount to desertion or is not treated as such by the master,

he shall be liable to forfeit out of his wages a sum not exceeding two days' pay, and, in addition, for every twenty-four hours of absence, either a sum not exceeding six days' pay or any expenses which have been properly incurred in hiring a substitute, *and also, except in the United Kingdom, he shall be liable to imprisonment for any period not exceeding ten weeks, with or without hard labour;*

Quitting without leave before ship is secured.

(*3*) for quitting his ship without leave after her arrival at her port of delivery and before she is placed in security, he shall be liable to forfeit out of his wages a sum not exceeding one month's pay;

Disobedience.

(*4*) for wilful disobedience to any lawful command he shall be *liable to* imprisonment for a

term which may extend to four weeks, and shall also be liable, at the discretion of the Court, to forfeit out of his wages a sum not exceeding two days' pay:

Continued disobedience or neglect of duty.

(5) for continued wilful disobedience to lawful commands, or continued wilful neglect of duty, he shall be *liable to* imprisonment for a term which may extend to twelve weeks, and shall also be liable, at the discretion of the Court, to forfeit, for every twenty-four hours' continuance of such disobedience or neglect, either a sum not exceeding six days' pay or any expenses which have been properly incurred in hiring a substitute:

Assault on officer.

(6) for assaulting the master or any mate *or certificated engineer* of his ship he shall be *liable to* imprisonment for a term which may extend to twelve weeks:

Combining to disobey, or to neglect duty, etc.

(7) for combining with any other member or members of the crew to disobey lawful commands, or to neglect duty, or to impede the navigation of the ship or the progress of the voyage, he shall be *liable to* imprisonment for a term which may extend to twelve weeks:

Wilful damage or theft.

(8) for wilfully damaging his ship, or committing theft *or criminal misappropriation* in respect of, or wilfully damaging, any of her stores or cargo, he shall be liable to forfeit out of his wages a sum equal in amount to the loss thereby sustained, and also, at the discretion of the Court, to imprisonment for a term which may extend to twelve weeks:

Act of smuggling, causing loss or damage to owner or master.

(9) for any act of smuggling of which he is convicted, and whereby loss or damage is occasioned to the owner or master, he shall be liable to pay to the owner or master such sum as is sufficient to reimburse the owner or master for such loss or damage; and the whole or a proportionate part of his wages may be retained in satisfaction or on account of such liability, without prejudice to any further remedy.

Section 130 not to take away remedy for breach of contract.

Cf. *1894, s. 226.*

131. Nothing in section 130 shall be deemed to take away or limit any remedy which an owner or master would have but for that section for any breach of contract in respect of matters constituting an offence against that section; but no owner or master shall be compensated more than once in respect of the same damage.

[Act I of 1859, s. 84; Bill of 1867, s. 203; Bill of 1882, s. 109.]
Cf. *1894, s. 228.*

Entry of offences in official log.

132. (*1*) Upon the commission of any offence mentioned in section 130, *or of any act of misconduct for which the offender's agreement imposes a fine, and it is intended to enforce the fine,* the master shall make, or cause to be made, an entry thereof in the official log (if any), and such entry shall be signed by the master and also by the mate or some other member of the crew.

(*2*) The offender, if still in the ship, shall, before the next subsequent arrival of the ship at any port, or, if she is at the time in port, before her departure therefrom, either be furnished with a copy of such entry or have the same read over distinctly and audibly to him, and may thereupon make such reply thereto as he may think fit.

(*3*) A statement that a copy of the said entry has been so furnished, or that the same has been so read over as aforesaid, and the reply (if any) made by the offender, shall likewise be entered and signed in manner aforesaid.

(*4*) In any subsequent legal proceeding, the entries hereinbefore required shall, if practicable, be produced or proved, and in default of such production or proof the Court hearing the case may, at its discretion, refuse to receive evidence of the offence *or act of misconduct.*

[Act I of 1859, s. 95; Bill of 1867, s. 214; Bill of 1882, s. 123.]
Cf. *1894, s. 227.*

Penalty for false statement as to last ship or as to name.

133. (*1*) If any seaman of a British ship, on or before being engaged, wilfully and fraudulently makes a false statement as to the name of his last ship, or last alleged ship, or wilfully and fraudulently makes a false statement as to his own name, he shall be *liable to* fine which may extend to fifty rupees.

(*2*) Such fine may be deducted from any wages which the seaman may earn by virtue of such engagement as aforesaid, and may be applied in whole or in part in reimbursement of the loss and expenses (if any) occasioned by any previous desertion.

[Act I of 1859, ss. 86, 87; Bill of 1867, ss. 205, 206; Bill of 1882, ss. 111, 112.]
Cf. *1894, ss. 222, 223, 224.*

Procedure in case of desertion, failure to join ship, or absence without leave.

134. (*1*) Whenever, either at the commencement or during the progress of a voyage, any seaman or apprentice deserts from, or neglects or refuses to join or proceed to sea in, any British ship in which he is duly engaged to serve, or is found otherwise absenting himself therefrom without leave,

the master or any mate, or the owner, ship's husband or consignee may, with or without the assistance of police-officers, who are hereby directed to give the same if required, convey him on board:

Provided that, if the seaman or apprentice so requires, he shall first be taken before some Court capable of taking cognizance of the matter, to be dealt with according to law.

(2) If any master, mate, owner, ship's husband or consignee—

(*a*) conveys a seaman or apprentice on board without first complying with any requisition made by him to be taken before a Court as aforesaid, or

(*b*) conveys a seaman or apprentice on board, or takes him before a Court, on grounds which appear to the Court to be improper or insufficient,

he shall be *liable to* fine which may extend to two hundred rupees; but such fine, if inflicted, shall be a bar to any suit for false imprisonment.

(3) Whenever any seaman or apprentice is brought before any Court on the ground of his having deserted from, or neglected or refused to join or proceed to sea in, any British ship in which he is engaged to serve, or of having otherwise absented himself therefrom without leave,

the Court may, if the master or the owner or his agent so requires, cause the seaman or apprentice to be conveyed on board for the purpose of proceeding on the voyage, or deliver him to the master or any mate of the ship, or the owner or his agent, to be by him so conveyed, and

may in such case order any costs and expenses properly incurred by or on behalf of the master or owner by reason of the offence to be paid by the seaman or apprentice, and if necessary to be deducted from any wages which he has then earned, or which by virtue of his then existing engagement he may afterwards earn.

Survey of ships alleged by seamen to be unseaworthy.

135. (1) *Whenever in any proceeding against any seaman or apprentice belonging to a British ship for the offence of desertion, or absence without leave or for otherwise being absent from his ship without leave, it is alleged by one-fourth, or if their number exceeds twenty by not less than five, of the seamen belonging to the ship, that the ship is, by reason of unseaworthiness, overloading, improper loading, defective equipment or for any other reason, not in a fit condition to proceed to sea, or that the accommodation in the ship is insufficient, the Court having cognizance of the case shall take such means as may be in its power to satisfy itself concerning the truth or untruth of the allegation, and shall for that purpose receive the evidence of the persons making the same, and may summon any other* Cf. 1804, s. 463.

witnesses whose evidence it may think it desirable to hear, and shall, if satisfied that the allegation is groundless, adjudicate in the case, but if not so satisfied shall before adjudication cause the ship to be surveyed.

(2) A seaman or apprentice charged with desertion, or with quitting his ship without leave, shall not have any right to apply for a survey under this section unless he has before quitting his ship complained to the master of the circumstances so alleged in justification.

(3) For the purposes of this section the Court shall require any surveyor of ships appointed under this Act, or, if such a surveyor or person cannot be obtained without unreasonable expense or delay, or is not, in the opinion of the Court, competent to deal with the special circumstances of the case, then any other competent person appointed by the Court, and having no interest in the ship, her freight, or cargo, to survey the ship, and to answer any question concerning her which the Court thinks fit to put.

(4) Such surveyor or other person shall survey the ship, and make his written report to the Court, including an answer to every question put to him by the Court, and the Court shall cause the report to be communicated to the parties, and, unless the opinions expressed in the report are proved to the satisfaction of the Court to be erroneous, shall determine the questions before it in accordance with those opinions.

(5) Any person making a survey under this section shall for the purposes thereof have all the powers of a Superintendent of a Mercantile Marine Office under this Act.

(6) The costs (if any) of the survey shall be determined according to a scale of fees to be fixed by the Local Government, and shall be paid in the first instance out of the general revenues.

(7) If it is proved that the ship is in a fit condition to proceed to sea, or that the accommodation is sufficient, as the case may be, the costs of the survey shall be paid by the person upon whose demand or in consequence of whose allegation the survey was made, and may be deducted by the master or owner out of the wages due or to become due to that person, and shall be paid over to Government.

(8) If it is proved that the ship is not in a fit condition to proceed to sea, or that the accommodation is insufficient, as the case may be, the master or owner of the ship shall pay the costs of the survey to Government, and shall be liable to pay to the seaman or apprentice, who has been detained in consequence of the said proceeding before the Court under this section, such compensation for his detention as the Court may award.

Report of desertions and absences without leave.

136. (*1*) Whenever any seaman or apprentice not shipped in British India deserts or otherwise absents himself without leave from a British ship in which he is engaged to serve, the master of the ship shall, *if practicable*, within forty-eight hours of discovering such desertion or absence, report the same to the Superintendent of a Mercantile Marine Office or to such other officer (if any) as the Local Government may, by notification in the official Gazette, appoint in this behalf, unless in the meantime the deserter or absentee returns. [Act XIII of 1876, s. 6; Bill of 1882, s. 113.]

(*2*) Any master wilfully neglecting to comply with the provisions of this section shall be *liable to* fine which may extend to one hundred rupees, or *to* imprisonment for a term which may extend to one month, or *to* both.

Entries and certificates of desertion abroad to be copied, sent to British India and admitted in evidence.

137. (*1*) Whenever a seaman or apprentice shipped in British India on a British ship registered in British India deserts therefrom while the ship is out of British India, the master shall produce the entry in the official log (if any) of such desertion to the person or persons required or authorised by section *188* of the Merchant Shipping Act, 1894, to endorse on the agreement a certificate of such desertion. [Act I of 1859, s. 89; Bill of 1867, s. 208; Bill of 1882, s. 117.] Cf. *1894, s. 229.* 57 & 58 Vict. c. 60.

(*2*) Such person or persons shall thereupon make and certify a copy of such entry and a copy of the said certificate of desertion.

(*3*) The master shall forthwith transmit such copies to the Superintendent of the Mercantile Marine Office at the port at which the seaman or apprentice was shipped, and the Superintendent shall, if required, cause the same to be produced in any legal proceeding.

(*4*) Such copies, if purporting to be so made and certified as aforesaid, shall in any legal proceeding relating to such desertion be admissible in evidence.

Facilities for proving desertion so far as concerns forfeiture of wages or emoluments.

138. (*1*) Whenever a question arises whether the wages or emoluments of any seaman or apprentice of a British ship are forfeited for desertion, it shall be sufficient for the party insisting on the forfeiture to show that the seaman or apprentice was duly engaged in, or that he belonged to, the ship from which he is alleged to have deserted, and that he quitted such ship before the completion of the voyage or engagement, or, if the voyage was to terminate at any port in British India, and the ship has not returned to British India, that he is absent from her, and that an entry of the desertion has been duly made in the official log (if any). [Act I of 1859, s. 90; Bill of 1867, s. 209; Bill of 1882, s. 118.] Cf. *1894, s. 231.*

(*2*) Thereupon the desertion shall, so far as relates to any forfeiture of wages or emoluments under the provisions hereinbefore contained, be deemed to be proved, unless the seaman or

apprentice can produce a proper certificate of discharge or can otherwise show to the satisfaction of the Court that he had sufficient reason for leaving his ship.

Amount of forfeiture how to be ascertained when seamen contract for the voyage.

139. (*1*) Where a seaman of a British ship contracts for wages by the voyage or by the run or by the share, and not by the month or any other stated period of time, the amount of forfeiture to be incurred under this Act shall be taken to be an amount bearing the same proportion to the whole wages or share as a month or other the period hereinbefore mentioned in fixing the amount of such forfeiture (as the case may be) bears to the whole time spent in the voyage *or run*. [Act I of 1859, s. 92; Bill of 1867, s. 211; Bill of 1882 s. 120.] Cf. *1894, s. 234.*

(*2*) If the whole time spent in the voyage *or run* does not exceed the period for which pay is to be forfeited, the forfeiture shall extend to the whole wages or share.

Questions of forfeitures may be decided in suits for wages.

140. Any question concerning the forfeiture of or deductions from the wages of any seaman or apprentice of a British ship may be determined in any proceeding lawfully instituted with respect to such wages, notwithstanding that the offence in respect of which such question arises, though hereby made punishable by imprisonment as well as forfeiture, has not been made the subject of any criminal proceeding. [Act I of 1859, s. 94; Bill of 1867, s. 213; Bill of 1882, s. 122.] Cf. *1894, s. 233.*

Application of forfeitures.

141. (*1*) All wages and *effects* which, under the provisions hereinbefore contained, are forfeited for desertion, shall be applied in the first instance in or towards the re-imbursement of the expenses occasioned by such desertion to the master or owner of the ship from which the desertion has taken place, and may, if earned subsequently to the desertion, be recovered by such master or by the owner or his agent in the same manner as the deserter might have recovered the same if they had not been forfeited; and in any legal proceeding relating to such wages the Court may order the same to be paid accordingly; and, subject to such re-imbursement, the same shall be paid into the public treasury and carried to the account of the Government. [Act I of 1859, s. 93; Bill of 1867, s. 212; Bill of 1882, s. 121.] Cf. *1894, s. 232.*

(*2*) In all other cases of forfeiture of wages under the provisions hereinbefore contained, the forfeiture shall, in the absence of any specific directions to the contrary, be for the benefit of the master or owner by whom the wages are payable.

Power to deduct from wages costs of procuring conviction.

142. Whenever, in any proceeding relating to a seaman's or apprentice's wages, it is shown that any seaman or apprentice of a British ship has in the course of the voyage been convicted of any offence by any competent tribunal and rightfully punished therefor by imprisonment or otherwise, the Court hearing the case may [Act I of 1859, s. 91; Bill of 1867, s. 210; Bill of 1882, s. 119.] Cf. *1894, s. 161.*

direct a part of the wages due to such seaman or apprentice, not exceeding thirty rupees, to be applied in re-imbursing any costs properly incurred by the master in procuring such conviction and punishment.

Power to send on board seaman or apprentice not shipped in British India who is undergoing imprisonment.

143. (*1*) (*a*) *If any seaman or apprentice is imprisoned on the ground of his having neglected or refused to join, or to proceed to sea in, 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, or* [Act I of 1859, s. 88; Act XIII of 1876, s. 7; Bill of 1876, s. 207; Bill of 1882, ss. 114, 115.] Cf. *1894, s.* 223 (4).

(*b*) if any seaman or apprentice of a British ship who was not shipped in British India is imprisoned for any offence for which he has been sentenced to imprisonment for a term not exceeding one month,

and if during such imprisonment and before his engagement is at an end *the services of such seaman or apprentice* are required on board his ship,

any Magistrate may, at the request of the master or of the owner or his agent, cause the seaman or apprentice to be conveyed on board the ship for the purpose of proceeding on the voyage or to be delivered to the master or any mate of the ship or to the owner or his agent, to be by him so conveyed, notwithstanding that the period for which he was sentenced to imprisonment has not terminated.

(*2*) The officer in charge of the jail in which such seaman or apprentice is confined shall obey all orders given by a Magistrate under this section.

Procedure where seaman or apprentice not shipped in British India is imprisoned on complaint of master or owner.

144. (*1*) If any seaman or apprentice of a British ship, who was not shipped in British India, is imprisoned, on complaint made by or on behalf of the master or owner of the ship, for any offence for which he has been sentenced to imprisonment for a term not exceeding one month, then— [Act XIII of 1876, s. 8 (am. by Act XII of 1891); Bill of 1882, s. 116.]

(*a*) while such imprisonment lasts, no person shall, without the previous sanction in writing of the Local Government or of such officer as it may appoint in this behalf, engage any native of India to serve as a seaman on board such ship; and

(*b*) the Local Government, or such officer as it may appoint in this behalf, may tender such seaman or apprentice to the master or owner of the ship, and if such master or owner, without assigning reasons satisfactory to the Local Government or to such officer as aforesaid, refuses to receive him on board, may require such master or

owner to deposit in the local Mercantile Marine Office—

(*i*) the wages due to such seaman or apprentice, and his money, *clothes* and effects, and

(*ii*) such sum as may in the opinion of the Local Government or such officer as aforesaid be sufficient to defray the cost of the passage of the said seaman or apprentice to the port at which he was shipped, according to the scale of cost usual in the case of distressed seamen.

(*2*) Whoever wilfully disobeys the prohibition contained in clause (*a*) of sub-section (*1*) shall be *liable to* imprisonment for a term which may extend to three months, or *to* fine which may extend to one thousand rupees, or to both.

(*3*) Any master or owner refusing or neglecting to deposit any wages, money, *clothes and other* effects or sum when required under clause (*b*) of sub-section (*1*) so to do shall be *liable to* fine which may extend to five hundred rupees, *and in default of payment of such fine to imprisonment which may extend to three months.*

Entry in official log, and recovery of fines levied under agreement.

145. (*1*) Whenever any seaman of a British ship commits an act of misconduct for which his agreement imposes a fine, and which it is intended to punish by exacting such fine, the master shall make, or cause to be made, an entry thereof in the official log (if any), and such entry shall be signed by the master and also by the mate or some other member of the crew. [Act I of 1859, s. 96; Bill of 1867, s. 215; Bill of 1882, s. 124.] Cf. *1894, s. 235.*

(*2*) The provisions of section 132, sub-sections (*2*) and (*3*), shall apply to every such entry.

(*3*) Such fine shall be deducted and paid over as follows (that is to say),—

(*a*) if the offender is discharged at any port in British India,

and the offence, and the entries in respect thereof required by sub-sections (*1*) and (*2*), are proved, in the case of a foreign-going ship, to the satisfaction of the Superintendent of a Mercantile Marine Office before whom the offender is discharged, and, in the case of a home-trade ship, to the satisfaction of the Superintendent of the Mercantile Marine Office at or nearest to the place at which the crew is discharged,

the master or owner shall deduct the fine from the wages of the offender and pay the same over to such Superintendent:

(*b*) if, before the final discharge of the crew in British India, the offender enters into any of Her Majesty's ships or is

discharged at any place not in British India,

and the offence and such entries as aforesaid are proved to the satisfaction of the officer in command of the ship into which he so enters, or of the consular officer, officer of Customs or other person by whose sanction he is so discharged,

the master or owner shall deduct the fine from the wages of the offender, and the master shall make or cause to be made an entry of such deduction in the official log (if any), and such entry shall be signed by such officer or other person as aforesaid, and on the return of the ship to British India the master or owner shall pay over the fine, in the case of a foreign-going ship, to the Superintendent of a Mercantile Marine Office before whom the crew is discharged, and in the case of a home-trade ship to the Superintendent of the Mercantile Marine Office at or nearest to the place at which the crew is discharged.

(*4*) If any master or owner neglets or refuses to pay over any fine to a Superintendent of a Mercantile Marine Office as required by sub-section (*3*), he shall be *liable to* fine which may extend to six times the amount of the fine retained by him.

(*5*) No act of misconduct for which a fine has been deducted under sub-section (*2*) shall be otherwise punished under the provisions of this Act.

146. (*1*) *If a person by any means whatever persuades or attempts to persuade a seaman or apprentice to neglect or refuse to join or proceed to sea in or to desert from his ship, or otherwise to absent himself from his duty, he shall for each offence in respect of each seaman or apprentice be liable to fine which may extend to fifty rupees.*

Penalty for enticing to desert and harbouring deserters.

(*2*) *If a person wilfully harbours or secretes a seaman or apprentice who has wilfully neglected or refused to join, or has deserted from, his ship, knowing or having reason to believe the seaman or apprentice to have so done, he shall for every seaman or apprentice so harboured or secreted be liable to fine which may extend to two hundred rupees.*

147. Any person who secretes himself and goes to sea in any British ship without the consent of the master or owner or some other person entitled to give such consent shall be *liable to* fine which may extend to two hundred rupees, or *to* imprisonment for a term which may extend to four weeks.

[Act I of 1859, s. 98; Bill of 1867, s. 217; Bill of 1882, s. 126.] Cf. *1894, s. 237 (1).*

Penalty for obtaining passages surreptitiously.

148. Every seafaring person whom the master of a British ship is, under the authority of this Act or any other law, compelled to take on board and convey, and

every person who goes to sea in a British ship without the consent of the master or owner or some other person entitled to give such consent,

shall, so long as he remains in the ship, be subject to the same laws and regulations for preserving discipline, and to the same penalties and punishments for offences constituting or tending to a breach of discipline, to which he would be subject if he were a member of the crew and had signed the agreement.

[Act I of 1859, s. 85; Bill of 1867, s. 204; Bill of 1882, s. 110.] Cf. *1894, s. 237 (2).*

Seafaring persons whom masters of ships are compelled to convey and persons going in ships without leave, to be subject to laws for preserving discipline.

CHAPTER XVII.

Leaving Seamen or Apprentices in British India.

149. (*1*) Whenever a British ship, other than a home-trade ship of a burden of less than eighty tons, is transferred or disposed of at any port in British India, and any seaman or apprentice belonging to the ship does not, in the presence of the Superintendent of the Mercantile Marine Office, signify his consent in writing to complete the voyage if continued, the master—

[Bill of 1867, s. 148.] Cf. *1894, s. 286.*

Discharge of seamen or apprentices on disposal of ship in British India, and procedure thereupon.

shall give to each such seaman or apprentice a certificate of discharge, in the form mentioned in section 81, and,

where a certificated mate or engineer whose certificate has been delivered to and retained by the master is so discharged, shall return such certificate, and

shall, besides paying the wages to which such seaman or apprentice is entitled, either—

(*a*) provide him with adequate employment on board some other British ship bound to the port in Her Majesty's dominions at which he was originally shipped, or to such other port in Her Majesty's dominions as may be agreed to by him, or

(*b*) provide the means of sending him back to such a port, or

(*c*) provide him with a passage home, or

(*d*) deposit with such Superintendent as aforesaid such a sum of money as may

by such Superintendent be deemed sufficient to defray the expenses of his subsistence and passage home.

(*2*) Such Superintendent shall indorse upon the agreement of the ship which the seaman or apprentice is leaving the particulars of every such payment, provision or deposit.

(*3*) If any master of a British ship refuses or neglects to comply with the requirements of this section in respect of any seaman or apprentice, the expenses of the subsistence of the seaman or apprentice and of his passage home shall, unless the seaman or apprentice has been guilty of barratry, be recoverable as follows, that is to say :—

(*i*) if such expenses are defrayed by such Superintendent as aforesaid, they shall be a charge upon the ship and upon the owner for the time being thereof, and may be recovered from such owner, with costs, as a debt due to the Secretary of State for India in Council, either by ordinary process of law, or in the manner provided by Chapter IX or any other law for the time being in force for the recovery of a seaman's wages;

(*ii*) if such expenses are defrayed by the seaman or apprentice himself, they may be recovered as wages due to him.

Discharge, or leaving behind in British India, of seamen or apprentices not shipped in British India.

[Act XIII of 1876, s. 4; Bill of 1867, ss. 149, 158; Bill of 1882, s. 58.] Cf. *1894, s. 188.*

150. (*1*) No seaman or apprentice of a British ship who was not shipped in British India—

(*a*) shall be discharged at any port in British India without the previous sanction in writing of the Superintendent of the Mercantile Marine Office, or

(*b*) shall be left behind at any place in British India without a certificate in writing previously obtained from some Superintendent of a Mercantile Marine Office and indorsed on the agreement with the crew, stating the fact and whether the cause thereof is unfitness or inability to proceed to sea, desertion or disappearance.

(*2*) Such sanction or certificate shall be given or withheld at the discretion of the Superintendent; but, whenever it is withheld, the reasons for withholding it shall be recorded by him in writing.

(*3*) The Superintendent to whom any application for a certificate is made under

sub-section (*1*) shall enquire in a summary way into any allegation of unfitness, inability, desertion or disappearance as aforesaid, and may for that purpose, if he thinks fit so to do, administer oaths.

(*4*) Any person discharging or leaving behind a seaman or apprentice in wilful disobedience to the prohibition contained in sub-section (*1*) shall be *liable to* imprisonment for a term which may extend to three months, or *to* fine which may extend to one thousand rupees, or *to* both.

[Bill of 1867, s. 150.] Cf. *1894, s. 188(4).*

Proof of sanction or certificate on whom to lie.

151. (*1*) Upon the trial of any proceeding against any person for discharging or leaving behind any seaman or apprentice contrary to the provisions of section 150, it shall lie upon such person either to produce the sanction or certificate, as the case may be, required by that section, or to prove that he had obtained the same previously to having discharged or left behind such seaman or apprentice, or that it was impracticable for him to obtain such sanction or certificate.

[Bill of 1867, ss. 151, 152.] Cf. *1894, s. 189.*

Wages to be paid when seaman or apprentice is left behind on ground of unfitness or inability.

152. (*1*) Every master of a British ship who leaves any seaman or apprentice on shore at any place in British India under a certificate of his unfitness or inability to proceed to sea shall deliver to the Superintendent of the Mercantile Marine Office by whom such certificate is granted a full and true account of the wages due to such seaman or apprentice, and shall pay such wages to the *Superintendent of the Mercantile Marine Office* either in money or by a bill drawn upon the owner:

Provided that, whenever it is practicable so to do, such payment shall be made in money and not by bill.

(*2*) Whenever a bill is so drawn, such Superintendent shall by indorsement certify thereon that the same is drawn for money due on account of a seaman's or apprentice's wages,

and shall indorse the amount for which such bill is drawn with such further particulars in respect of the case as the Board of Trade may require, upon the agreement of the ship.

(*3*) Where a bill is so drawn, the owner of the ship shall be liable to pay the amount of the same to the holder or indorsee thereof; and it shall not be necessary in any proceeding against the owner upon any such bill to prove that the master had authority to draw the same.

(*4*) Any bill produced out of the custody of a Superintendent of a Mercantile Marine Office

and purporting to be drawn in pursuance of this section, and to be indorsed as herein required, and

any indorsement on any such bill purporting to be made in pursuance of this section, and to be signed by the Superintendent of a Mercantile Marine Office,

shall be admissible in evidence.

(5) Any master who *without reasonable cause* refuses or neglects to deliver an account of wages, or to pay any wages, as required by sub-section (1), shall be *liable to* fine which may extend to one hundred rupees; and any master who delivers a false account of such wages shall be *liable to* fine which may extendtotwo hundred rupees; without prejudice in either case to his liability to pay the said wages.

CHAPTER XVIII.

DISTRESSED SEAMEN AND APPRENTICES.

[Act VII of 1880, s. 54; Bill of 1882, s. 92.]

Definition of "Local Authority."

153. In this chapter "local authority" means such person as the Local Government may, subject to the control of the Governor General in Council, appoint by name or in virtue of his office to exercise the powers conferred, and to perform the duties imposed, on the local authority under this Chapter.

[Act VII of 1880, s. 55; Bill of 1867, s. 153; Bill of 1882, s. 93.]
Cf. *1894, s. 191 (1).*

Relief of distressed seamen and apprentices at British Indian ports.

154. Subject to any rules made under section 162, the local authority may provide for the subsistence—

(*a*) of all seamen and apprentices, being Native Indian subjects of Her Majesty, who have been shipwrecked, discharged or left behind at any place in British India, whether from any British ship employed in the merchant service, or from any *ship belonging to or in the service of Her Majesty or the Government of India*, or who have been engaged by any person (whether acting as principal or agent) to serve in any ship belonging to any foreign Prince or State, or to the subject of any foreign Prince or State, and who are in distress in any such place; and

(*b*) of all seamen and apprentices, not being Native Indian subjects of Her Majesty, who have been shipwrecked, discharged or left behind at any place in British India from any British ship registered in British India and who are in distress in any such place,

until such time as such authority is able to provide them with a passage under the provisions hereinafter contained.

[Act VII of 1880, ss. 56, 57; Bill of 1867, s. 135; Bill of 1882, ss. 94, 95.]
Cf. *1894, s. 191 (2).*

Distressed seamen and apprentices to be sent home.

155. (1) Subject as aforesaid, the Local Authority may cause such seamen or apprentices to be put on board some ship belonging to any subject of Her Majesty which is in want of men to make up its complement and is bound—

(*a*) in the case of seamen or apprentices who are Native Indian subjects of Her Majesty, to their home or to a port in British India near their home;

(*b*) in the case of other British seamen or apprentices, to any port in the United Kingdom or the British Possession to which they belong (as the case requires); and

(*c*) in the case of seamen or apprentices not being subjects of Her Majesty, to such place as the local authority, subject to the control of the Governor General in Council, may in each case determine.

(2) In default of any such ship, the local authority, may, subject as aforesaid, provide such seamen or apprentices with a passage in any ship (whether British or foreign) bound as aforesaid.

[Act VII of 1880, s. 58; Bill of 1867, s. 153; Bill of 1882, s. 96.]
Cf. *1894, s. 191 (3).*

Name and other particulars with regard to seamen and apprentices to be indorsed on agreement of British ship.

156. The local authority shall indorse on the agreement of any British ship on board of which any seaman or apprentice is sent under section 155 the name of every person so sent on board thereof, with such particulars concerning the case as may be prescribed.

[Act VII of 1880, ss. 59, 60; Bill of 1867, s. 154; Bill of 1882, ss. 97, 98.]
Cf. *1894, s. 192.*

Master of British ship compelled to convey and give subsistence to such seamen and apprentices.

157. (1) The master of every British ship bound as aforesaid shall receive and afford a passage and subsistence to all seamen and apprentices whom he is required to take on board his ship under the provisions of section 155, not exceeding one for every fifty tons burden, and shall, during the passage, provide every such seaman or apprentice with a proper berth or sleeping-place effectually protected against sea and weather.

(2) If the master of any such ship fails *without reasonable cause* to receive on board his ship or to give a passage or subsistence to, or to provide for, any such seaman or apprentice contrary to the provisions of sub-section (1), he shall, for each seaman and apprentice with respect to whom he so fails or refuses, be *liable to* fine which may extend to one thousand rupees.

158. (*1*) When any master of a British ship has conveyed a seaman or apprentice in excess of the number (if any) wanted to make up the complement of his crew to any place in accordance with the requisition of a local authority under this Chapter, such master shall be entitled to be paid by the Secretary of State for India in Council in respect of the subsistence and passage of such seaman or apprentice such sum per diem as the Governor General in Council may appoint : [Act VII of 1880, s. 61 ; Bill of 1882, s. 90.] Cf. *1894, s. 192.*

Conditions under which master may claim payment.

Provided that no payment shall be made under this section except on the production of the following documents (that is to say) :

(*a*) a certificate signed by the Local Authority by whose direction such seaman or apprentice was received on board, specifying the name of such seaman or apprentice and the time when he was received on board ; and

(*b*) a declaration in writing by such master, stating—

(*i*) the number of days during which such seaman or apprentice received subsistence and was provided for as aforesaid on board his ship ;

(*ii*) the number of men and boys forming the complement of his crew ;

(*iii*) the number of seamen and apprentices employed on board his ship during the time such seaman or apprentice was on board ; and

(*iv*) every variation (if any) of such number.

(*2*) The declaration required by clause (*b*) of sub-section (*1*) shall, in the case of a ship conveying Native Indian subjects of Her Majesty to a port in British India, be made before a Superintendent of a Mercantile Marine Office or such officer as the Local Government may appoint ; and

shall, in other cases, be made and verified in the same manner as declarations made under section 192 of the Merchant Shipping Act, 1894.

57 & 58 Vict., c. 60.

159. (*a*) If any seaman or apprentice, being a Native Indian subject of Her Majesty and belonging to any British ship, is discharged or left behind at any place in British India without full compliance on the part of the master with all the provisions in that behalf of the law for the time being in force, and becomes distressed and is relieved under the provisions of this Chapter ; or [Act VII of 1880, s. 62 ; Bill of 1882, s. 100.] Cf. *1894, s. 193.*

Wages of, and expenses incurred in respect of, distressed seamen and apprentices to be charged in certain cases upon ship to which they belong.

(*b*) if any seaman or apprentice, being a Native Indian subject of Her Majesty, after having been engaged by any person (whether acting as principal or agent) to serve in any ship belonging to any Foreign Prince or State or to the subject of any Foreign Prince or State, becomes distressed and is relieved as aforesaid ; or

(*c*) if any seaman or apprentice belonging to any British ship registered in British India, and not being a Native Indian subject of Her Majesty, is discharged or left behind at any place in British India without full compliance as aforesaid, and becomes distressed and is relieved as aforesaid,

the wages (if any) due to such seaman or apprentice, and all expenses incurred for his subsistence, necessary clothing, conveyance home, and, in case he should die before reaching home, for his burial, shall be a charge upon the ship, whether British or foreign, to which he so belonged as aforesaid.

160. (*1*) All such wages and expenses shall be recoverable with costs either from the master of such ship or from the person who is owner thereof for the time being, or, in the case of an engagement for service in a foreign ship, from such master or owner or from the person by whom such engagement was so made, in the same manner as other debts due to the Secretary of State for India in Council, or in the manner provided by Chapter IX or any other law for the time being in force for the recovery of a seaman's wages. [Act VII of 1880, ss. 63, 64, 65 ; Bill of 1882, ss. 101, 102, 103.] Cf. *1894, s. 193.*

Mode of recovering such wages and expenses.

(*2*) The Local Government may, by notification in the official Gazette, authorise, either generally or specially, such persons as it may think fit to sue for any such wages and expenses and recover the same.

(*3*) Every person so authorised shall be entitled to sue and recover accordingly, and shall be deemed to be a person filling a public office within the meaning of the Indian Evidence Act, 1872, section 57, clause (*7*) : 1 of 1872.

Provided that, when any such wages or expenses are due to or in respect of a seaman or apprentice referred to in section 159, clause (*c*), they may, instead of being recovered by a person authorised under sub-section (*2*), be recovered by the Board of Trade in manner provided by the Merchant Shipping Act, 1894, section *193*, and when so recovered shall be paid by the said Board to the Secretary of State for India in Council. 57 & 58 Vict., c. 60.

161. In all proceedings under the foregoing provisions of this Chapter, whether in British India or elsewhere, the production of a certificate signed by the local authority by which any seaman or apprentice named therein was relieved, or any expenses were incurred, under the said provisions, to the effect that such seaman or apprentice was in distress, and that such expenses were incurred in respect of such seaman or apprentice, shall be conclusive proof that such seaman or apprentice was relieved, conveyed home or buried (as the case may be) at the expense of the revenues of India.

Evidence of distress and expenses incurred.

[Act VII of 1880, s. 66; Bill of 1882, s. 104.] Cf. *1894, s. 193.*

162. The Governor General in Council may make rules to determine under what circumstances and subject to what conditions seamen or apprentices may be relieved and provided with passages under the foregoing provisions of this Chapter, and generally to carry out the said provisions.

Power to make rules.

[Act VII of 1880, s. 67; Bill of 1882, s. 105.] Cf. *1894, s. 190.*

163. (*1*) Nothing in the foregoing provisions of this Chapter shall apply to seamen or apprentices to whom the provisions of section *191* of the Merchant Shipping Act, 1894, apply.

Relief of distressed seamen to whom the English Merchant Shipping Act applies.

57 & 58 Vict., c. 60.

[Act XII of 1876, s. 3; Act VII of 1880, s. 54; Bill of 1882, ss. 92, 157.] Cf. *1894, ss. 92, 193.*

(*2*) A certificate signed by a Secretary to the Local Government, or by such other officer as the Local Government may appoint in this behalf, to the effect that any seaman named therein is distressed, shall, in all proceedings under sections *191, 192 and 193* of the Merchant Shipping Act, 1894, be conclusive proof that such seaman is distressed within the meaning of those sections.

57 & 58 Vict., c. 60.

(*3*) Any master of a British ship refusing to accept such seaman as a distressed seaman under the provisions of the said sections shall, for each seaman with respect to whom he so refuses, be *liable to* fine which may extend to one thousand rupees.

164. (*1*) Where any wages or expenses recoverable under section 193 of the Merchant Shipping Act, 1894, are, under *that* section, a charge upon any ship, or recoverable from any master, owner or other person, within the jurisdiction of any Court in British India, the Governor General in Council

Recovery in British India, under the Merchant Shipping Act, 1894, of wages and expenses of distressed seamen and apprentices.

57 & 58 Vict., c. 60.

[Act V of 1883, ss. 32, 33; Bill of 1882, s. 71.]

may, by notification in the Gazette of India, authorise, either generally or specially, such persons as he may think fit to sue for and recover those wages or expenses in the manner provided in *that* section.

(*2*) Every person so authorised shall be entitled to sue and recover accordingly in any such Court, and shall be deemed to be a person filling a public office within the meaning of the Indian Evidence Act, 1872, section 57, clause (7).

I of 1872.

(*3*) All suits and proceedings under this section shall be instituted and carried on in the name of the Secretary of State for India in Council.

CHAPTER XIX.

THE OFFICIAL LOG.

165. (*1*) An official log, in a form sanctioned by the Governor General in Council, shall be kept for every British ship registered in British India which is required by section 31 to have a certificated master.

Official log to be kept for certain ships.

[Act I of 1859, s. 103; Bill of 1867, s 219; Bill of 1882, s. 128.] Cf. *1894, s. 239(1), (2), (3).*

(*2*) The official log may, at the discretion of the master or owner, either be kept distinct from the ordinary ship's log or *be* united therewith: Provided that in the latter case all the entries required by this Act or any other law to be made in the official log be duly made.

166. Every master of a ship for which an official log is required lay section 165 shall make or cause to be made in such log entries of the following matters (in addition to all other entries which he is required by this Act or any other law to make therein), that is to say:—

Entries required in official log.

[Act I of 1859, s. 105; Bill of 1867, s. 221; Bill of 1882, s. 130.] Cf. *1894, ss. 240, 423.*

(*a*) every offence committed by any member of the crew for which it is intended to prosecute, or to enforce a forfeiture, or to exact a fine, together with such statement concerning the furnishing of a copy of, or the reading over of, such entry, and concerning the reply (if any) made to the charge, as *is* required by section 132, sub-sections (*2*) and (*3*):

Offences for which it is intended to take proceedings.

(*b*) every offence for which punishment is inflicted on board, and the punishment inflicted:

Punishments inflicted on board.

(*c*) every legal conviction of any member of the crew, and the punishment inflicted; — Convictions.

(*d*) a statement of the conduct, character and qualifications of each member of the crew, or a statement that the master declines to give an opinion on such particulars: — Conduct, etc., of crew.

(*e*) every case of illness or injury happening to any member of the crew, with the nature thereof, and the medical treatment adopted (if any): — Illness and injuries.

(*f*) every marriage taking place on board, with the names and ages of the parties: — Marriages.

(*g*) the name of every seaman or apprentice who ceases to be a member of the crew otherwise than by death, with the place, time, manner and cause thereof: — Quitting ship.

(*h*) the amount of wages due to any seaman who enters Her Majesty's *naval* service during the voyage: — Wages of men entering Navy.

(*i*) the wages due to any seaman or apprentice who dies during the voyage, and the gross amount of all deductions to be made therefrom: — Wages of deceased seamen or apprentices.

(*j*) the sale of the effects of any seaman or apprentice who dies during the voyage, including a statement of each article sold and of the sum received for it; and — Sale of deceased men's effects.

(*k*) every collision with any other ship, and the circumstances under which the same occurred. — Collisions.

[Act I of 1859, s. 104; Bill of 1867, s. 220; Bill of 1882, s. 129.] Cf. *1894, s. 239 (4).*

167. (*1*) Every entry in such official log shall be made as soon as possible after the event to which it relates, and no entry in respect of an event occurring previously to the arrival of the ship at her final port of discharge shall be made more than twenty-four hours after such arrival. — Entries in official log when to be made.

(*2*) If any entry is made after the day on which the event to which it relates occurred,

the dates both of the event and of making the entry shall be shown therein.

[Act I of 1859, s. 106; Bill of 1867, s. 22; Bill of 1882, s. 131.] Cf. *1894, ss. 160 (4), 228, 239 (5).*

168. Every entry in such official log shall be signed as follows, that is to say:— Entries in official log how to be signed.

(*a*) every entry shall be signed by the master;

(*b*) every entry of illness or injury shall be also signed—

(*i*) by the medical officer of the ship or, if there is no such medical officer, by some other surgeon or medical practitioner (if any) on board, and

(*ii*) by the mate or some other member of the crew;

(*c*) every entry of wages due to, or of the sale of the effects of, any seaman or apprentice who dies shall be also signed by the mate and by some other member of the crew;

(*d*) every entry of wages due to any seaman who enters Her Majesty's service shall be also signed—

(*iii*) by the mate or some other member of the crew, and

(*iv*) by the seaman or the officer authorised to receive the seaman into such service; and

(*e*) every entry not specified in clause (*b*), clause (*c*) or clause (*d*) shall be also signed by the mate or some other member of the crew.

[Act I of 1859, s. 107; Bill of 1867, s. 223; Bill of 1882, s 132.] Cf. *1894, s. 241.*

169. (*1*) If in any case an official log is not kept as required by this chapter, or if any entry required by this Act to be made by the master or by his direction in such log is not made as required by this Act, or if any entry is not signed by the master as required by this Act, the master shall, if no other penalty is provided by this Act, be *liable to* fine which may extend to fifty rupees. — Penalties in respect of official logs.

(*2*) Every person who makes or procures to be made or assists in making any entry in an official log kept under this chapter, in respect of any event occurring previously to the arrival of the ship at her final port of discharge, more than twenty-four hours after such arrival, shall be *liable to* fine which may extend to three hundred rupees.

(*3*) Every person who wilfully destroys, mutilates or renders illegible any entry in, or wilfully makes or procures to be made or assists in making any false or fraudulent entry or omission in, any such official log shall be *liable to* imprisonment for a term which may extend to one year.

[Act I of 1859, s. 108; Bill of 1867, s. 224; Bill of 1882, s. 133.] Cf. *1894, s. 239 (6).*

170. All entries made in any such official log in pursuance of this Act or any other law shall, if signed as thereby required, be admissible in evidence. — Entries in official log to be admissible in evidence.

171. (*1*) The master of every foreign-going British ship, whether registered in British India or not, shall, within forty-eight hours after the ship's arival at her final port of destination in British India, or upon the discharge of the crew, whichever first happens, deliver to the Superintendent of a Mercantile Marine Office before whom the crew is discharged the official log of the voyage. [Act I of 1859, s. 109; Bill of 1867, s. 225; Bill of 1882, s. 134.] Cf. *1894, s. 242.*

Delivery of official log to Superintendent periodically.

(*2*) The master or owner of every home-trade British ship, whether registered in British India or not, which is required by section 31, sub-section (*3*), to have a certificated master shall, within twenty-one days after the thirtieth day of June and the thirty-first day of December in every year, transmit or deliver to some Superintendent of a Mercantile Marine Office in British India the official log for the preceding half-year.

(*3*) Every master or owner who *fails without reasonable cause* to deliver or transmit an official log as required by this section shall be *liable to* fine which may extend to two hundred rupees.

172. (*1*) If any British ship registered in British India ceases, by reason of transfer of ownership or change of employment, to fall within the operation of section 165, the master or owner thereof shall, if the ship is then at any port in British India, within one month, and, if she is elsewhere, within six months, deliver or transmit to the Superintendent of the Mercantile Marine Office at the port to which the ship belonged the official log duly made out to the time at which she ceased to be within such operation, and in default shall be *liable to* fine which may extend to one hundred rupees. [Act I of 1859, s. 110; Bill of 1867, s. 226; Bill of 1882, s. 133.] Cf. *1894, s. 243.*

Delivery of official log to Superintendent in case of transfer, loss or abandonment.

(*2*) If any British ship registered in British India is lost or abandoned, the master or owner thereof shall, if practicable, and as soon as possible, deliver or transmit to the Superintendent of the Mercantile Marine Office at the port to which the ship belonged the official log (if any) duly made out to the time of such loss or abandonment, and in default shall be *liable to* fine which may extend to one hundred rupees.

CHAPTER XX.

RECOVERY OF FINES IMPOSED ABROAD.

173. Where any person, being the owner or master or a member of the crew of a British ship, is tried under this Part at any place in Her Majesty's dominions beyond British India for an offence for which a fine is imposable, any fine imposed shall be recoverable in the currency of such place *at the current rate of exchange.* [Act VII of 1880, s. 60.]

Recovery, in local currency, of fines imposed abroad.

PART IV.

SAFETY AND PREVENTION OF ACCIDENTS.

CHAPTER XXI.

LIFE-SAVING APPLIANCES.

174. Nothing in this chapter shall apply to—

Exemption of certain ships.

(*a*) any ship which is duly provided with *life-saving* appliances in accordance with rules made by the Board of Trade under the Merchant Shipping Act, *1894*, and for the time being in force, 57 & 58 Vict., c. 60.

(*b*) any ship which is duly provided with boats and other appliances for saving life in accordance with rules made by the Governor General in Council under section 324 and for the time being in force,

(*c*) native craft *of not more than two hundred tons burden* not *being* square-rigged *and not carrying passengers.*

Cf. 1894 s. 428.

175. It shall be the duty of the owner and master of every British ship to see that his ship is provided, in accordance with rules made under this chapter, with such *life-saving* appliances as, having regard to the nature of the service on which the ship is employed and the avoidance of undue encumbrance of the ship's deck, are best adapted for securing the safety of her crew and passengers.

Duty to carry life-saving appliances.

Cf. 1894 s. 427.

176. The Local Government may make rules with respect to all or any of the following matters, namely:—

Power to make rules.

(*a*) the arranging of British ships into classes, having regard to the services in which they are employed, to the nature and duration of the voyage, and to the number of persons carried;

(*b*) the number and description of the boats, life-boats, life-rafts, life-jackets and life-buoys to be carried by British ships, according to the class in which they are arranged, and the mode of their construction; also the equipments to be carried by the boats and rafts, and the methods (which may include oil for use in stormy weather) to be provided to get the boats and other life-saving appliances into the water;

(*c*) the quantity, quality and description of buoyant apparatus to be carried on board British ships carrying passengers, either in addition to or in substitution for boats, life-boats, life-rafts, life-jackets and life-buoys;

(*d*) *the places in which the life-jackets, life-buoys or other buoyant apparatus are to be kept so as to ensure their being immediately available for use when required.*

Penalty for breach of rules.

177. If any British ship required by rules made under section 176 to be provided with *life-saving* appliances proceeds on any voyage or excursion without being so provided, in accordance with the rules applicable to the ship, then, if the owner appears to be in fault, he shall be *liable to* fine which may extend to one thousand rupees, and, if the master appears to be in fault, he shall be *liable to* fine which may extend to five hundred rupees. Cf. 1894, s. 430 (1).

Appointment and powers of inspectors.

178. (*1*) The Local Government may appoint persons to inspect British ships in any port, for the purpose of seeing that such ships are properly provided with appliances for saving life at sea in pursuance of the rules made under section 176. Cf. 1894, s. 431 (1).

(*2*) Every person so appointed shall, in the port for which he is appointed, have, for the purposes of such inspection, the following powers (that is to say)—

(*a*) he may go on board any British ship and may inspect the same or any part thereof, or any of the boats, equipments or articles on board thereof, not unnecessarily detaining or delaying her from proceeding on any voyage;

(*b*) he may, by summons under his hand, require the attendance of all such persons as he may think fit to call before him, may examine such persons, and may, by a like summons, require returns in writing to any enquiries which he may think fit to make; and

(*c*) he may administer oaths, or may, instead of administering an oath, require any person examined by him to make and subscribe a declaration of the truth of the statements made by him in his examination.

Notice of deficiency to be given to master or owner by such inspectors.

179. If any person so appointed finds that any British ship is not so provided, he shall give to the master or owner notice in writing pointing out the deficiency, and also what is, in his opinion, requisite in order to remedy the same. Cf. 1894, s. 431 (2).

Port-clearance not to be granted till inspector certifies that ship is properly provided with life-saving appliances.

180. Every notice so given shall be communicated, in such manner as the Local Government may direct, to the Customs-collector at any port from which such ship may seek to clear; and no officer authorised to grant a port-clearance from such Cf. 1894 s. 431 (3)

port shall grant the same without a certificate under the hand of some person appointed as aforesaid, to the effect that the said ship is properly provided with appliances for saving life at sea in pursuance of the said rules.

CHAPTER XXII.

INSPECTION OF SHIPS WITH REGARD TO LIGHTS AND FOG-SIGNALS.

[Act VII of 1880, ss. 11, 81.] Cf. 1894, ss. 420 (*1*), (*3*), 729.

Appointment and powers of inspectors of lights and fog-signals.

181. (*1*) The Local Government may appoint persons to inspect, in any port, ships, whether British or foreign, to which the regulations for *the prevention of* collisions at sea, *made* under the Merchant Shipping Act, *1894*, or any other similar law for the time being in force, may apply, for the purpose of seeing that such ships are properly provided with lights and with the means of making fog-signals, in pursuance of such regulations or law. 57 & 58 Vict., c. 60.

(*2*) Every person so appointed shall, in the port for which he is appointed, have, for the purposes of such inspection, the following powers (that is to say)—

(*a*) he may go on board any ship and may inspect the same or any part thereof, or any of the equipments or articles on board thereof, not unnecessarily detaining or delaying her from proceeding on any voyage;

(*b*) he may, by summons under his hand, require the attendance of all such persons as he may think fit to call before him, may examine such persons, and may, by a like summons, require returns in writing to any enquiries which he may think fit to make; and

(*c*) he may administer oaths, or may, instead of administering an oath, require any person examined by him to make and subscribe a declaration of the truth of the statements made by him in his examination.

[Act VII of 1880, s. 82.] Cf. 1894, s. 420 (*1*).

Notice of deficiency to be given to master or owner by such inspectors.

182. If any person so appointed finds that any ship is not so provided, he shall give to the master or owner notice in writing pointing out the deficiency and also what is, in his opinion, requisite in order to remedy the same.

[Act VII of 1880, s. 83.] Cf. 1894, s. 420 (*2*).

Port-clearance not to be granted till inspector certifies that ship is properly provided with lights and fog-signals.

183. Every notice so given shall be communicated, in such manner as the Local Government may direct, to the Customs-collector at any port from which such ship may seek to clear, and no officer authorised to grant a port-clearance from such port shall grant the same without a certificate under the hand of some person appointed as aforesaid, to the effect

that the said ship is properly provided with lights and with the means of making fog-signals in pursuance of the said regulations or law.

Cf. 1894, s. 420 (8).

183A. *Such fees as the Local Government, with the previous sanction of the Governor General in Council, may determine shall be paid in respect of an inspection of lights and fog-signals under this Chapter, not exceeding those specified in Schedule IVA.*

Fees.

183B. *The Governor General in Council may, by notification in the Gazette of India, exempt from inspection under this Chapter any native craft which do not use lights or signals.*

Power to exempt ships from inspection.

CHAPTER XXIII.

SURVEY OF STEAM-SHIPS.

[Bill of 1867, ss. 235 to 25. Act VI of 1884, s. 4.] Cf. 1894, s. 271(*1*).

184. (*1*) A British or foreign steam-ship shall not carry more than twelve passengers between ports in British India, and

Certain steam-ships carrying passengers to have certificate of survey.

a British steam-ship shall not carry more than twelve passengers to or from any port in British India from or to any place out of British India,

unless she has a certificate of survey under this chapter in force and applicable to the voyage on which she is about to proceed, or the service on which she is about to be employed.

[Act VII of 1884, s. 5 (*a*), (*b*), (*e*).] Cf. 1894, ss. 278 (2), 284.

(*2*) Nothing in sub-section (*1*) shall apply to—

(*a*) any steam-ship having a certificate of survey granted by the Board of Trade or any British Colonial Government, unless it appears from the certificate that it is inapplicable to the voyage on which the steam-ship is about to proceed or the service on which she is about to be employed, or unless there is reason to believe that the steam-ship has, since the grant of the certificate, sustained injury or damage, or *been* found unseaworthy or otherwise inefficient; or

(*b*) any steam-ship having a certificate of survey granted under *the Inland Steam-vessels Act, 1884*, in force and applicable to the voyage on which the steam-ship is about to proceed or the service on which she is about to be employed; or

VI of 1884.

(*c*) any steam-ship carrying passengers during the interval between the time at which her certificate of survey under this chapter expires and the time at which it is first practicable to have the certificate renewed.

[Act VII of 1884, s. 25.]

185. The Local Government, with the previous sanction of the Governor General in Council, may, by notification in the local official Gazette, declare that all or any of the provisions of this Chapter shall not apply in the case of any specified class of steam-ships or shall apply to them with such modifications as the Local Government may prescribe.

Power for Local Government to except certain steam-ships.

[Act VII of 1884, s. 6.] Cf. 1894, s. 283.

186. (*1*) If any steam-ship carries or attempts to carry passengers in contravention of section 184, the owner and master of the steam-ship shall each be *liable to* fine which may extend to one thousand rupees.

Penalty for carrying passengers without certificate of survey.

(*2*) If the master or any other officer of any steam-ship which carries or attempts to carry passengers in contravention of section 184 is a licensed pilot, he shall be liable to have his license as a pilot suspended for any period, or cancelled, by the Local Government, as the Local Government may see fit to order.

[Act VII of 1884, s. 7.] Cf. 1894, s. 271 (*b*).

187. No port-clearance shall be granted, nor shall any pilot be assigned, to any steam-ship for which a certificate of survey is required by section 184, until after the production by the owner or master thereof of a certificate under this Chapter in force and applicable to the voyage on which she is about to proceed and the service on which she is about to be employed.

No port-clearance until certificate of survey produced.

[Act VII of 1884, s. 8.] Cf. 1894, s. 271 (*2*).

188. If any steam-ship for which a certificate of survey is required by section 184 leaves or attempts to leave any port of survey without a certificate, the ship may *be detained* until she obtains a certificate.

Power to detain steam-ship not having certificate of survey.

[Act VII of 1884, s. 9 (*1*).] Cf. 1894, s. 724 (*1*).

189. The Local Government may appoint so many persons as it may think fit to be surveyors for the purposes of this Chapter at such ports within the territories under its administration as it may appoint to be ports of survey.

Appointment of surveyors and ports of survey.

[Act VII of 1884, s. 10.] Cf. 1894, s. 725.

190. (*1*) For the purposes of a survey under this Chapter, any surveyor appointed under this Chapter may, at any reasonable time, go on board any steam-ship, and may inspect the same or any part thereof, or the machinery, equipments or articles on board thereof:

Powers of surveyors.

Provided that he does not unnecessarily hinder the loading or unloading of the steam-ship, or unnecessarily detain or delay her from proceeding on any voyage.

(*2*) The owner, master and officers of the steam-ship shall afford to the surveyor all reasonable facilities for a survey, and all such information respecting the steam-ship, and her machinery and equipments, or any part thereof, respectively, as he may reasonably require.

Fees in respect of surveys.

191. Before a survey under this chapter is commenced, the owner or master of the steam-ship to be surveyed shall pay to such officer as the Local Government may appoint in this behalf— [Act VII of 1884, s. 10A (inserted by Act III of 1890, s. 15).] Cf. 1894, s. 277.

(*a*) a fee calculated on the tonnage of the steam-ship according to the rates in Schedule V, or according to any other prescribed rates; and

(*b*) when the survey is to be made in any port of survey *at which a surveyor has not been appointed under section 189*, such additional fee, in respect of the expense (if any) of the journey of the surveyor to the port as the Local Government may, by notification in the official Gazette, direct.

Declaration of surveyor.

192. When a survey under this Chapter is completed, the surveyor making it shall forthwith, if satisfied that he can with propriety do so, give to the owner or master of the steam-ship surveyed a declaration in the prescribed form containing the following particulars, namely:— [Act VII of 1884, s. 11.] Cf. 1894, s. 272 (2), (3), (4).

(*a*) *that the hull of the steamer is sufficient for the service intended and in good condition;*

(*b*) *that the boats, life-buoys, lights, signals, compasses and shelter for deck passengers are such, and in such condition, as are required by this Act;*

(*c*) *that the machinery of the steamer is sufficient for the service intended, and in good condition;*

(*d*) *the time (if less than one year) for which the hull and equipments will be sufficient;*

(*e*) *the time (if less than one year) for which the machinery will be sufficient;*

(*f*) *that the safety-valves and fire-hose are such and in such condition as are required by this Act;*

(*g*) *the limit of the weight to be placed on the safety-valves;*

(*h*) *the limits (if any) beyond which, as regards the hull and equipments, the steamer is in the surveyor's judgment not fit to ply;*

(*i*) *the limits (if any) beyond which, as regards the machinery, the steamer is in the surveyor's judgment not fit to ply;*

(*j*) *the number of passengers which the steamer is in the judgment of the surveyor fit to carry, distinguishing, if necessary, between the respective numbers to be carried on the deck*

and in the cabins and in different parts of the deck and cabins; those numbers to be subject to such conditions and variations, according to the time of year, the nature of the voyage, the cargo carried, or other circumstances as the case requires;

(*k*) *that the certificates of the master and mate or mates and of the engineer or engineers and engine-drivers of the steamer are such as are required by this Act;*

(*l*) any other prescribed particulars.

Sending of declaration by owner or master to Local Government.

193. (*1*) The owner or master to whom a declaration is given under section 192 shall, within fourteen days after the date of the receipt thereof, send the declaration to such officer as the Local Government may appoint in this behalf. [Act VII of 1884, s. 12 (rep. in part by Act III of 1890, s. 16).] Cf. 1894, s. 273.

(*2*) If he fails to do so, he shall *be liable to* forfeit a sum not exceeding five rupees for every day during which the sending of the declaration is delayed.

(*3*) The owner or master shall pay the sum so forfeited on the delivery of the certificate of survey.

Grant of certificate of survey.

194. (*1*) Upon receipt of a declaration by the officer appointed in that behalf under section 193, the Local Government shall, if satisfied that the provisions of this Chapter have been complied with, cause a certificate in duplicate to be prepared and delivered, through such officer at the port at which the steam-ship was surveyed as the Local Government may appoint in this behalf, to the owner or master of the steam-ship surveyed, on his applying and paying the sum (if any) mentioned in section 193, sub-section (*3*), as payable on delivery of a certificate. [Act VII of 1884, s. 13 (am. by Act III of 1890, s. 17).] Cf. 1894, ss. 274, 276.

(*2*) A certificate granted under this section shall be in the prescribed form; shall contain a statement to the effect that the provisions of this Chapter with respect to the survey of the steam-ship and the transmission of the declaration in respect thereof have been complied with; and shall set forth—

(*a*) the particulars concerning the steam-ship which clauses (*d*), (*e*), (*h*), (*i*) *and* (*j*) of section 192 require the declaration by the surveyor to contain; and

(*b*) any other prescribed particulars.

(*3*) When a certificate is ready for delivery under this section, the Local Government shall cause notice thereof to be given by post or otherwise to the owner or master of the steam-ship to which the certificate relates.

(*4*) The Local Government may delegate,—

(*c*) with the previous sanction of the Governor General in Council, to any person, by name or as holding an office, the function, assigned to the Local Government by sub-section (*1*), of granting a certificate of survey under that sub-section ;

(*d*) of its own authority, to any person, by name or as holding an office, the function, assigned to the Local Government by sub-section (*3*), of causing notice to be given of a certificate of survey being ready for delivery :

Provided, with respect to clause (*c*) of this sub-section, that no delegation of the function mentioned in that clause shall be construed to authorise the grant of a certificate of survey by the surveyor who gave the declaration of survey under section 192.

[Act VII of 1884, s. 15.] Cf. 1894, s. 281.

Duplicate of certificate of survey to be affixed on conspicuous part of steam-ship.

195. (*1*) The owner or master of every steam-ship for which a certificate of survey has been granted under this Chapter shall forthwith, on the receipt of the certificate, cause the *duplicate thereof* to be affixed, and kept affixed so long as the certificate remains in force and the steam-ship is in use, on some conspicuous part of the steam-ship where it may be easily read by all persons on board thereof.

(*2*) If the *said duplicate* is not so kept affixed, the owner and master of the steam-ship shall each be *liable to* fine which may extend to one hundred rupees.

[Act VII of 1884, s 16.] Cf. 1894, ss. 271 (*a*), 278 (*1*).

Term of certificate of survey.

196. A certificate of survey granted under this Chapter shall not be in force—

(*a*) after the expiration of one year from the date thereof *or such shorter time as may be specified ;* or

(*b*) after the expiration of the period, if less than one year, for which the hull, boilers, engines or any of the equipments have been stated in the certificate to be sufficient ; or

(*c*) after notice has been given by the Local Government, to the owner or master of the steam-ship to which the certificate relates, that the Local Government has suspended or cancelled it.

[Act VII of 1884, s. 17.] Cf. 1894, s. 279 (*1*).

Suspension or cancellation of certificate of survey by Local Government.

197. Any certificate of survey granted under this Chapter may be suspended or cancelled by a Local Government if it has reason to believe—

(*a*) that the declaration by the surveyor of the sufficiency and good condition of the hull, boilers, engines or any of the equipments of the steam-ship has been fraudulently or erroneously made ; or

(*b*) that the certificate has otherwise been granted upon false or erroneous information ; or

(*c*) that, since the making of the declaration, the hull, boilers, engines or any of the equipments of the steam-ship have sustained any injury, or have otherwise become insufficient.

[Act VII of 1884, s. 18.] Cf. 1894, s. 280.

Power to require delivery of expired, suspended or cancelled certificate of survey.

198. (*1*) The Local Government may require any certificate of survey granted under this Chapter which has expired or has been suspended or cancelled to be delivered up to such person as it may direct.

(*2*) If the owner or master of any steam-ship, without reasonable cause, neglects or refuses to deliver up a certificate when required under sub-section (*1*) so to do, he shall be *liable to* fine which may extend to one hundred rupees.

[Act VII of 1884, s. 19 (am. by Act III of 1890, s. 19).]

Report of suspension or cancellation of certain certificates.

199. If the Local Government which suspends or cancels a certificate of survey granted under this Chapter is not the Local Government which or whose delegate granted the certificate, the Local Government suspending or cancelling the certificate shall report the fact of suspension or cancellation, together with the reasons therefor, to the Local Government which or whose delegate granted the certificate.

[Act VII of 1884, s. 20.] Cf. 1894, s. 272 (*1*).

Power for Local Government to direct that two surveyors be employed.

200. A survey under this Chapter shall ordinarily be made by one surveyor, but two surveyors may be employed if the Local Government, by order in writing, shall so direct, either generally in the case of all steam-ships at any port of survey, or specially in the case of any particular steam-ship or class of steam-ships at any such port.

[Act VII of 1884, s. 21 (am. by Act III of 1890, s. 20).]

Power for Local Government to order a second survey.

201. (*1*) If the surveyor or surveyors making a survey under this Chapter refuses or refuse to give a declaration under section 192 with regard to any steam-ship, or gives or give a declaration with which the owner or master of the steam-ship surveyed is dissatisfied, the Local Government may, on the application of the owner or master and the payment by him of such fee, not exceeding twice the amount of the fee for the previous survey, as the Local Government may require, direct two other surveyors appointed under this Chapter to survey the steam-ship.

(*2*) The surveyors so directed shall forthwith survey the steam-ship, and may, after the survey, either refuse to give a declaration or give such declaration as may under the circumstances seem to them proper ; and their decision shall be final.

[Act VII of 1884, s. 22.]

Division of duties when two surveyors employed.

202. When a survey is made under section 200 or section 201 by two surveyors, each of the surveyors making the survey shall perform a prescribed portion of the duties assigned by this Chapter or the rules made under this Chapter to a surveyor making a survey.

[Act VII of 1884, s. 23.] Cf. 1894,

Power to dispense with survey of foreign steam-ship surveyed abroad.

203. When a foreign steam-ship requires to be furnished with a certificate of survey under this Chapter, and the Local Government is satisfied, by the production of a certificate of survey attested by a British Consular Officer at the port of survey, that the ship has been officially surveyed at a foreign port, and that the requirements of this Chapter are proved by that survey to have been substantially complied with, the Local Government may, if it thinks fit, dispense with any further survey of the ship in respect of the requirements so complied with, and give a certificate which shall have the same effect as a certificate given after survey under this Chapter:

Provided that this section shall not apply in the case of an official survey at any foreign port *at which it appears to Her Majesty that corresponding advantages are not extended to British ships, and* with respect to which Her Majesty has by Order in Council directed that section *363* of the Merchant Shipping Act, 1894, shall not apply.

57 & 58 Vict., c. 60.

[Act VII of 1884, s. 24 (am. by Act III of 1890, s. 21).] Cf. 1894, ss. 277, etc.

Power to make rules.

204. (*1*) The Local Government may make rules to regulate the making of surveys under this Chapter.

(*2*) Rules under this section may, among other matters,—

(*a*) declare the times and places at which, and the manner in which, surveys are to be made;

(*b*) regulate the duties of the surveyor making a survey, and, where two surveyors are employed, assign the respective duties of each of the surveyors employed;

(*c*) declare the form in which the declarations of surveyors and certificates of survey under this Chapter are to be framed, and the nature of the particulars which are to be stated therein, respectively; and

(*d*) fix the rates according to which the fees payable in respect of surveys are to be calculated in the case of all or any of the ports of survey within the territories under its administration.

CHAPTER XXIV.

UNSAFE SHIPS.

Preliminary.

[Act VII of 1880, ss. 3, 43 (am. by Act XVII of 1891, ss. 2, 4).] Cf. 1894, ss. 438(*1*), 444.

Exception of certain ships.

205. (*1*) Nothing in this Chapter shall apply to—

(*a*) any home-trade *sailing* ship of less than one hundred and fifty tons *register*, or

(*b*) *any home-trade steam-ship of less than eighty tons register, or*

(*c*) any ship employed solely in fishing, or

(*d*) any pleasure-yacht.

(*2*) *Sections 237 to 245 (both inclusive)* shall not apply to—

(*d*) ships *registered* in the United Kingdom and having *load*-lines fixed, marked and certified in accordance with the provisions of the law for the time being there in force, or

(*e*) ships registered in a British possession and having such lines fixed, marked and certified in accordance with the provisions of an enactment passed by the Legislature of that possession, with respect to which enactment such a declaration as is mentioned in section *444* of the Merchant Shipping Act, 1894, has been made by an Order of Her Majesty in Council and is for the time being in force.

57 & 58 Vict., c. 60.

(*3*) The Local Government, with the previous sanction of the Governor General in Council, may, by notification in the local official Gazette, exclude from, or bring again within, the operation of any of the provisions of *sections 237 to 245 (both inclusive)*, subject to such modifications thereof (if any) as may be specified in the notification, any Native craft not square-rigged.

[Act VII of 1880, s. 2, s. 4 (am. by Act XVII of 1891, s. 3).] Cf. 1894, ss. 437(*4*), 439, 459(*1*), 742.

Definitions.

206. (*1*) In any provision of this Chapter, "port" includes also any part of a river or channel leading to a port which for the purposes of such provision the Local Government may, by notification in the official Gazette, declare to be included in such port.

(*2*) A ship is "unsafe" within the meaning of this Chapter when by reason of the defective condition of her hull, equipments or machinery, or by reason of overloading or improper loading, she is unfit to proceed to sea without serious danger to human life, having regard to the nature of the service for which she is intended, and

every ship so loaded as to submerge in perfectly smooth salt water the centre of the disc placed thereon in pursuance of this Chapter or the Merchant Shipping Act, *1894, or any enactment repealed thereby*, and the rules and regulations

57 & 58 Vict., c. 60.

made thereunder, shall be deemed to be "unsafe" within the meaning of this Chapter, and every such submersion shall be reasonable and probable cause for the detention of the ship.

(3) *For the purpose of determining whether any ship is so loaded as to submerge the centre of the said disc in perfectly smooth salt water, the ship may, if the owner or master so desires, be taken into a wet basin or dock.*

(4) In this Chapter, "amidships" means the middle of the length of the load water-line as measured from the foreside of the stem to the aft-side of the stern-post.

Detention of Unsafe Ships.

[Act VII of 1880, s. 7.] Cf. 1894, s. 459(a), (b).

Power of Local Government to provisionally detain unsafe ship.

207. (1) The Local Government, if it has reason to believe, on complaint or otherwise, that a British ship in any port to which it may specially extend this section is unsafe, may provisionally order the detention of the ship for the purpose of being surveyed.

(2) A written statement of the grounds of such detention shall be forthwith served on the master of the ship.

[Act VII of 1880, ss. 8, 10.] Cf. 1894, s. 459 (b), (c), (f).

Power of Local Government to release or finally detain ship, or refer the matter to Court of Survey.

208. When the Local Government provisionally orders the detention of a British ship, it shall forthwith appoint some competent person to survey the ship and report thereon, and, on receiving his report, may, subject to the provisions of section 210, either order the ship to be released or, if in its opinion the ship is unsafe, order her to be finally detained:

Provided that the Local Government may, at any time after a ship has been provisionally detained, refer the matter to the Court of Survey (hereinafter mentioned) for the port where the ship is detained.

[Act VII of 1880, s. 8.] Cf. 1894, s. 459(c), (d).

Terms of order for final detention, and appeal to Court of Survey.

209. An order under section 208 for the final detention of a British ship may be either absolute or until the performance of such conditions with respect to the execution of repairs or alterations or the unloading or reloading of cargo as the Local Government may think necessary for the protection of human life; and the Local Government may vary or add to any such order:

Provided that, before an order for final detention is so made, a copy of the report shall be served upon the master of the ship, and within seven days after such service the owner or master may appeal against the report, in the manner prescribed, to the Court of Survey (hereinafter mentioned) for the port where the ship is detained.

[Act VII of 1880, s. 9.] Cf. 1894, s. 459 (c).

Option to owner or master of appointing assessor to accompany surveyor, and appeal to Court of Survey.

210. Where a British ship has been provisionally detained and a person has been appointed under section 208 to survey the ship, the owner or master of the ship, at any time before such person makes the survey, may require that he shall take with him as assessor such person as the owner or master may select, being a person named in the list of assessors prepared under section 216, sub-section (4), or, if there is no such list, or if it is impracticable to procure the attendance of any person named in such list, a person of nautical, engineering or other special skill and experience; and

in such case, if the surveyor and assessor agree that the ship should be detained or released, the Local Government shall cause the ship to be detained or released accordingly, and the owner or master shall have no appeal;

but, if the surveyor and assessor differ in their report, the Local Government may act as if the requisition had not been made, and the owner or master shall have such appeal touching the report of the surveyor as is provided in section 209.

[Act VII of 1880, s. 24.] Cf. 1894, s. 490 (1).

Power to appoint referee to hear appeal.

211. If the Local Government is of opinion that an appeal under section 209 or section 210 involves a question of construction or design, or of scientific difficulty or important principle, it may refer the matter to such one or more out of a list of scientific referees, to be prepared by the Local Government, as may appear to possess the special qualifications necessary for the particular case, and may be selected by agreement between the Port-officer and the appellant, or, in default of any such agreement, by the Local Government; and thereupon the appeal shall be determined by the referee or referees instead of by the Court of Survey.

[Act VII of 1880, s. 25.] Cf. 1894, s. 490 (2).

Option to appellant to require referee to be appointed.

212. The Local Government, if the appellant in any such appeal so requires and gives security to its satisfaction to pay the costs of and incidental to the reference, shall refer such appeal to a referee or referees selected as aforesaid.

[Act VII of 1880, s. 26.] Cf. 1894, s. 490 (3).

Referee to have powers of Court of Survey.

213. The referee or referees to whom an appeal is referred under section 211 or section 212 shall have the same powers as a Judge of the Court of Survey.

214. (*1*) For the better execution of this Chapter, the Local Government may appoint a sufficient number of fit persons as its officers, *and may suspend or remove any of them.*

Detaining-officers.

[Act VII of 1880, ss. 11, 12.] Cf. 1894, s. 459 (*2*), (*3*), (*6*).

(*2*) Every officer so appointed (hereinafter referred to as a detaining-officer) shall have, for the purpose of his duties under this Chapter, the following powers (that is to say) :—

(*a*) he may go on board any British ship and may inspect the same or any part thereof, or any of the machinery, equipments and cargo on board thereof, and may require the unloading or removal of any cargo, ballast or tackle, not unnecessarily detaining or delaying the ship from discharging, unloading or proceeding on any voyage ;

(*b*) he may, by summons under his hand, require the attendance of all such persons as he may think fit to call before him, may examine such persons, and may, by a like summons, require returns in writing to any enquiries which he may think fit to make ;

(*c*) he may require and enforce the production of all books, papers or documents which he considers important ; and

(*d*) he may administer oaths, or may, instead of administering an oath, require any person examined by him to make and subscribe a declaration of the truth of the statements made by him in his examination.

(*3*) Every detaining-officer shall, in addition to the powers conferred by sub-section (*2*), have the same power as the Local Government has under sections 207 and 208, respectively, of provisionally ordering the detention of a British ship for the purpose of being surveyed, and of appointing a person to survey her ; and, if he thinks that a ship so detained by him is not unsafe, may order her to be released.

(*4*) Every detaining-officer shall forthwith report to the Local Government any order made by him for the detention or release of a ship.

215. For the purposes of the survey of a British ship under this Chapter, any person authorised to make the same may go on board the ship and may inspect the same or any part thereof, or the machinery, equipments or cargo on board thereof, and may require the unloading or removal of any cargo, ballast or tackle.

Powers of person authorised to survey ship.

[Act VII of 1880, s. 49.] Cf. 1894, s. 488 (*4*).

216. (*1*) A Court of Survey for a port shall consist of a Judge sitting with two assessors.

Constitution of Court of Survey.

[Act VII of 1880, ss. 13, 14, 15.] Cf. 1894, s. 487 (*1*),(*2*), (*3*).

(*2*) The Judge shall be a District Judge, Judge of a Court of Small Causes, Presidency Magistrate, Magistrate of the first class or other fit person appointed in this behalf by the Local Government either generally or for any specified case.

(*3*) The assessors shall be persons of nautical, engineering or other special skill and experience.

(*4*) One of the assessors shall be appointed by the Local Government either generally or in each case, and the other shall be summoned by the Judge, in the manner prescribed, out of a list of persons prepared for the purpose and published by the Local Government in the official Gazette, or, if there is no such list or if it is impracticable to procure the attendance of any person named in such list, shall be appointed by the Judge.

217. The Judge shall, on receiving notice of an appeal under section 209 or section 210 or a reference under section 208, immediately summon the assessors, in the manner prescribed, to meet forthwith.

Judge to summon assessors.

[Act VII of 1880, s. 16.] Cf. 1894, s. 487 (*4*).

218. Every such appeal and reference shall be heard in open Court.

Case to be heard in open Court.

[Act VII of 1880, s. 17.] Cf. 1894, s. 488 (*1*).

219. The Judge and each assessor shall, for the purposes of this Chapter, have the same powers as are by section 214, sub-section (*2*), conferred on a detaining-officer.

Powers of Judge and assessors.

[Act VII of 1880, s. 18.] Cf. 1894, s. 488 (*2*).

220. The Judge may appoint any competent person to survey the ship and report thereon to the Court.

Power of Judge to appoint surveyor.

[Act VII of 1880, s. 19.] Cf. 1894, s. 488 (*3*).

221. The owner and master of the ship and any person appointed by the owner or master, and also any person appointed by the Local Government, may attend at any inspection or survey made in exercise or pursuance of the powers conferred by section 219 or section 220.

Owner or master may attend at inspection or survey.

[Act VII of 1880, s. 20.] Cf. 1894, s. 488 (*5*).

222. The Judge shall have the same power as the Local Government has to order the ship to be released or finally detained ; but, unless one of the assessors concurs in an order for the detention of the ship, the ship shall be released.

Power of Judge to release or finally detain ship.

[Act VII of 1880, s. 21.] Cf. 1894, s. 488 (*5*).

223. The Judge shall report the proceedings of the Court in each case to the Local Government in the manner prescribed, and each assessor shall either sign such report or report to the Local Government the reasons for his dissent.

Report to Local Government by Court. [Act VII of 1880, s. 22.] Cf. 1894, s. 488 (7).

224. The Local Government may make rules to carry into effect the provisions of this Chapter with respect to a Court of Survey, and in particular with respect to—

Power to make rules with respect to Court of Survey. [Act VII of 1880, s. 23.] Cf. 1894, s. 489.

(*a*) the procedure before the Court;

(*b*) the requiring, on an appeal, of security for costs and damages;

(*c*) the amount and application of fees; and

(*d*) the ascertainment, in case of dispute, of the proper amount of costs under this Chapter.

225. If it appears that there was not reasonable and probable cause, by reason of the condition of the ship or act or default of the owner, for the provisional detention of a ship, the Government shall be liable to pay to the owner of the ship his costs of and incidental to the detention and survey of the ship, and also compensation for any loss or damage sustained by him by reason of the detention or survey.

Liability of Government for costs and damages when ship wrongly detained. [Act VII of 1880, s. 27.] Cf. 1894, s. 460 (1).

226. If a British ship is finally detained under this Chapter or if it appears that a British ship provisionally detained was at the time of such detention unsafe, the owner of the ship shall be liable to pay to the Government its costs of and incidental to the detention and survey of the ship; and such costs shall, without prejudice to any other remedy, be recoverable as salvage is recoverable.

Liability of owner for costs when ship rightly detained. [Act VII of 1880, s. 28.] Cf. 1894, s. 460 (2).

227. For the purposes of this Chapter, the costs of and incidental to any proceeding before a Court of Survey, and a reasonable amount in respect of the remuneration of the surveyor or officer of the Local Government, shall be deemed to be part of the costs of the detention and survey of the ship.

What included in costs of detention and survey. [Act VII of 1880, s. 29.] Cf. 1894, s. 460 (3).

228. When a complaint is made to the Local Government or a detaining-officer that a British ship is unsafe, it shall be in the discretion of such Government or officer (as the case may be) to require the complainant to give security to the satisfaction of such

Power to require from complainant security for costs, etc. [Act VII of 1880, s. 30.] Cf. 1894. s. 461 (1), (2).

Government or officer for the costs and compensation which such complainant may become liable to pay under the provisions of section 229:

Provided that where the complaint is made by one-fourth, being not less than three, of the seamen belonging to the ship, and is not in the opinion of such Government or officer frivolous or vexatious, such security shall not be required; and such Government or officer shall, if the complaint is made in sufficient time before the sailing of the ship, take proper steps to ascertain whether the ship ought to be detained under this Chapter.

229. Where a British ship is detained in consequence of any complaint, and the circumstances are such that the Government is liable under this Chapter to pay to the owner of the ship any costs or compensation, the complainant shall be liable to pay to the Government all such costs and compensation as the Government incurs, or is liable to pay, in respect of the detention and survey of the ship.

Costs, etc., payable by Government recoverable from complainant. [Act VII of 1880, s. 31.] Cf. 1894, s. 461 (3).

230. When under this Chapter a British ship is authorised or ordered to be detained, any commissioned officer on full pay in the naval or military service of Her Majesty, any commander or *lieutenant* of any of Her Majesty's Indian Government ships, or any port-officer, harbour-master, conservator of a port or officer of customs may detain the ship.

Who may enforce detention of ship. [Act VII of 1880, s. 45.] Cf. 1894, s. 492 (1).

231. If any British ship, after such detention, or after service on the master of any notice of or order for such detention, proceeds to sea before she is released by competent authority, the master of the ship shall be *liable to* fine which may extend to one thousand rupees.

Penalty for proceeding to sea after detention. [Act VII of 1880, s. 46.] Cf. 1894, s. 692 (1).

232. (*1*) If a British ship so proceeding to sea takes to sea, when on board thereof in the execution of his duty, any person authorised under this Chapter to detain or survey the ship, the owner and master of the ship shall each be liable to pay all expenses of, and incidental to, such person being so taken to sea, and shall also each be *liable to* fine which may extend to one thousand rupees.

Penalty for carrying to sea officer in execution of his duty. [Act VII of 1880, s. 47.] Cf. 1894, s. 692 (2).

(*2*) When any owner or master is convicted of an offence against this section, the convicting Magistrate may enquire into and determine the amount payable on account of expenses by such

owner or master under this section, and may direct that the same shall be recovered from him in manner provided by law for the recovery of fines.

[Act VII of 1880, s. 48.] Cf. 1894, s. 459 (5).

Detained ship not to be released because British registry closed.

233. When a British ship has been detained under this Chapter, she shall not be released by reason of her British or British Indian register being subsequently closed.

[Act VII of 1880, s. 44.] Cf. 1894, s. 459 (8).

Release of ship at any time by Local Government.

234. The Local Government may at any time, if satisfied that a British ship detained under this Chapter is not unsafe, order her to be released either upon or without any conditions.

[Act VII of 1880, ss. 51, 52.] Cf. 1894, s. 696 (1).

Service of order, etc.

235. (1) Where any order, notice, statement or document is required for the purpose of any provision of this Chapter to be served on the master of a British ship, the same shall be served, where there is no master, on the owner of the ship, if he resides in the port where the ship is detained, or, if there is no owner residing there, on some agent of the owner residing there; or, where such owner or agent is unknown or cannot be found, a copy of such order, notice, statement or doucment shall be affixed to the mast of the ship, and shall thereupon be deemed to be duly served.

(2) Any such order, notice, statement or document may be served by delivering a copy thereof personally to the person to be served, or by leaving the same at his last place of abode, or, in the case of a master, by leaving it for him on board the ship with the person being or appearing to be in command or charge of the ship.

[Act VII of 1880, s. 85 (added by Act XVII of 1891, s. 5).] Cf. 1894, ss. 445, 462.

Application to foreign ships of provisions respecting detention.

236. Where a foreign ship has taken on board all or any part of her cargo at a port in British India, and is while at that port unsafe by reason of overloading or improper loading, all the foregoing provisions of this Chapter with respect to the detention of British ships shall apply to that foreign ship as if she were a British ship, unless such foreign ship, if in a port of the United Kingdom, would be entitled to the benefit of an Order of Her Majesty in Council under section *445* of the Merchant Shipping Act, 1894.

57 & 58 Vict., c. 60.

Load-lines.

[Act VII of 1880, s. 34 (am. by Act XVII of 1891, s. 4).] Cf. 1894, ss. 438 (1), (2), 440 (5).

Marking of load-lines in case of ships which are not coasting-vessels.

237. (1) The master of every British ship shall, before his ship is entered outwards from any port in British India upon any voyage, or, if that is not practicable, as soon after as may be, mark

outside upon each of her sides amidships or as near thereto as practicable, in white or yellow on a dark ground or in black on a light ground, a circular disc twelve inches in diameter, with a horizontal line eighteen inches in length drawn through its centre.

(2) The centre of the disc shall be placed at such level below the deck-line marked under the provisions of the Indian Merchant Shipping Act, 1880, or of the Merchant Shipping Act, *1894*, as may be approved by the Local Government, and shall indicate the maximum load-line in perfectly smooth salt-water to which it shall be lawful to load the ship.

VII of 1880. 57 & 58 Vict., c. 60.

(3) When a ship has been marked as by this section required, she shall be kept so marked until she next returns to a port of discharge in British India or arrives at a port in the United Kingdom.

[Act VII of 1880, s. 35 (am. by Act XVII of 1891, s. 4).] Cf. 1894, s. 440 (2), (3), (4).

Statement in application to Customs-collector for entry outwards of such ship as aforesaid.

238. (1) Every person applying for entry of any such ship outwards shall insert, in the form of application made to the Customs-collector, a statement in writing of the distance in feet and inches between the centre of such disc and the upper edge of each of the lines indicating the position of the ship's decks which is above such centre; and, if default be made in delivering such statement, the Customs-collector may refuse to enter the ship outwards.

(2) A copy of such statement shall be entered in the agreement with the crew before it is signed by any member of the crew, and no Superintendent of a Mercantile Marine Office shall proceed with the engagement of a crew for any such ship until such entry has been made.

(3) The master shall enter, or cause to be entered, a copy of the said statement in the official log (if any).

[Act VII of 1880, s. 37 (am. by Act XVII of 1891, s. 4).] Cf. 1894, s. 441 (1), (2), (3).

Annual statement as to position of load-line on coasting-vessel.

239. (1) *When a ship is employed in the coasting trade she shall be marked before the ship proceeds to sea from any port, and the master* shall also once in every twelve months, immediately before the ship

proceeds to sea, send or deliver to the Customs-collector, or other principal officer of Customs of such port as the Local Government may appoint in this behalf, a statement in writing of the distance in feet and inches between the centre of the disc and the upper edge of each of the lines indicating the position of the ship's decks which is above that centre.

(*2*) The master, before the ship proceeds to sea after any renewal or alteration of the disc, shall send or deliver to the Customs-collector or other principal officer of Customs aforesaid notice in writing of such renewal or alteration, together with such statement in writing as before mentioned of the distance between the centre of the disc and the upper edge of each of the deck-lines.

(*3*) If default be made in sending or delivering any notice or statement required by this section to be sent or delivered, the master shall be *liable to* fine which may extend to one thousand rupees.

(*4*) When a ship has been marked as required by this section, she shall be kept so marked until notice has been given of an alteration.

240. [*Amalgamated with section 239.*]

[Act VII of 1880, s. 39 (am. by Act XVII of 1891, s. 4).] Cf. 1894, ss. 438 (*3*), 443 (*1*).

Position of disc and approval of and certificate as to position thereof.

241. (*1*) The position of the discs mentioned in sections 237 and 239, respectively, shall be fixed in accordance with the tables *used by the Board of Trade at the time of* the passing of the Merchant Shipping Act, 1894, subject to such allowance as may be necessary in consequence of any difference between the position of the deck-line marked under the provisions of the Indian Merchant Shipping Act, 1880, or of the Merchant Shipping Act 1894, and the position of the line from which free-board is measured under the said tables, and subject also to such modifications, if any, of the tables and the application thereof as may, with the previous approval of the Governor General in Council, be sanctioned by the Local Government.

57 & 58 Vict., c. 60.

VII of 1880.

(*2*) The Local Government shall appoint—

(*a*) a surveyor employed by Lloyd's or by any other society, corporation or association for the survey or registry of

shipping approved by the Board of Trade under section *443* of the Merchant Shipping Act, 1894, and specially authorised in this behalf by Lloyd's or by such society, corporation or association, as the case may be, or

57 & 58 Vict., c. 60.

(*b*) an officer specially selected by the Local Government for the purpose,

to approve and certify on its behalf from time to time the position of any such disc *indicating the load-line* and any alteration thereof,

and, with the previous sanction of the Governor General in Council, may fix the fees to be taken in respect of any such approval or certificate.

[Act VII of 1880, s. 40 (am. by Act XVII of 1891, s. 4)] Cf. 1894, s. 443 (*2*).

Power to make rules.

242. (*1*) The Local Government may make rules—

(*a*) determining the lines or marks to be used in connection with *the* disc in order to indicate the maximum load-line under different circumstances and at different seasons, and declaring that the provisions of this Chapter with respect to load-line are to have effect as if any such maximum load-line were drawn through the centre of the disc;

(*b*) as to the mode in which the disc and the lines or marks to be used in connection therewith are to be marked or affixed on the ship, whether by painting, cutting or otherwise;

(*c*) as to the mode of application for, and form of, certificates under section 241, sub-section (*2*); and

(*d*) as to the entry of such certificates, and any other prescribed particulars concerning the draught of water and free-board of the ship, in the official log (if any) of the ship, or other publication thereof on board the ship, and as to delivering copies of such entries.

(*2*) Rules under clause (*a*) of sub-section (*1*) may, with respect to any class or classes of ships,—

(*e*) declare what shall be deemed to be seasons of fair weather and seasons of foul weather, respectively, for any of the purposes of the rules, and

(*f*) modify the tables referred to in section 241, sub-section (*1*), *or the application thereof*.

[Act VII of 1880, s. 41 (am. by Act XVII of 1891, s. 4.)] Cf. 1894, s. 442 (*1*).

Penalty for neglecting to mark, or submerging, load-line.

243. Any master of a British ship who neglects to cause his ship to be marked as by this Chapter required, or to keep her so marked, or who allows the ship to be so loaded that when in perfectly smooth salt-water the centre of the disc is submerged, and

any person who conceals, removes, alters, defaces or obliterates, or suffers any person under his control to conceal, remove, alter, deface or obliterate, any of the lines or marks prescribed by or under this Chapter, except in the event of the particulars thereby denoted being lawfully altered, or for the purpose of escaping capture by an enemy,

shall be *liable in respect to each offence to a* fine which may extend to one thousand rupees.

Penalty on master for having misleading marks.

244. The master of any British ship on which any of the marks or lines prescribed by or under this Chapter is inaccurately placed so as to be likely to mislead, who does not forthwith cause such inaccuracy to be corrected, shall be *liable to* fine which may extend to one thousand rupees. [Act VII of 1880, s. 42 (am. by Act XVII of 1891, s. 4).] Cf. 1894, s. 442 (2).

Penalty for neglecting to comply with rules as to entry or publication of certificates or other particulars or as to delivery of copies of entries.

245. If any person makes default in complying with any rule made under section 242, clause (*d*), he shall be *liable to* fine which may extend to one thousand rupees. Cf. 1894, s. 443 (3).

CHAPTER XXV.

SHIP SURVEYORS.

Power to appoint examiners, and make rules as to qualifications, etc., of ship surveyors.

246. The Local Government may appoint competent persons for the purpose of examining the qualifications of persons desirous of practising the profession of a ship surveyor at any port in the territories administered by such Government, and may make rules— [Act VII of 1880, s. 68 (am. by Act XII of 1891).]

(*a*) for the conduct of such examinations and the qualifications to be required,

(*b*) for the grant of certificates to qualified persons,

(*c*) for the fees to be paid for such examinations and certificates,

(*d*) for holding enquiries into charges of incompetency and misconduct on the part of holders of such certificates, and

(*e*) for the suspension and cancellation of such certificates.

No person to practise as ship surveyor unless qualified.

247. No person shall, in any port in which there is a person exercising the profession of a ship surveyor and holding a certificate granted under section 246, exercise such profession unless he holds a certificate granted under that section. [Act VII of 1880, s. 69.]

Provided that nothing in this section shall—

(*a*) prevent any person employed by Lloyd's Register of British and Foreign Shipping or Bureau Veritas from discharging any of the duties of such employment, or

(*b*) apply to any person specially exempted by the Local Government from the operation of this section.

Penalty for practising as ship surveyor without certificate.

248. Any person exercising the profession of a ship surveyor in contravention of the provisions of section 247 shall be *liable to* fine which may extend to one thousand rupees, and shall be incapable of maintaining any suit for any fee or reward for anything done by him in such exercise of such profession. [Act VII of 1880, s. 70.]

PART V.

WRECKS, CASUALTIES AND INVESTIGATIONS.

CHAPTER XXVI.

RECEIVERS OF WRECK.

Savings.

249. Nothing in this Chapter shall— [Act VII of 1880, s. 72 (am. by Act VI of 1891, s. 6, and Act XII of 1891).] Cf. 1894, s. 521 (2).

(*a*) affect the declaration of the twenty-third day of October, 1889, in Schedule VI, between the Government of the United Kingdom of Great Britain and Ireland and the Government of the French Republic, with reference to the disposal of the proceeds of wrecks on their respective coasts, that delaration having been made applicable to India, or

(*b*) affect section 29 of the Indian Ports Act, 1889, or entitle any person to salvage in respect of any property recovered by creeping or sweeping in contravention of that section. X of 1889.

Definition of "wreck."

250. In this Chapter, "wreck" includes the following when found in the sea or any tidal water or on the shores thereof, that is to say:— [Act VII of 1880, s. 71.] Cf. 1894, s. 510.

articles which have been cast into the sea and then sink and remain under water;

articles which have been cast or fall into the sea and remain floating on the surface;

articles which are sunk in the sea, but are attached to a floating object in order that they may be found again :

articles which are thrown away or abandoned ; and

a ship abandoned without hope or intention of recovery.

[Act VII of 1880, s. 73.] Cf. 1894, s. 566.

Appointment of Receivers.

251. (*1*) The Local Government, with the previous sanction of the Governor General in Council, may, by notification in the local official Gazette, appoint such person as it may think fit to receive and take possession of wreck and to perform such duties connected therewith as are hereinafter mentioned, within such local limits as it may direct.

(*2*) Persons so appointed shall be called Receivers of Wreck.

[Act VII of 1880, s. 74 (am. by Act VI of 1891, s. 7), s. 79.] Cf. 1894, s. 518.

Procedure to be observed by person finding wreck.

252. (*1*) Any person finding and taking possession of any wreck within any local limits for which a Receiver of Wreck has been so appointed, or bringing within such limits any wreck which has been found and taken possession of elsewhere, shall, as soon as practicable,—

(*a*) if he be the owner of such wreck, give the Receiver of Wreck notice in writing of the finding thereof and of the marks by which the same is distinguished ;

(*b*) if he be not the owner of such wreck, deliver the same to the Receiver of Wreck.

(*2*) *If any person fails, without reasonable cause, to comply with sub-section* (*1*), *he shall be liable to fine which may extend to one thousand rupees, and shall, in addition, if he be not the owner of the wreck,* forfeit all claim to salvage, and pay to the owner of *the* wreck, if *it* is claimed, or, if *it* is unclaimed, to the Government, a penalty not exceeding twice the value of such wreck.

[Act VII of 1880, s. 75.] Cf. 1894, s. 546.

Government or person finding wreck entitled to salvage.

253. (*1*) Whenever any wreck is found by the Receiver of Wreck or has been delivered to him in accordance with the provisions of section 252 by any person, not being the owner thereof, the Government or such other person so delivering such wreck, as the case may be, shall be entitled to receive a reasonable sum for salvage, having regard to all the circumstances of the case.

(*2*) Any dispute arising concerning the amount due under this section *may* be determined by a Magistrate *of the first class, or a Sub-divisional Magistrate,* upon application to him for that purpose by either of the disputing parties.

(*3*) *In any case in which the amount claimed exceeds one thousand rupees, either party may appeal from the decision of the Magistrate to the Colonial Courts of Admiralty.*

[Act VII of 1880, s. 76.] Cf. 1894, s. 520.

Notice to be given by Receiver.

254. The Receiver of Wreck shall, on taking possession of any wreck, publish a *notice* in such manner and at such place as the Local Government may direct in this behalf, containing a description of the same and a statement of the time at which and the place where the same was found.

[Act VII of 1880, s. 77.] Cf. 1894, ss. 522, 525.

Wreck may in certain cases be sold.

255. If after the publication of such *notice* the wreck is unclaimed, or if the person claiming the same fails to pay the amount due for salvage and for charges incurred by the Receiver of Wreck in respect thereof,

the Receiver of Wreck may sell such wreck by public auction, if of a perishable nature, forthwith, and, if not of a perishable nature, at any period not less than six months after such *notice* as aforesaid.

[Act VII of 1880, s. 78.] Cf. 1894, s 521.

Proceeds how applied.

256. On the realisation of the proceeds of such sale, the amount due for salvage and charges as aforesaid, together with the expenses of the sale, shall be deducted therefrom, and the balance shall be paid to the owner of the wreck, or, if no such person appears and claims the same, shall be held in deposit for payment, without interest, to any person thereafter establishing his right to the same :

Provided that he makes his claim within one year from the date of the sale.

257. *Penalty for failure to give notice of, or deliver, wreck to the Receiver of Wreck.* [*Incorporated with section 252.*]

CHAPTER XXVII.

INVESTIGATIONS INTO CASUALTIES AND CHARGES AGAINST MASTERS, MATES AND ENGINEERS.

[Act V of 1883, s. 4 (*1*) ; Bill of 1867, s. 201 ; Bill of 1882, s. 136.]

Saving of powers for removal of master.

258. Nothing in this Chapter shall affect the powers conferred by section *472* of the Merchant Shipping Act, 1894, or by section 127 of this Act on Courts mentioned in those sections, respectively. 57 & 58 Vict., c. 60.

[Act V of 1883, s. 6 (am. by Act VI of 1891, s. 9, and Act XII of 1891) ; Bill of 1867, s. 255 ; Bill of 1882, s. 137.] Cf. 1894, ss. 425, 426, 464, 465 (*2*), 729.

Report of casualties to be made to Local Government.

259. (*1*) Whenever any *First Class* Magistrate *or Sub-divisional Magistrate,* or any officer appointed by the Local Government in this behalf *by name or by virtue of his office,* receives credible information that—

(*a*) any British or foreign ship has been lost, abandoned, stranded or materially damaged on or near the coasts of British India ; or

Power for Admiralty and Criminal Courts to hold investigations into casualties when so directed.

[Act V of 1883, s. 8 (am. by Act VI of 1891, s. 11); Act XVI of 1891; Bill of 1867, s. 195; Bill of 1882, s. 139.]

261. Any Colonial Court of Admiralty in British India, and the principal Court of ordinary criminal jurisdiction at any port in British India where there is no Colonial Court of Admiralty, may, when so directed by the Local Government or by such officer as the Local Government has empowered in this behalf, make the investigation referred to in section 260.

Power for Court of Investigation to inquire into charges against masters, mates and engineers.

[Act V of 1883, s. 9; Bill of 1882, s. 140.] Cf. 1894, s. 471.

262. (*1*) Any Court making an investigation referred to in section 260 may inquire into any charge of incompetency or misconduct arising in the course of the investigation against any master, mate, engineer *or engine-driver*, as well as into any charge of a wrongful act or default on his part causing any loss, abandonment, stranding, damage or casualty referred to in section 259.

(*2*) *Every formal investigation into a shipping casualty shall be conducted in such manner that, if a charge is made against any person, that person shall have an opportunity of making a defence.*

(*3*) In every case in which any such charge, whether of incompetency or misconduct, or of a wrongful act or default as aforesaid, arises against any master, mate or engineer in the course of an investigation, the Court shall, before the commencement of the inquiry into the charge, cause to be furnished to him a copy of the report or statement of the case upon which the investigation has been directed.

Power for Local Government to direct independent investigation into charge of incompetency or misconduct.

[Act V of 1883, s. 10; Bill of 1867, s. 197; Bill of 1882, s. 141.] Cf. 1894, s. 471.

263. (*1*) If the Local Government has reason to believe that there are grounds for charging any master, mate or engineer holding a Board of Trade, Colonial or local certificate with incompetency or misconduct, otherwise than in the course of an investigation referred to in section 260, it may send a statement of the case to—

(*a*) any Court mentioned in section 261, or

(*b*) the Court of any Presidency Magistrate or Magistrate of the first class,

at or nearest to the place at which it may be convenient for the parties and witnesses to attend, and may direct the Court to make an investigation into the charge, *and shall at the same time* cause the master, mate or engineer so charged to be furnished with a copy of *such* statement.

Person accused to be heard.

[Act V of 1888, s. 11; Bill of 1867, s. 198; Bill of 1882, s. 142.] Cf. 1894, ss. 466 (*11*), 471 (*c*).

264. For the purpose of an investigation under the foregoing provisions of this Chapter into any charge against a master, mate, engineer *or engine-driver*, the Court may summon him to appear and shall give him full opportunity of making a defence, either in person or otherwise.

[Act V of 1883, s. 13; Bill of 1882, s. 143.] *Cf. 1894, s. 466 (4), (7).*

Assessors.

265. (*1*) When any investigation under the foregoing provisions of this chapter involves, or appears likely to involve, any question as to the suspension or cancellation of the certificate of a master, mate or engineer, the Court making the investigation shall constitute as its assessors, for the purposes of the investigation, two persons having experience in the merchant service: and in every other investigation under the said provisions the Court making it may, if it thinks fit, constitute as its assessors, for the purposes of the investigation, any person conversant with maritime affairs and willing to act as assessor.

(*2*) Every assessor shall attend during the investigation and deliver his opinion in writing, to be recorded on the proceedings. But the exercise of all powers conferred on the Court by this Act or any other enactment for the time being in force shall rest with the Court.

[Act V of 1883, s. 12; Act XVI of 1891; Bill of 1867, ss. 198, 257; Bill of 1882, s. 143.] Cf. *1894, s. 466 (10).*

Powers of Court as to evidence and regulation of proceedings.

266. For the purposes of any investigation under the foregoing provisions of this Chapter, the Court making the investigation, so far as relates to compelling the attendance and examination of witnesses and the production of documents and the regulation of the proceedings, shall have—

(*a*) if the Court is a special Court—the same powers as are exerciseable by the principal Court of ordinary criminal jurisdiction for the place at which the investigation is made;

(*b*) if the Court is a Colonial Court of Admiralty, or a principal Court of ordinary criminal jurisdiction, or a Court of a Presidency Magistrate or a Magistrate of the first class—the same powers as are exerciseable by that Court in the exercise of its admiralty or criminal jurisdiction (as the case may be).

[Act V of 1883, s. 14; Bill of 1882, s. 144.]

Power to arrest witnesses and cause entry and detention of ships.

267. (*1*) If any Court making an investigation under the foregoing provisions of this Chapter thinks it necessary for obtaining evidence that any person should be arrested, it may issue a warrant for his arrest, and may, for the purpose of effecting the arrest, authorise any officer (subject, nevertheless, to any general or special instructions from the Local Government) to enter any ship.

(*2*) Any officer so authorised may, for the purpose of enforcing the entry, call to his aid any officers of Police or Customs, or any other

persons, and may seize and detain the ship for such time as is reasonably necessary to effect the arrest.

(*3*) No person shall be detained by virtue of this section for more than forty-eight hours.

[Act V of 1883, s. 15; Bill of 1882, s. 145.]

Power to commit for trial and bind over witnesses.

268. (*1*) Whenever, in the course of any investigation under the foregoing provisions of this Chapter, it appears that any person has committed, within the jurisdiction of any Court in British India, an offence punishable under any law in force in British India, the Court making the investigation may (subject to such rules consistent with this Act as the High Court may, from time to time, make) cause him to be arrested, or commit him or hold him to bail to take his trial before the proper Court; and may bind over any person to give evidence at the trial, and may, for the purposes of this section, exercise all the powers of a Magistrate of the first class or of a Presidency Magistrate.

(*2*) For the purposes of this section the Recorder of Rangoon shall, throughout Lower Burma, be deemed to be the High Court.

[Act V of 1883, s. 17; Bill of 1867, s. 258; Bill of 1882, s. 146.] Cf. *1894, ss. 466 (6), 470 (3).*

Report by Court to Local Government.

269. (*1*) The Court shall, in the case of every investigation under the foregoing provisions of this Chapter, transmit to the Local Government a full report of the conclusions at which it has arrived, together with the evidence.

57 & 58 Vict., c. 60.

(*2*) In cases in which, under the Merchant Shipping Act, 1894, the Court is required to send a report to the Board of Trade, the report shall be sent through the Local Government, and the transmission of the report to the Local Government shall be a sufficient compliance with this section.

Cf. *1894, s. 475.*

Re-hearing.

270. (*1*) *The Local Government may, in any case* where an investigation into a shipping casualty, or into the conduct of a master, mate or engineer, has been held under this Chapter, *order the case to be re-heard either generally or as to any part thereof, and shall do so—*

(*a*) if new and important evidence which could not be produced at the investigation, has been discovered, or

(*b*) if for any other reason there *is*, in its opinion, ground for suspecting *that* a miscarriage of justice *has occurred.*

(*2*) Where a re-hearing is ordered on the ground that new and important evidence as aforesaid has been discovered, the case shall, *if practicable*, be re-heard by the Court by which

it was heard in the first instance; and *in every other event* the case shall be re-heard by the Colonial Court of Admiralty.

(*3*) The provisions of section 262, section 263, and sections 264 to 269 (both inclusive) shall apply in the case of every re-hearing ordered under this section.

Investigations into Explosions on Steam-ships.

[Act VII of 1884, s. 37 (*1*), (*2*).]

Power to investigate causes of explosions on board steam-ships.

271. (*1*) Whenever an explosion occurs on board any steam-ship, whether British or foreign, on or near the coasts of British India, the Local Government may, if it thinks fit, direct that an investigation into the cause of the explosion be made by such person or persons as it may think fit.

(*2*) The person or persons so directed may enter into and upon the steam-ship, with all necessary workmen and labourers, and remove any portion of the steam-ship or of the machinery thereof, for the purpose of the investigation, and shall report to the Local Government what, in his or their opinion, was the cause of the explosion.

PART VI.

CHAPTER XXVIII.

ASSISTANCE TO PASSENGERS ABROAD.

Whereas, by section 368 of the Merchant Shipping Act, 1894, it is enacted that "The Governor General of India in Council may, by any Act passed for the purpose, declare that all or any provisions of this Part of this Act shall apply to the carriage of steerage passengers upon any voyage from any specified port in Brish India to any other specified port whatsoever," and that the "provisions of any such Act while in force shall have effect without as well as within British India as if enacted by this Act: Provided that any such Act shall be of no effect under this section, unless it be reserved for the signification of Her Majesty's pleasure thereon, or contain a suspending clause providing that the Act shall not come into operation until Her Majesty's pleasure thereon

57 & 58 Vict., c. 60.

has been publicly signified in British India;"

And whereas it is expedient that the *provisions* hereinafter appearing *should be enacted under the authority aforesaid;*

It is hereby enacted as follows:—

Commencement.

271A. *This Chapter shall not come into operation until Her Majesty's pleasure thereon has been publicly signified by notification in the Gazette of India.*

Repeal.

271B. (*1*) *On and from the commencement of this Chapter, the Indian Sea Passengers Act, 1885,* XII of 1895. *shall be repealed.*

(*2*) *Any enactment or document referring to the said Act shall be construed to refer to this Chapter*

Certain provisions of the *Merchant Shipping Act, 1894*, made applicable to specified voyages from British India. 57 & 58 Vict., c. 60.

272. The provisions in sections 273, 274 and 275 and Schedule VII *of this Act* are declared applicable to the carriage of *steerage* passengers, whether in British or foreign ships, upon the following voyages, namely:— [Act XII of 1885, s. 3; Bill of 1867, s. 285.] Cf. *1894, s. 368.*

(*a*) voyages from the ports of Calcutta, Madras and Bombay to the British colonies of Mauritius, Jamaica, British Guiana, Trinidad, St. Lucia, Grenada, St. Vincent, Natal, St. Kitts, Nevis, Fiji, *British North Borneo and Labuan;*

(*b*) voyages from the ports of Calcutta, Madras and Bombay to the French colonies of Réunion, Martinique, Guadeloupe and its dependencies, and Guiana;

(*c*) voyages from the ports of Calcutta, Madras and Bombay to the Netherlands colony of Dutch Guiana;

(*d*) voyages from the ports of Calcutta, Madras and Bombay to the Danish colony of St. Croix;

(*e*) voyages under Part VII from Calcutta, Madras, Bombay, Karachi, Rangoon and other ports in British India to the Straits Settlements, to the protected

Native States adjoining the Straits Settlements, to Australia, and to ports in the Red Sea, Gulf of Aden or Persian Gulf and on the East Coast of Africa.

[Act XII of 1885, s. 4; Bill of 1867, s. 286.] Cf. 1855 (Passengers), s. 52.

Expenses of *rescue and conveyance of wrecked* passengers.

273. If *any steerage* passenger *is either taken off any ship which is carrying passengers on* any such voyage as is specified in section 272 *and is damaged, wrecked, sunk or otherwise destroyed, or if any such passenger is* picked up at sea from any boat, raft or otherwise, it shall be lawful—

(*a*) *if the port to which such passenger (in this Act referred to as a "wrecked passenger") is in a British possession* of Her Majesty's colonial possessions, for the Governor of *that possession*, or any person authorised by him for the purpose; *and*

(*b*) *if the port is in a* foreign country, for *the British* Consular Officer *there,*

to defray all or any part of the expenses thereby incurred

[Act XII of 1885, s. 5; Bill of 1867, s. 287.] Cf. *1894, s. 333.*

Forwarding of passengers by Governors or Consuls.

274. (*1*) If any *steerage* passenger *from* any ship *which is carrying passengers on any such voyage as is specified in section 272 finds himself*, without any neglect or default of his own, *at any port outside the British Islands* other than *the port* for which the ship was originally bound, or at which he, or the *Board of Trade*, or any public officer or other person on his behalf, has contracted that he should land, *it shall be lawful*—

(*a*) *if the place is in a British possession*, for the Governor of *that possession*, or any person authorised by *the Governor* for the purpose, *and*

(*b*) *if the place is elsewhere, for the British Consular Officer there,*

to forward the passenger to his intended destination, unless the master of the ship, within forty-eight hours of the arrival of *the* passenger, gives to the Governor or Consular Officer, as the case may be, a written undertaking to forward or *convey* within six weeks thereafter the passenger to his original destination, and forwards or *conveys* him accordingly within that period.

(2) A passenger *so* forwarded *by or by the authority of a Governor or a British Consular Officer* shall not be entitled to the return of *his* passage-money, or to any compensation for loss of passage.

[Act XII of 1885, s. 6; Bill of 1867, s. 288.] Cf. *1894*, ss. 334 360 (*1*.)

Recovery of expenses incurred in conveying wrecked passengers and forwarding passengers.

275. (*1*) All expenses incurred under section 273 or section 274, by or by the authority of a Governor *of a British possession or* Consular Officer, *in respect of a wrecked passenger, or in forwarding of a passenger to his destination*, including the cost of maintaining the passenger until forwarded to *his* destination, and of all necessary bedding, provisions and stores, shall *be a joint and several debt to the Crown* from the owner, charterer and master of the ship *on board of which the passenger had embarked.*

(2) *In any proceeding for the recovery of that debt* a certificate in the form *set out* in Schedule VII *to this Act*, or as near thereto as circumstances admit, purporting to be under the hand of *a* Governor or Consular Officer, *and stating the circumstances of the case and* the total amount of the expenses, shall be *admissible* in evidence *in the manner provided by the Merchant Shipping Act, 1894*, and shall be sufficient evidence of the amount of the expenses, and *of the fact* that the same were duly incurred; unless the defendant specially pleads and duly proves that the certificate is false *and* fraudulent, or that the expenses were not duly incurred *under this Chapter:*

57 & 58 Vict., c. 60.

(3) *The sum* recovered on account of the expenses *shall not exceed* twice the total amount of passage-money *which* the owner, charterer or master of the ship *proves to have been received by him or on his account, or to be due to and recoverable by him or on his account in respect of* the whole number of passengers, *whether cabin or steerage*, who embarked in the ship.

[Act XII of 1885, s. 7] (*cf. 1894*, s. 335.

Validity of insurance of passage-money.

276. *A* policy of assurance effected in respect of any streerage passage, or of any *steerage* passage or compensation money, by any person by this Chapter made liable, in the events aforesaid, to provide *such* passage or to pay *such* money, or in respect of any other risk under this Chapter, shall *not* be invalid by reason of the nature of the risk or interest sought to be covered by the policy of assurance.

PART VII.

NATIVE PASSENGER-SHIPS.

CHAPTER XXIX.

PRELIMINARY.

[Act X of 1887, s. 2; Bill of 1867, s. 262.]

Application.

277. (*1*) *The application of this Part extends*—

(*a*) to all subjects of Her Majesty within the dominions of Princes and States in India in alliance with Her Majesty;

(*b*) to all native Indian subjects of Her Majesty without and beyond British India; and,

(*c*) subject to the exceptions mentioned in section 5 and in sub-section (*2*) of this section, to ships, whether British or foreign, carrying as passengers more than thirty natives of Asia or Africa.

(*2*) But it does not apply—

(*d*) to any steam-ship not carrying as passengers more than sixty natives of Asia or Africa,

(*e*) to any ship not intended to carry natives of Asia or Africa as passengers to or from any port in British India, or

(*f*) *to any ship to which the provisions of the Inland Steam-vessels Act, 1884, are applicable.* VI of 1884.

(*3*) Notwithstanding anything in sub-sections (*1*) and (*2*), the Local Government, with the previous sanction of the Governor General in Council, may, by notification in the local official Gazette, declare all or any of the provisions of this Part to apply—

(*g*) to sailing-ships, or any class of sailing-ships, whether British or foreign, carrying as passengers more than fifteen natives of Asia or Africa, or

(*h*) to steam-ships or any class of steam-ships, whether British or foreign, carrying as passengers more than thirty natives of Asia or Africa.

[Act X of 1887, s. 57.]

Power to exempt ships.

278. (*1*) The Local Government, with the previous sanction of the Governor General in Council, may, subject to such conditions as it may think fit, exempt any ship or class of ships from any provision of this Part.

(*2*) In imposing a condition under this section the Local Government may direct that a breach of it shall be punishable with fine which may extend to two hundred rupees, and, when the breach is a continuing breach, with a further fine which may extend to twenty rupees for every day after the first during which the breach continues.

[Act X of 1887, s. 5.]

Definitions.

279. In this Part, unless there is something repugnant in the subject or context,—

(*1*) "native passenger" means a passenger by a ship who is a native of Asia or Africa of the age of twelve years or upwards and is not on the *articles of* agreement of the ship as one of the crew; [Bill of 1867, s. 267 (2).]

but does not include *a first or second class passenger*, a passenger in attendance on a person who is not a native of Asia or Africa, or a child under one year of age;

and, in the computation of native passengers for any of the purposes of this Part, two persons of the age of one year or upwards and under the age of twelve years shall be reckoned as one passenger;

(*2*) "long voyage" means,—

(*a*) any voyage to *or from* Aden from *or to* any other port in British India, whether the ship performing it proceeds to *or from* Aden direct or calls at one or more intermediate ports, or

(*b*) any voyage from or to a port in British India to or from a port in the Red Sea, whether the ship performing it proceeds to such port direct or calls at one or more intermediate ports, or

(*c*) any voyage (not being a voyage referred to in clause (*a*) or clause (*b*)) during which the ship performing it will in ordinary circumstances be one hundred and twenty hours or upwards continuously out of port, or

(*d*) any voyage (not being a voyage referred to in clause (*a*) or clause (*b*)) during which the ship performing it will not in ordinary circumstances be one hundred and twenty hours continuously out of port, but during which the ship calls at one or more intermediate ports and has *any* native passenger on board *continuously* for two hundred and forty hours or upwards;

(*3*) "short voyage" means,—

(*e*) any voyage (not being a voyage referred to in clause (*a*) or clause (*b*), or a shelter-port voyage or an excursion voyage) during which the ship performing it will not in ordinary circumstances be one hundred and twenty hours continuously out of port, and

(*i*) does not call at any intermediate port, or

(*ii*) calls at one or more intermediate ports *but has no* native passengers on board for two hundred and forty hours *continuously*;

(*4*) "shelter-port voyage" means, subject to the provisions of section 280,—

(*f*) in the case of a steam-ship having a certificate of survey, granted under Chapter XXIII or by the Board of Trade or by a British Colonial Government, in force and applicable to the voyage on which the ship is about to proceed or the service on which she is about to be employed—any voyage (not being an excursion voyage) during which the ship is at no time more than eight hours distant from a port of shelter, and

(*g*) in the case of any other ship—any voyage (not being an excursion voyage) during which the ship performing it is at no time more than six hours distant from a port of shelter;

(*5*) "excursion voyage" means, subject to the provisions of section 280, any voyage beginning and ending in a season of fair weather, during which the ship performing it is not out of port before sunrise or after sunset, and during which native passengers are not embarked before sunrise or kept on board after sunset;

(*6*) "voyage", when used without the prefix "long", "short", "shelter-port" or "excursion", means the whole distance between the ship's port or place of departure and her final port or place of arrival; and

(*7*) "Chief Customs-officer" means the chief executive officer of sea-customs in any port or place to which this Part applies.

[Act X of 1887, s. 55; Bill of 1867, s. 276.]

Power to declare what shall be deemed "seasons of fair weather" and "seasons of foul weather", and to modify or supplement certain definitions in section 279.

280. (*1*) The Governor General in Council may, by notification in the Gazette of India, declare what shall be deemed to be, for the purposes of this Part, "seasons of fair weather" and "seasons of foul weather."

(*2*) The Local Government, with the previous sanction of the Governor General in Council, may, by notification in the local official Gazette, declare what ports shall, for the purposes of this Part, be deemed to be "ports of shelter."

CHAPTER XXX.

General Provisions as to Voyages.

[Act X of 1887, s. 6; Bill of 1867, s. 263.]

Ports for departure of ships or discharge or receiving of native passengers.

281. (*1*) A ship carrying native passengers shall not depart or proceed on a voyage from, or discharge such passengers at, any port or place in British India other than a port appointed in this behalf by the Local Government.

(*2*) After a ship has departed or proceeded on a voyage from a port so appointed, a person shall not be received on board as a native passenger except at some other port so appointed.

[Act X of 1887, s. 7; Bill of 1867, s. 268.]

Notice to be given of destination and time of sailing.

282. (*1*) The master, owner or agent of any ship so departing or proceeding shall give notice to an officer appointed in this behalf by the Local Government that the ship is to carry native passengers, and of her destination, and of the proposed time of sailing.

(*2*) The notice shall be given not less than twenty-four hours before that time *in the case of a long voyage and not less than six hours in any other case.*

[Act X of 1887, s. 8; Bill of 1867, s. 269]

Power to enter on and inspect ship.

283. After receiving the notice, the officer aforesaid or any person authorised by him shall be at liberty at all times to enter on the ship and inspect her and her fittings and the provisions and stores in her.

284. (*1*) A ship intended to carry native passengers shall not commence a voyage from a port appointed under section 281 unless the master holds a certificate (hereinafter called Certificate A) to the effect mentioned in sub-section (*2*), and, in the case of a ship proceeding on a long voyage *or a short voyage*, a certificate (hereinafter called Certificate B) to the effect mentioned in sub-section (*3*).

[Act X of 1887, ss. 9(*1*), 10, 11; Bill of 1867, ss. 264, 267 (*1*), (*4*).]

Ship not to sail without certificate or certificates.

(*2*) "Certificate A" shall state—

(*a*) that the ship is seaworthy and properly equipped, fitted and ventilated; and

(*b*) in the case of a ship proceeding on a long voyage, the number of native passengers which she is capable of carrying; or

(*c*) in the case of a ship proceeding on a short voyage, a shelter-port voyage or an excursion voyage,—

(*i*) the full number of native passengers which the ship is capable of carrying during a season of fair weather and a season of foul weather, respectively, and on a short voyage, a shelter-port voyage and an excursion voyage, respectively, when fully equipped and fitted in accordance with this Part and the rules thereunder,

(*ii*) the number of native passengers which the ship is capable of carrying on each division of a deck during a season of fair weather and a season of foul weather, respectively, and on a short voyage, a shelter-port voyage and an excursion voyage, respectively, a plan of each such division being given on the certificate and the number of native passengers being stated on the plan, and

(*iii*) if the ship is to carry upper-deck passengers during a season of fair weather, that she is furnished with a double awning or other sufficient protection against the weather *and with substantial bulwarks or rails and netting protected by curtains*; and

(*d*) in the case of a ship referred to in section 291, that she has on board a medical officer licensed in accordance with the rules under this Part.

(*3*) "Certificate B" shall state—

(*e*) the voyage which the ship is to make, and the intermediate ports, if any, at which she is to touch;

(*f*) that she has the proper complement of officers and seamen;

(*g*) that food, fuel, pure water and medical stores and appliances, over and above what is necessary for the crew,

and the other things, if any, prescribed for the ship, have been placed on board, of the quality prescribed, properly packed, and sufficient to supply the native passengers on board during the voyage which the ship is to make (including such detention in quarantine as may be probable) according to the scale for the time being prescribed;

(*h*) that the master holds Certificate A;

(*i*) if the ship is to carry native passengers to any port in the Red Sea, that she is propelled principally by steam; and,

(*k*) such other particulars, if any, as may be prescribed.

[Act X of 1887, s. 9 (*3*); Bill of 1887, s. 264.]

Port-clearance not to be granted without certificate or certificates.

285. No officer authorised to grant a port-clearance shall grant the same for a ship carrying native passengers unless the master holds a certificate or certificates granted in accordance with section 284.

[Act X of 1887, s. 12; Bill of 1867, s. 265.]

Grant of certificates.

286. The person by whom Certificate A and Certificate B are to be granted shall be the officer appointed under section 282.

[Act X of 1887, s. 13.]

Production of certificate of survey containing particulars required for certificate A

287. Where the master of a ship produces to that officer a certificate of survey granted under Chapter XXIII or by the Board of Trade or by a British Colonial Government, in force and applicable to the voyage on which the ship is about to proceed or the service on which she is about to be employed, and any of the particulars required by section 284, sub-section (*2*), are certified thereby, the officer may take the certificate as evidence of those particulars, and the same may thereupon be inserted in Certificate A.

[Act X of 1887, s. 14; Bill of 1867, ss. 264, 270.]

Survey of ship.

288. (*1*) After receiving the notice required by section 282, the officer appointed under that section may, if he thinks fit, cause the ship to be surveyed at the expense of the master or owner by competent surveyors, who shall report to him whether the ship is, in their opinion, seaworthy and properly equipped, fitted, ventilated *and lighted* for the voyage which she is to make:

Provided that he shall not cause a ship having a certificate of survey mentioned in section 287 to be surveyed unless, by reason of the ship having met with damage or having undergone alterations, or on other reasonable ground, he considers it likely that she may be found unseaworthy or not properly equipped, fitted, ventilated *or lighted* for the voyage.

(*2*) If the officer causes a survey to be made of a ship holding a certificate of survey mentioned in section 287, and the surveyors report that the ship is seaworthy and properly equipped, fitted, ventilated *and lighted* for the voyage, and that there was no reasonable ground why the officer should have thought it likely that she would be found unseaworthy, or not properly equipped, fitted, ventilated *or lighted* for the voyage, the expense of the survey shall be paid by the Local Government.

(*3*) If at the time of making a survey under this section all the prescribed equipments are not on board the ship, the officer granting Certificate A shall note thereon the deficiency and the number of native passengers proportionate to such deficiency; *and the maximum number of passengers to be carried shall be reduced by such number,* until the deficiency has been supplied and the fact endorsed on the certificate by the said officer.

[Act X of 1887, s. 15.]

Discretion as to grant of certificate.

289. (*1*) The officer authorised to grant a certificate under this Part in respect of a ship shall not grant it unless he is satisfied that she has not on board any cargo likely from its quality, quantity or mode of stowage to prejudice the health or safety of the passengers.

(*2*) But save as aforesaid, and subject to the provisions of sub-section (*3*), it shall be in the discretion of the officer to grant or withhold the certificate.

(*3*) In the exercise of that discretion that officer shall be subject to the control of the Local Government, and of any intermediate authority which that Government may appoint in this behalf.

[Act X of 1887, s. 16.]

Copy of certificate to be exhibited.

290. The master or owner shall post up in a conspicuous part of the ship, so as to be visible to persons on board thereof, a copy of the certificate or each of the certificates granted under this Part in respect of the ship, and shall keep the copy or copies so posted up throughout the voyage.

[Act X of 1887, s. 26; Bill of 1867, s. 267 (5).]

Certain ships to carry medical officer.

291. Every ship carrying more than four hundred native passengers

from or to any port on the Coromandel Coast to or from Rangoon, or

from or to Calcutta to or from Rangoon, or

from or to any port in the territories administered by the Governor of Bombay in Council to or from any port not in those territories, *except ports on the western coast of India, or*

from or to Aden *or Perim* to or from any other port in the territories administered by the Governor of Bombay in Council, and

every ship carrying more than one hundred native passengers from or to any port in British India to or from any port in the Red Sea,

shall have on board a medical officer licensed in accordance with the rules under this Part.

[Act X of 1887, ss. 20, 23.]

Report of deaths.

292. (*1*) The master of every ship carrying native passengers shall notify the date and supposed cause of death of every native passenger dying on the voyage.

(*2*) Such notification shall be made at the first port at which the ship calls after the occurrence of any such death, and shall be made,—

(*a*) in the case of a long voyage, to a person lawfully exercising Consular authority on behalf of Her Majesty at such port, or to the Chief Customs-officer thereat, or to the officer (if any) appointed there under section 282, and

(*b*) in the case of a short voyage, a shelter-port voyage or an excursion voyage, to such officer as the Governor General in Council may appoint in this behalf.

Report as to animals carried.

293. The master of every ship carrying native passengers and calling at any inrermediate port in British India between the first port of departure and the final port of arrival shall at each such intermediate port report to the officer appointed under section 282 the number of cattle and other live animals on board which may be occupying space measured for native passengers.

CHAPTER XXXI.

Special Provisions as to Long Voyages.

[Act X of 1887, s. 21; Bill of 1867, s. 267 (2).]

Space to be available for native passengers.

294. Every ship carrying native passengers and performing a long voyage shall, subject to the provisions of section 326, contain in the between-decks the spaces hereinafter respectively mentioned for each such passenger:

if the ship is propelled by sails, twelve superficial and seventy-two cubic feet;

if the ship is propelled by steam, or partly by steam and partly by sails, nine superficial and fifty-four cubic feet.

(*2*) *Every such ship shall have reserved for the use of the native passengers the upper-deck (excluding the portion set apart for the first and second class passengers and the airing space for the crew and any space which may be reserved as a hospital for the use of the passengers): Provided that, if any such ship has less than the full number of native passengers which she is authorised to carry, only so much of such upper deck need be reserved for such passengers as is proportionate to the actual number of such passengers carried.*

Illustration.

If a ship can carry twelve hundred native passengers and there are only six hundred on board, half only of the upper deck need be reserved for the use of such passengers.

(3) In every such ship the height between decks and the height of any permanently covered upper deck shall not be less than six feet.

[Act X of 1887, s. 22.]

Statements concerning passengers.

295. The master of a ship departing or proceeding on a long voyage from any port in British India shall sign two statements, specifying the number and the respective sexes of all the native passengers, and the number of the crew, and shall deliver them to the officer appointed under section 282, who shall thereupon, after having first satisfied himself that the numbers are correct, countersign and return to the master one of the statements.

[Act X of 1887, s. 24.]

Ship taking additional passengers at intermediate places.

296. (*1*) In either of the following cases, namely,—

(*a*) if after the ship has departed or proceeded on a long voyage, any additional native passengers are taken on board at a port in British India appointed under section 281 for the embarkation of such passengers, or,

(*b*) if the ship upon her voyage touches or arrives at any such port, having previously received on board additional native passengers at any place beyond British India,

the master shall obtain a new certificate to the effect of Certificate B from the officer appointed at that port under section 282, and shall make additional statements specifying the number and the respective sexes of all the additional native passengers.

(*2*) All the foregoing provisions of this Part with respect to Certificate B and statements concerning native passengers shall be applicable to any certificate granted or statement made under this section.

Alteration of passenger accommodation.

296A. *If after Certificate A has been granted to the master of any ship any alteration is made in the ship which has the effect of changing the number of native passengers which she is capable of carrying, as stated in such certificate in pursuance of clause (c), sub-clause (i) or sub-clause (ii), of section 284,*

the master shall, before the ship proceeds on any voyage from a port appointed under section 281, report the circumstances to the officer appointed at that port under section 282, and such officer shall alter the certificate accordingly.

CHAPTER XXXII.

SPECIAL PROVISIONS WITH REGARD TO PILGRIM SHIPS.

Definitions.

297. *In this Chapter,—*

"pilgrim ship" means a vessel conveying Muhammadan pilgrims from or to any port in British India to or from any port in the Red Sea:

Provided that no vessel carrying passengers other than pilgrims of the lowest class and having on board pilgrims of the lowest class in a less proportion than one pilgrim for every one hundred tons of the gross tonnage of the vessel shall be subject to the provisions of this Chapter.

Explanation.—By "pilgrims of the lowest class" are meant "pilgrims who are steerage passengers:"

"pilgrim" means a Muhammadan passenger going to or returning from the Hedjaz, and, in the computation of pilgrims for any of the purposes of this Chapter, two pilgrims under the age of twelve years shall be reckoned as one pilgrim.

Notice of sailing.

297A. *The notice required by section 282 shall in the case of a pilgrim ship be given at least three days before the proposed time of sailing.*

Deck space and provision of hospital.

297B. (*1*) *The proviso to section 294, sub-section (2), shall not apply to any pilgrim ship.*

(*2*) *In addition to the ordinary passenger space a hospital shall be reserved on every pilgrim ship so as to be able to accommodate five per cent. of the pilgrims embarked allowing thirty-two superficial feet per head.*

[Act X of 1887, s. 25.]

Ships to be propelled principally by steam.

297C. *Every pilgrim* ship shall be propelled principally by steam.

[Act X of 1887, ss. 27, 28.]

Ships to touch at Aden and obtain bill of health.

298. (*1*) *Every pilgrim* ship shall touch at Aden, and shall not leave that port without having obtained from the proper authority a clean bill of health.

(*2*) The authority at Aden empowered to grant the bill of health shall refuse to grant it if the ship has on board a greater number of *pilgrims* than the number allowed for the ship by or under this *Chapter*, and may refuse to grant it if the requirements of any rule under this *Chapter* are not complied with on board the ship.

299. No officer authorised to grant port-clearances shall grant a *port-clearance to any pilgrim ship* unless and until the master, owner or agent of the ship and two sureties resident in British India have executed in favour of the Secretary of State for India in Council a joint and several bond, for the sum of five thousand rupees, conditioned— [Act X of 1887, s. 29.]

Bond.

(*a*) that the ship shall touch at Aden on the outward voyage and there obtain a clean bill of health, and shall do the same on the homeward voyage if the ship continues to carry more than sixty *pilgrims*, and

(*b*) that the master and medical officer (if any) of the ship shall comply with, on the outward voyage, and also on the homeward voyage if the ship continues to carry more than sixty *pilgrims*, the provisions of this *Chapter* and of such rules relating to *pilgrim* ships as the Governor General in Council may make under this *Chapter*.

300. (*1*) *No pilgrim* shall be received on board any *pilgrim* ship unless and until *he* has been inspected, at such time and place, and in such manner, as the Local Government may fix in this behalf, by a medical officer to be appointed by that Government for the purpose. [Act X of 1887, s. 30.]

Power to direct medical inspection of passengers.

(*2*) If in the opinion of any officer making inspection under this section any *pilgrim* is suffering from *cholera, choleraic indisposition or any form of suspicious diarrhœa or* any dangerously infectious or contagious disease, he shall prohibit the embarkation of the *pilgrim*.

(*3*) If any such officer has reason to believe that any *pilgrim*, though not suffering from any dangerously infectious or contagious disease, is or has recently been in attendance upon, or otherwise in contact with, any person so suffering, he may prohibit the embarkation of the *pilgrim* for such period as he may think fit.

(*4*) *All articles, which have been contaminated by persons suffering from cholera or choleraic indisposition, or any dangerously infectious or contagious disease, or are suspected of having been so contaminated, shall, before being taken on board a pilgrim ship, be disinfected under the supervision of a medical officer appointed by the Local Government for the purpose, in such manner as the Local Government shall direct.*

300A. *The master of every pilgrim ship shall be required to pay the whole amount of the sanitary taxes at the ports visited.*

Sanitary taxes payable by master.

CHAPTER XXXIIA.

SPECIAL PROVISIONS AS TO SHORT, SHELTER-PORT AND EXCURSION VOYAGES.

301. Every ship carrying native passengers and performing a short voyage, a shelter-port voyage or an excursion voyage shall, subject to the provisions of section 326, have the spaces hereinafter respectively mentioned :— [*Act X of 1887, s. 18 (1), (2), (3); Bill of 1867, s. 267 (2).*]

Space to be available for passengers.

(*1*) *when performing a short voyage during a season of fair weather,—*

whether the ship is propelled by sails, or partly by steam and partly by sails,

for each native passenger, nine superficial and fifty-four cubic feet on any deck ;

(*2*) *when performing a short voyage during a season of foul weather,—*

if the ship is propelled by sails,—

for each native passenger carried in the between-decks, twelve superficial and seventy-two cubic feet in the between-decks, and four superficial feet of airing space on the upper deck ;

if the ship is propelled by steam, or partly by steam and partly by sails,—

for each native passenger, seven superficial and forty-two cubic feet ;

(*3*) *when performing a sheltert port voyage during a season of fair weather,—*

for each native passenger, seven superficial and forty-two cubic feet on any deck ;

(*4*) *when performing a shelter-port voyage during a season of foul weather,—*

if the ship is propelled by sails,—

for each native passenger, nine superficial and fifty-four cubic feet ;

if the ship is propelled by steam, or partly by steam and partly by sails,—

for each native passenger, seven superficial and forty-two cubic feet ;

(*5*) *when performing an excursion voyage,—*

for each native passenger, six superficial and thirty-six cubic feet on any deck :

Provided that, in the case of a ship performing a short voyage or a shelter-port voyage during a season of foul weather—

(a) if native passengers are carried in more than one deck below the main or tonnage deck, the ship shall have on each such additional deck fourteen superficial and eighty-four cubic feet of space for each such passenger;

(b) the spaces hereinbefore prescribed for the carriage of native passengers shall be sheltered by a permanent iron or wooden deck-covering and by solid bulwarks; and

(c) there shall be reserved for the use of the native passengers the uppermost deck or decks (excluding the portion set apart for the first and second class passengers and the airing space for the crew, and any space which may be reserved as a hospital for the use of the passengers): Provided that, if any such ship has less than the full number of native passengers which she is authorised to carry, only so much of such upper-deck or decks need be reserved for such passengers as is proportionate to the number of such passengers carried:

Illustration.

If a ship can carry twelve hundred native passengers and there are only six hundred on board, half only of the uppermost deck or decks need be reserved for the use of such passengers;

(d) in every such ship the height between decks and the height of any permanently covered upper deck shall not be less than six feet.

Upper-deck passengers.

302. A ship performing a short voyage, a shelter-port voyage or an excursion voyage during a season of fair weather shall not carry upper-deck passengers unless she is furnished with substantial bulwarks *or rails and netting protected by curtains* and a double awning or with other sufficient protection against the weather. [Act X of 1887, s. 18 (4).]

Food, &c., to be carried, awnings to be spread and statement as to passengers to be furnished.

303. (1) The master of every ship proceeding on a short voyage, a shelter-port voyage or an excursion voyage shall be bound— [Act X of 1887, s. 11 (c), s. 19; Bill of 1867, s. 273.]

(a) to keep awnings spread over all exposed decks at sea at all times when the weather permits; and

(b) to furnish to the officer appointed under section 282 at every port in British India at which the ship touches a statement in a form sanctioned by the Local Government, showing the number of native passengers taken on board at the last port at which the ship touched, the number to be landed at the port at which the statement is furnished and the number to be conveyed to the next port.

(2) *The master of every ship proceeding on a short voyage shall be bound—*

(a) to carry food, fuel, pure water and medical stores, and appliances, over and above what is necessary for the crew, and the other things, if any, prescribed for the ship, of the quality prescribed, properly packed and sufficient to supply the native passengers on board during the voyage which the ship is to make (including such detention in quarantine as may be probable) according to the scale for the time being prescribed;

(b) to certify to such officer at each port as aforesaid that the several articles mentioned or referred to in clause (a) have been placed on board in accordance with that clause.

CHAPTER XXXIII.

PENALTIES.

Penalty for ship unlawfully departing or receiving native passengers on board.

[Act X of 1887, s. 31; Bill of 1867, ss. 263, 277.]

304. If any ship departs or proceeds on a voyage from, or discharges native passengers at, any port or place in British India in contravention of section 281, sub-section (1), or section 284, or

if any person is received as a native passenger on board a ship in contravention of section 281, sub-section (2), or

if any native passenger is carried on board a ship in contravention of section 288, sub-section (3),

the master or owner shall, for every native passenger carried in the ship, or for every native passenger so discharged, received or carried on board, be *liable to* fine which may extend to one hundred rupees, or *to* imprisonment for a term which may extend to one month, or *to* both, and

the ship, if found within two years in any port or place in British India, may be seized and detained by a Chief Customs-officer until the penalties incurred under this Part by her master or owner have been adjudicated, and the payment of the fine imposed on him under this

(3) If any master fails to comply with any of the requirements of section 303, *sub-section* (1), clause (*b*), as to furnishing a statement concerning native passengers, or wilfully makes any false entry in any such statement, he shall be *liable to* fine which may extend to two hundred rupees, and no officer authorised to grant a port-clearance for the ship shall grant the same unless and until the master has furnished a statement, or an amended statement, as the case may be, of the nature required by the said clause.

(4) If any master fails to give the certificate required by section 303, *sub-section* (2), clause (*b*), or wilfully makes any false entry or note in or on any such certificate, he shall be *liable to* fine which may extend to five hundred rupees, or *to* imprisonment for a term which may extend to three months, or *to* both.

Penalty for fraudulent alteration in ship after certificate obtained or given.

[Act X of 1887, s. 35; Bill of 1867, s. 281.]

316. If any master, after having obtained any of the certificates mentioned in section 284 or section 296, or after having given a certificate under section 303, *sub-section* (2), clause (*b*), fraudulently does or suffers to be done anything whereby the certificate becomes inapplicable to the altered state of the ship, her passengers or other matters to which the certificate relates, he shall be *liable to* fine which may extend to two thousand rupees, or *to* imprisonment for a term which may extend to six months, or *to* both.

Penalty for not reporting alterations of passenger accommodation.

316A. *If any master fails to make a report as required by section 296A, he shall be liable to fine which may extend to five hundred rupees.*

Penalty for failing to supply native passengers with prescribed provisions.

[Act X of 1887, s. 36; Bill of 1867, s. 282.]

317. (1) If any master, without reasonable excuse, the burden of proving which shall lie upon him, omits to supply to any native passenger the prescribed allowance of food, fuel and water, he shall be *liable to* fine which may extend to twenty rupees for every passenger who has sustained detriment by the omission.

(2) *The whole of any fine imposed on the master of a pilgrim ship under this section shall be paid to the complainant pilgrim or pilgrims who have suffered by the neglect.*

Penalty for having excessive number of native passengers on board.

[Act X of 1887, s. 37; Bill of 1867, ss. 279, 280.]

318. (1) If any ship carrying native passengers to or from any port in British India has on board a number of native passengers which is greater than the number allowed for the ship by or under this Part, the owner and master shall, for every native passenger over and above that number, be each *liable to* fine which may extend to twenty rupees, and the master shall further be liable to imprisonment for a term which may extend to one week in respect of each such passenger:

Provided that the aggregate term of imprisonment awarded under this section shall not exceed six months.

(2) Any officer authorised in this behalf by the Local Government may cause all native passengers over and above the number allowed by or under this Part to disembark, and may forward them to any port at which they may have contracted to land, and recover the cost of so forwarding them from the master or owner of the ship as if the cost were a fine imposed under this Part; and a certificate under the hand of that officer shall be conclusive proof of the amount of the cost aforesaid.

[Act X of 1887, s. 38.]

Penalty for bringing native passengers from foreign port in excess of authorised number.

319. If any ship carrying native passengers from any port or place beyond British India to any port in British India has on board a number of native passengers greater either than the number allowed for the ship by or under this Part or than the number allowed by the license or certificate, if any, granted in respect of the ship at her port or place of departure, the master and owner shall, for every native passenger in excess of that number, be each *liable to* fine which may extend to twenty rupees.

[Act X of 1887, s. 39; Bill of 1867, s. 283.]

Penalty for landing native passenger at a place other than that at which he has contracted to land.

320. If any master lands any native passenger at any port or place other than the port or place at which the passenger may have contracted to land, unless with his previous consent, or unless the landing is made necessary by perils of the sea or other unavoidable accident, the master shall for every native passenger so landed be *liable to* fine which may extend to two hundred rupees, or *to* imprisonment for a term which may extend to one month, or *to* both.

[Act X of 1887, s. 40.]

Penalty for making voyage in contravention of contract with passengers.

321. If any ship, otherwise than by reason of perils of the sea or unavoidable *cause or* accident, touches at any port or place in contravention of any express or implied contract or engagement with the native passengers with respect to the voyage

which the ship was to make and the time which that voyage was to occupy, whether the contract or engagement was made by public advertisement or otherwise, the master and owner shall each be *liable to* fine which may extend to five hundred rupees, or *to* imprisonment for a term which may extend to three months, or *to* both.

CHAPTER XXXIV.

SUPPLEMENTAL PROVISIONS.

[Act X of 1887, s. 51; Bill of 1867, s. 274.]

Information to be sent to ports of embarkation and discharge.

322. (*1*) The Chief Customs-officer, or other officer, if any, appointed by the Local Government in this behalf, at any port in British India at which a ship carrying native passengers touches or arrives, shall, with advertence to the provisions of this Part, send any particulars which he may deem important respecting the ship, and the native passengers carried therein, to the officer appointed under section 282 at the port from which the ship commenced her voyage, and to the officer appointed under the said section at any other port in British India where the passengers or any of them embarked or are to be discharged.

(*2*) The Chief Customs-officer or other officer, if any, appointed by the Local Government in this behalf, at any port in British India at which a ship to which this Part applies touches or arrives, may enter on the ship and inspect her in order to ascertain whether the provisions of this Part as to the number of native passengers and other matters have been complied with.

[Act X of 1887, s. 52; Bill of 1867, s. 275.]

Certain documents to be admissible in evidence.

323. In any proceeding for the adjudication of any penalty incurred under this Part, any document purporting to be a report of such particulars as are referred to in section 322, sub-section (*1*), or a copy of the proceedings of any Court of Justice duly authenticated, and also any like document purporting to be made and signed by any person lawfully exercising consular authority on behalf of Her Majesty in any foreign port, shall be admissible in evidence, if it appears to have been officially transmitted to any officer at or near the place where the proceeding under this Part is had.

[Act X of 1887, s. 53(*1*), (*2*), (*3*).]

Power to make rules.

324. (*1*) The Governor General in Council may make rules to regulate, in the case of any ship or class of ships, all or any of the following matters:—

[Bill of 1867, s. 266.]

(*a*) the scale on which food, fuel and water are to be supplied to native passengers or to any class or classes of native passengers, and the quality of the food, fuel and water;

(*b*) the medical stores and other appliances and fittings to be provided on board for maintaining health, cleanliness and decency;

(*c*) the licensing and appointment of medical officers in cases where they are required by section 291 to be carried;

(*d*) the anchors and cables to be provided on board;

(*e*) the instruments for purposes of navigation to be supplied;

(*f*) the apparatus for ventilation and for the purpose of extinguishing fires on board, and the precautions to be taken to prevent such fires;

(*g*) the provision of boats an other appliances for saving life and of means for making signals of distress, and the supply of lights inextinguishable in water and fitted for attachment to life-buoys:

(*h*) the area to be deducted from the space measured for native passengers when live animals are carried in such space;

(*i*) the functions of the master, medical officer (if any) and other officers of the ship during the voyage;

(*j*) the access of between-decks passengers to the upper deck; and

(*k*) generally, to carry out the purposes of this Part.

(*2*) The Local Government may make rules to regulate, in the case of any ship or class of ships,—

(*l*) the local limits within which, and the time and mode at and in which, native passengers are to be embarked or discharged at any port appointed under section 281 in that behalf; and

(*m*) the time within which the ship or any ship of the class is to depart or proceed on her voyage after commencing to take native passengers on board.

(*3*) In making a rule under this section the authority making it may direct that a breach of it shall be punishable with fine which may extend to two hundred rupees, and, when the breach is a continuing breach, with a further fine which may extend to twenty rupees for every day after the first during which the breach continues.

[Act X of 1887, s. 17.]

Supply by passengers of their own food.

325. If any officer appointed in this behalf by the Local Government is satisfied that a native passenger has brought on board a ship for his own use food of the quality and in the quantity for the time being prescribed, the requirements of this Part respecting the supply of food for native passengers shall not apply so far as regards the supply of food for that passenger.

[Act X of 1887, s. 56.]

Power to declare space to be available for native passengers.

326. The Governor General in Council may, by notification in the Gazette of India, declare in the case of any ship or class of ships and for all or any voyages the number of superficial and cubic feet of space to be available for native passengers; and the order shall be alternative to, or override, as the Governor General in Council may direct, the provisions of sections 294 and 301 so far as they apply to that ship or class of ships.

[Act X of 1887, s. 54; Bill of 1867, s. 265.]

Appointment of officers.

327. The Local Government shall appoint such persons as it may think fit to exercise and perform the powers and duties which are conferred and imposed by this Part or may be conferred and imposed thereunder.

[Act X of 1887, s. 48; Bill of 1867, s. 293.]

Authority to institute proceedings for penalties.

328. The penalties to which masters and owners of ships are made liable by this Part shall be enforced only on information laid at the instance of officers appointed to grant certificates under this Part, or, at any port or place where there is no such officer, at the instance of the Chief Customs-officer.

Madras wants light-dues

PART VIII.

CHAPTER XXXV.

COAST-LIGHT DUES.

Preliminary.

[Act IX of 1879, s. 3.]

Definition of "voyage."

329. In this Chapter, unless there is something repugnant in the subject or context, "voyage" means the whole distance between a ship's place of departure and her final place of arrival; but the return of a ship from any place shall, notwithstanding the terms of any charter-party, be deemed a distinct voyage.

Levy and Recovery of Dues.

[Act IX of 1879, ss. 4, 6.] Cf. 1894, s. 670.

Dues chargeable.

330. For the purpose of establishing and maintaining coast-lights in the eastern part of the Bay of Bengal, a toll, hereinafter called "coast-light dues," shall be paid in respect of every ship, whether British or foreign, of the burden of fifty tons or upwards making any voyage mentioned in Schedule VIII, at the rate of one anna and six pies per ton of burden:

Provided that such ship sails from, or enters during the course of, or at the termination of, such voyage, a port in British India, or takes in, or discharges, cargo off the coast of British India:

Provided further that the Governor General in Council may, by notification in the Gazette of India,—

(*a*) reduce, and again raise to an amount not exceeding one anna and six pies per ton of burden, the rate of coast-light dues payable in respect of all ships or any particular class of ships, or

(*b*) abolish the coast-light dues payable in respect of all ships or any particular class of ships.

[Act IX of 1879, s. 5.]

Dues when payable.

331. Coast-light dues chargeable under section 330 shall become due and payable—

(*a*) in the case of a ship clearing out of a port in British India upon any such voyage as aforesaid—previous to the grant of any port-clearance;

(*b*) in the case of a ship entering a port in British India in the course, or at the termination, of any such voyage as aforesaid—immediately upon her entering such port:

Provided that the said dues shall not be levied more than once on any ship in the course of the same voyage.

[Act IX of 1879, s. 7.] Cf. 1894, s. 671 (2).

Collection of dues.

332. The Customs-collector shall collect the coast-light dues,

and shall grant to the person paying the same a voucher in writing under his hand, setting forth the name of his office, the port at which the coast-light dues are paid, the amount so paid, the name, tonnage and other proper description of the ship in respect of which such payment is made, and the voyage on which she is or has been bound.

the year ending on the thirty-first day of March last preceding, and the amount expended during the same period on the establishment and maintenance of coast-lights in the eastern part of the Bay of Bengal.

PART IX.

CHAPTER XXXVI.

MISCELLANEOUS.

[Act VII of 1880, s. 50; Act V of 1883, s. 6 (4) (added by Act VI of 1891, s. 9), s. 14 (3); Act VII of 1884, ss. 9 (3), 37(3).] Cf. 1894, s. 696 (2).

341. The following persons shall be deemed to be public servants within the meaning of the Indian Penal Code, namely :—

Certain persons to be deemed "public servants."

XLV of 1860.

(*a*) every surveyor appointed under section 189,

(*b*) every judge, assessor, officer or surveyor acting under Chapter XXIV,

(*c*) every person appointed under section 259, sub-section (*1*), to report information as to casualties,

(*d*) every officer authorised under section 267, sub-section (*1*), to enter a ship, and all persons whom he calls to his aid, and

(*e*) every person making an investigation under section 271.

[Act I of 1859, s. 3; Act VII of 1880, s. 11, s. 39 (am. by Act XVII of 1891, s. 4), s. 54, s. 81. Act VII of 1884, s. 9 (*2*).]

342. Any officer or surveyor appointed under this Act may be suspended or removed by the authority which appointed him.

Suspension and removal of officers.

[Act VII of 1880, s. 23, s. 40 (am. by Act XVII of 1891, s. 4), s. 67, s. 68; Act VII of 1884, s. 42; Act X of 1887, s. 53 (*2*), (*4*), and see Act I of 1887, s. 6.]

343. (*1*) The power to make rules under this Act is subject (except in the case of rules made under section 30 or section 268) to the condition of the rules being made after previous publication in such manner as the Governor General in Council may direct, *and in the case of rules made under section 176 or section 204 the draft shall not be taken into consideration for six months after such publication.*

Provisions with respect to rules.

(*2*) A rule made by a Local Government under this Act shall not take effect until it has been sanctioned by the Governor General in Council and published in the local official Gazette.

(*3*) A rule made by the Governor General in Council under this Act shall not take effect until it has been published in the Gazette of India.

(*4*) The publication in the Gazette of a rule purporting to be made under this Act shall be conclusive proof that the rule has been duly made and sanctioned.

(*5*) Any rule under this Act may be cancelled or varied by the authority by whom it was made.

[Act I of 1859, s. 112, 1st paragraph; Act VII of 1884, s. 38; Act X of 1887, ss. 5(7), 46 (*1*).]

344. (*1*) No Magistrate shall try any offence against this Act or any rule thereunder unless he is a Presidency Magistrate or a Magistrate whose powers are not less than those of a Magistrate of the first class.

Jurisdiction of Magistrates in respect of offences.

(*2*) Any offence against this Act which is triable in a summary way may be so tried by a Magistrate of the first class, although he has not been specially empowered by the Local Government under section 260 of the Code of Criminal Procedure, 1882.

X of 1882.

[Act VII of 1880, s. 84; Act VII of 1884, s. 39; Act X of 1887, s. 47; Bill of 1867, s. 292; Bill of 1882, s. 98.] Cf. 1894, s. 684.

345. Any person committing an offence against this Act or any rule thereunder shall be triable for the offence in any place in which he may be or which the Local Government may, by notification in the official Gazette, direct in this behalf, or in any other place in which he might be tried under any other law for the time being in force.

Place of trial of offences.

[Act I of 1859, s. 111; Act V of 1883, s. 16; Act X of 1887, s. 50; Bill of 1867, s. 289; Bill of 1882, ss. 145, 154.] Cf. 1894, s. 691.

346. (*1*) Whenever, in the course of any legal proceeding under this Act instituted at any place in British India before any Court or Magistrate or before any person authorised by law or by consent of parties to receive evidence, the testimony of any witness is required in relation to the subject-matter,

Deposition of absent witness.

and the defendant or the person accused, as the case may be, after being allowed a reasonable opportunity for so doing, does not produce the witness before the Court or Magistrate,

any deposition previously made by the witness in relation to the same subject-matter before any Court, Justice or Magistrate in Her Majesty's dominions (including all parts of British India other than those subject to the same Local Government as the place where the proceeding is instituted), or before any British Consular officer elsewhere, shall be admissible in evidence—

(*a*) if the deposition is authenticated by the signature of the presiding officer of the Court, or of the Justice, Magistrate or Consular officer before whom it was made, and

(*b*) if the defendant or the person accused had an opportunity, by himself or his agent, of cross-examining the witness, and

(*c*) if the proceeding be criminal, on proof that the deposition was made in the presence of the person accused:

Provided that, when such cross-examination has taken place, it shall be recorded as part of the deposition.

(*2*) It shall not be necessary in any case to prove the signature or official character of the person appearing to have signed any such deposition; and a certificate by such person that the defendant or the person accused had an opportunity of cross-examining the witness, and that the deposition, if made in a criminal proceeding, was made in the presence of the person accused, shall, unless the contrary be proved, be sufficient evidence that he had that opportunity and that it was so made.

Levy of wages, &c., by distress of moveable property.

347. When an order for the payment of any wages or other money is made by a Superintendent of a Mercantile Marine Office under section 87 or by a Magistrate under section 89, and the money is not paid at the time or in the manner directed, the sum mentioned in the order, with such further sum as may be thereby awarded for costs, shall be levied by distress and sale of the moveable property of the person directed to pay the same, under a warrant to be issued for that purpose by a Magistrate. [Act I of 1859, ss. 44, 56; Bill of 1867, ss. 155, 168; Bill of 1882, ss. 55, 68.]

Levy of wages, fines, &c., by distress of ship.

348. Where any Court or Magistrate has power to make an order under this Act directing payment to be made of any seaman's wages, fine, or other sum of money, then, if the person so directed to pay the same is the master or owner of a ship, and the same is not paid at the time or in the manner directed by the order, [Act I of 1859, s. 113; Act VII of 1884, s. 40; Act X of 1887, s. 46 (2); Bill of 1867, s. 291; Bill of 1882, s. 155.] Cf. 1894, s. 693.

the Court or Magistrate may, in addition to any other power it or he may have for the purpose of compelling payment, by warrant direct the amount remaining unpaid to be levied by distress and sale of the ship, and the tackle, apparel and furniture thereof.

Application of fines.

349. A Magistrate imposing a fine under this Act may, if he thinks fit, direct the whole or any part thereof to be applied in compensating any person for any detriment which he may have sustained by the act or default in respect of which the fine is imposed, or in or towards payment of the expenses of the prosecution. [Act X of 1887, s. 49; Bill of 1867, s. 264.] Cf. 1894, s. 699 (1).

PART X.

INLAND STEAM-SHIPS.

[*Omitted.*]

SCHEDULE I.

ENACTMENTS REPEALED.

1	2	3
Number and year.	Subject or title.	Extent of repeal.
PART A.		
(*See section 2.*)		
Acts of the Governor General in Council.		
XIII of 1856	Bombay Town Police	Section 54.
I of 1859	Merchant Seamen	The whole, so far as it has not been repealed.
IX of 1874	European Vagrancy Act, 1874.	In section 31, the words "and whenever a sailor of European extraction not being a British subject is discharged from his ship in any British Indian port," the words "or discharge from his ship," and the words "or, in the case of a sailor, the person who is at the date of the discharge the owner or agent of the ship from which the sailor has been so discharged."
XV of 1874	Laws Local Extent Act, 1874.	The first schedule, so far as it relates to Act I of 1859.
XIII of 1876	Indian Merchant Seamen's Act, 1876.	The whole.
IX of 1879	Burma Coast-lights Act, 1879.	The whole, so far as it has not been repealed.
VII of 1880	Indian Merchant Shipping Act, 1880.	The whole, so far as it has not been repealed.
V of 1883	Indian Merchant Shipping Act, 1883.	The whole, except section 38.
VII of 1884	Indian Steam-ships Act, 1884.	The whole, so far as it has not been repealed.
X of 1887	Native Passenger Ships Act, 1887.	The whole.
III of 1890	An Act to amend Acts VI and VII of 1884.	Sections 15 to 20, so far as they have not been repealed.
VI of 1891	An Act to amend certain Acts respecting Indian Merchant Shipping.	The whole, so far as it has not been repealed.
XII of 1891	Repealing and Amending Act, 1891.	The second schedule, so far as it relates to Acts I of 1859, XIII of 1876, VII of 1880 *and* V of 1883, and *Act* III of 1890, *section 17*.
XVII of 1891	Deck and Load Lines Act. 1891.	The whole.
Acts of the Governor of Fort St. George in Council.		
III of 1888	Madras City Police Act, 1888.	Section 70.

SCHEDULE I—*continued.*

ENACTMENTS REPEALED—*continued.*

1	2	3
Number and year.	Subject or title.	Extent of repeal.
	Act of the Governor of Bombay in Council.	
II of 1864 .	An Act to provide for the periodical survey of steam-vessels in the ports, harbours, rivers or waters of the Presidency of Bombay.	Section 15.
	Act of the Lieutenant-Governor of Bengal in Council.	
IV of 1866 .	Calcutta Police Act, 1886.	Section 42.
	PART B.	
	(*See section 7.*)	
	Acts of the Governor General in Council.	
XIX of 1838 .	Coasting-vessels (Bombay).	The whole, so far as it has not been repealed.
X of 1841 .	Registration of Ships .	In the title, the words "belonging to ports within the territories under the Government of the East India Company or" and the words "under a proclamation of the Governor General of India in Council made."
		In the preamble, the words from "that it shall be lawful" to "the same statute" (both inclusive), the words "be deemed British ships, or," the words "under such proclamation as aforesaid" and the words and figures from "no ship or vessel shall be deemed a British ship under such proclamation as aforesaid" to the end.
		Sections 2 to 12 (both inclusive) and 14 to 23 (both inclusive), so far as they have not been repealed.
		In section 25, the words "certificate or" and the words "registering or."
		Section 26.
		In section 27 (inserted by Act VII of 1891, section 9), the words "Local Governments of India" and "Government of the Presidency."
		The proclamation appended to the Act.
		The schedule.
XI of 1850 .	An Act to amend Act X of 1841.	In section 3, the words and figures "owned by British subjects entitled to registry under Act X of 1841, or," the words "be registered and," and the words "and the tonnage may be marked."
		Section 4.
XV of 1874 .	Laws Local Extent Act, 1874.	The third schedule, so far as it relates to Act XIX of 1838.
V of 1883 .	Indian Merchant Shipping Act, 1883.	Section 38.
VII of 1891 .	An Act to amend Act X of 1841.	Sections 2 to 7 (both inclusive), so far as they have not been repealed.
XII of 1891 .	Repealing and amending Act, 1891.	The second schedule, so far as it relates to Act VII of 1891.

SCHEDULE II.

CERTIFICATES GRANTED UNDER ACTS REPEALED BY THE INLAND STEAM-VESSELS ACT, 1884, HOW TO BE REGARDED UNDER THE INDIAN MERCHANT SHIPPING ACT, 189 .

[*Omitted, the provisions having been transferred to section 2, sub-section (3), of the Bill.*]

(Schedule III.—Maximum Fees for Purposes connected with the Registry of British Ships.)

SCHEDULE III.

MAXIMUM FEES FOR PURPOSES CONNECTED WITH THE REGISTRY OF BRITISH SHIPS.

[*Act XI of 1850, s. 4.*]

Cf. 1894, ss. 64 (1), 77 (2), 210 (3), Sch. III, Sch. VI, cls. (6), (7), (8).

(See section 13, sub-section (4).)

1. For measurement of tonnage of British ships.

	Rs.
For a ship *under 50 tons register tonnage*	10
" " *from* 50 to 100 *tons register tonnage* .	15
" " " 100 to 200 "	20
" " " 200 to 500 "	30
" " " 500 to 800 "	40
" " " 800 to 1,200 "	50
" " " 1,200 to 2,000 "	60
" " " 2,000 to 3,000 "	70
" " " 3,000 to 4,000 "	80
" " " 4,000 to 5,000 "	90
" " " 5,000 *tons* and upwards *register tonnage.*	100

1(a). For altering the name of the ship in the register book in pursuance of section 47, sub-section (4) or sub-section (5), of the Merchant Shipping Act, 1894, as amended by section 12 of this Act—

57 & 58 Vict., c. 60.

Half the fee which would be payable under clause 1 of this Schedule.

2. For inspection of places in British ships which are occupied by seamen or apprentices engaged under this Act, and appropriated to their use.

For each visit to the ship . Rs. 5

Provided as follows :—

(*a*) the aggregate amount of the fees for any such inspection shall not exceed ten rupees, whatever be the number of separate visits ;

(*b*) when the accommodation is inspected at the same time with the measurement of the tonnage, no separate fee shall be charged for such inspection.

	Rs.	A.
3. For inspection of a register-book	0	8
4. For re-measurement of a British ship *in pursuance of section 77, sub-section (2), of the Merchant Shipping Act, 1894.*		
For each transverse section . .	5	0

5 & 58 Vict., c. 60.

(Schedule IV.—Table A.—Maximum Fees payable upon Engagements and Discharges of Seamen effected before a Superintendent of a Mercantile Marine Office.—Table B.—Maximum Sums which may be deducted from Wages of Seamen by way of partial Repayment of the foregoing Fees. Schedule IVA.—Maximum Fees for Inspection of Lights and Fog Signals.

SCHEDULE IV.

(See section 22.)

TABLE A.

[Act I of 1859, Table A ; Bill of 1867, Sch. II, Table A ; Bill of 1882, Sch. II, Table A.]

MAXIMUM FEES PAYABLE UPON ENGAGEMENTS AND DISCHARGES OF SEAMEN EFFECTED BEFORE A SUPERINTENDENT OF A MERCANTILE MARINE OFFICE.

(*1*) Engagement or discharge of crews—

	Rs.	A.
For ships *under 100 tons register tonnage* .	3	0
" " *from* 100 to 200 *tons register tonnage*	7	0
" " " 200 to 300 " "	10	0
" " " 300 to 400 " "	12	8
" " " 400 to 500 " "	15	0
" " " 500 to 600 " "	17	8
" " " 600 to 700 " "	20	0
" " " 700 to 800 " "	22	8
" " " 800 to 900 " "	25	0
" " " 900 to 1,000 " "	27	8
" " " 1,000 *tons* and upwards *register tonnage* . . .	30	0

and so on for ships of larger tonnage, adding for every one hundred tons above one thousand two rupees and eight annas.

(*2*) Engagement or discharge of seamen separately—

One rupee for each seaman.

TABLE B.

[Act I of 1859, Table B Bill of 1867, Sch. II, Table B ; Bill of 1882, Sch. II, Table B.]

MAXIMUM SUMS WHICH MAY BE DEDUCTED FROM WAGES OF SEAMEN BY WAY OF PARTIAL REPAYMENT OF THE FOREGOING FEES.

(*1*) In respect of engagements and discharges of crews—

Upon each engagement and each discharge—

	Rs.	A.
From wages of any mate, purser, engineer, surgeon, carpenter or steward .	0	12
From wages of any other seaman .	0	8

(*1*) In respect of engagements and discharges of seamen separately—

Upon each engagement and each discharge	0	3

SCHEDULE IVA.

MAXIMUM FEES FOR INSPECTION OF LIGHTS AND FOG SIGNALS.

(See section 183 A.)

For each visit made to a ship on the application of the owner, and for each visit made where the lights or fittings are found defective . . . . . Rs. 5

Provided that the aggregate amount of fees for any such inspection shall not exceed ten rupees, whatever may be the number of separate visits.

SCHEDULE V.

(*See section 191.*)

RATES OF FEES PAYABLE IN RESPECT OF SURVEY OF STEAM-SHIPS. [Act VII of 1854, Sch. (am. by Act III of 1890, s. 22.)] Cf. 1894, Sch. 9.

	Tons.	Rs.
For steam-ships of less than	200	40
„ „ „ 200 tons and up to	350	50
„ „ „ 350 „ „ „	700	60
„ „ „ 700 „ „ „	1,000	80
„ „ „ 1,000 „ „ „	1,500	100
„ „ „ 1,500 „ and upwards		120

SCHEDULE VI.

DECLARATION BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND IRELAND AND THE GOVERNMENT OF THE FRENCH REPUBLIC, WITH REFERENCE TO THE DISPOSAL OF THE PROCEEDS OF WRECKS ON THEIR RESPECTIVE COASTS. [Act VII of 1880, Sch. (added by Act VI of 1891, s. 8.)]

(*See section 249.*)

The Government of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, and the Government of the French Republic, desiring to regulate by a new Agreement questions relative to the disposal of the proceeds of wrecks on the coasts of the two States, have agreed to replace the Declaration signed at London on the 16th June, 1879, by the following arrangements :—

ARTICLE I.

When any ship belonging to the subjects of one of the two Contracting States is wrecked or stranded on the coast of the other, the competent local authorities shall, with as little delay as possible, bring the fact to the knowledge of the Consul General, Consul, Vice-Consul or Consular Agent nearest to the spot where the wreck or stranding has taken place.

ARTICLE II.

All operations relative to the salvage of British ships which may be wrecked or stranded on the coasts of France shall be directed by the Consuls General, Consuls, Vice-Consuls or Consular Agents of Great Britain, and reciprocally

the French Consuls General, Consuls, Vice-Consuls and Consular Agents shall direct all operations relative to the salvage of ships of their nation wrecked or stranded on the coasts of Great Britain.

ARTICLE III.

If the owners of the ship and cargo, or their duly authorised representatives, shall be present and shall claim it, the Consuls General, Consuls, Vice-Consuls and Consular Agents shall hand over to them the conduct of the salvage operations after requiring the deposit of the ship's papers, as well as the reimbursement of the expenses already defrayed, and a sufficient guarantee for those incurred before the operations were handed over, and which may not have been already settled.

ARTICLE IV.

The intervention of the local authorities shall only take place in the two countries for the purpose of assisting the Consular authority, of maintaining order, of securing the interests of the salvors if they are strangers to the shipwrecked crews, and of assuring the due execution of the arrangements to be carried out for the entry and departure of the merchandise saved.

In the absence, and until the arrival, of the Consuls General, Consuls, Vice-Consuls or Consular Agents, the local authorities shall, moreover, take all necessary measures for the protection of the persons and for the preservation of the articles which shall have been saved from the wreck.

This intervention shall not give rise to any charges, with the exception of those which the salvage operations and the protection of the articles saved shall have rendered necessary, and those to which national ships would, under similar circumstances, be liable. These charges shall be paid according to the circumstances of the case, either by the Agents of the Consular service, or by their owners or their proxies.

In case absence, sickness or any other cause should prevent the Agents of the Consular service from seeing to the operations and the management of the salvage, the local authorities who may be charged with the operations and management in question shall be bound to remit to the aforesaid Agents the ship's papers and the net proceeds of the ship and the cargo.

(Schedule VI.—Declaration between the Government of the United Kingdom of Great Britain and Ireland and the Government of the French Republic with reference to the disposal of the proceeds of Wrecks on their respective Coasts.)

ARTICLE V.

The merchandise and articles saved shall not be liable to any customs-duties, unless they are intended for home consumption, in which case they shall pay the same duties as they would have had to pay if they had been imported in national vessels.

ARTICLE VI.

The stipulations of the present Declaration shall be applicable to all the Colonies and foreign possessions of Her Britannic Majesty, excepting to those hereinafter named, that is to say, except to—

India.	New South Wales.
The Dominion of Canada.	Victoria.
Newfoundland.	Queensland.
The Cape.	Tasmania.
Natal.	South Australia.
	Western Australia.

New Zealand.

Provided always that the stipulations of the present Declaration shall be made applicable to any of the above-named Colonies or foreign possessions on whose behalf notice to that effect shall have been given by Her Britannic Majesty's Representative to the French Republic within one year from the date of the signature of the present Declaration.

The stipulations of the present Declaration shall be applicable to all the Colonies and foreign possessions of France.

ARTICLE VII.

The present Declaration shall come into operation three months after the date of its signature, and shall remain in force until the expiration of one year from the day on which either party may give notice of its intention to terminate it.

In witness whereof, the undersigned plenipotentiaries, His Excellency the Earl of Lytton, Ambassador of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, and His Excellency M. Eugene Spuller, Minister for Foreign Affairs, have signed the present Declaration, and have affixed thereto their seals.

Done at Paris, this twenty-third day of October, 1889.

(LS.) LYTTON.
(LS.) E. SPULLER.

(Schedule VII.—Form of Governor's or Consul or Officer's Certificate of Expenditure in the case of Passengers wrecked, or forwarded. Schedule VIII.—Voyages in respect of which Coast-light Dues are payable.)

SCHEDULE VII.

[Act XII of 1885, Sch.] Cf. 1894, Sch. 14, Form III.

FORM OF GOVERNOR'S OR CONSUL *OR OFFICER'S* CERTIFICATE OF EXPENDITURE IN THE CASE OF PASSENGERS WRECKED *OR FORWARDED*.

(See section 275.)

I hereby certify that acting under, and in conformity with, the provisions of Part VI of the Indian Merchant Shipping Act, 189 , I have defrayed the expenses incurred in rescuing, maintaining, supplying with necessary bedding, provisions and stores, (1) and in forwarding to their destination *steerage* passengers who were proceeding from to

in the ship ,

which was wrecked at sea, &c. (2)

And I further certify, for the purposes of *Part VI* of the said Act, that the total amount of such expenses is , and that such expenses were duly incurred by me under Part VI of the said Act.

Given under my hand this day of 189 .

{ *Governor of, &c.* (or as the case may be)
{ *British Consul or Officer at* .

(1) If more passengers were rescued than forwarded, or if bedding, &c., was not supplied, alter the certificate to suit the facts of the case.

(2) State generally the nature of the disaster and where it occurred. But if the passengers were only left behind without any default of their own, state the fact accordingly.

SCHEDULE VIII.

VOYAGES IN RESPECT OF WHICH COAST-LIGHT DUES ARE PAYABLE.

(See section 330.)

[Act IX of 1879, Sch.]

1. A voyage to or from Chittagong or any place west of the longitude of Chittagong—

(*a*) from or to any port in Burma; or

(*b*) from or to any port in the Andaman and Nicobar Islands or any place east of the longitude of Mergui, by a course passing between the northern extremity of the Andaman Islands and the coast of Burma.

2. A voyage to or from any port in Burma—

from or to any other port in Burma,

except voyages between Maulmain and Tavoy, between Maulmain and Mergui, or between Tavoy and Mergui.

3. A voyage to or from Rangoon or any port in Burma west of the longitude of Rangoon—

from or to any place east of the longitude of Mergui.

4. A voyage to or from any port in Burma, other than Tavoy and Mergui,—

from or to any port in the Andaman and Nicobar Islands.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

Preliminary Report of the Select Committee on the Bill to consolidate and amend certain Indian enactments relating to Merchant Shipping and the carriage of passengers by sea.

G. I. C. P. O.—No. 556 L. D.—22-3-95.—500.—E. H.

CURRENT NO. 276

No. 758

18

FROM

J. St. Macpherson, Esquire,
Offg. Secretary to the Government of India,
Legislative Department,

TO The Chief Secretary to the Government of Madras.

Calcutta, the 28th March, 1895.

SIR,

I am directed to forward herewith 40 copies of the papers noted on the margin, and to request that the Governor in Council will favour the Government of India in this Department with an expression of his opinion on the provisions of the Bill, as amended by the Select Committee, and with the opinions of the Hon'ble the Judges of the High Court, the Madras Chamber of Commerce and of such selected officers and other persons as the Governor in Council may think fit to consult on the subject.

- A Preliminary Report of the Select Committee on the Bill to consolidate and amend certain Indian Enactments relating to Merchant Shipping and the Carriage of passengers by sea, with the Bill as amended by the Committee.

2. I am also to request that the Report with the Bill as amended may be published in the Fort St. George Gazette in English and in such other languages as

as the Governor in Council may deem proper, and that the dates of publication of both may be communicated in your reply.

3. The reply to this letter should be sent in by 1st October.

I have the honour to be,
Sir,
Your obedient servant,

J. M. Maclean
Offg: Secretary to the Govt of Gwalior.

CHIEF SECRETARY'S
GOVERNMENT OF MADRAS
1 APR 1895

Mar fo 20-17-1-95 mL
" 215-16 & 26-6-95 mL
" 53 & 6-2-95 Mis

[G/9]
2,000—23-1-95.

Current No. 276

Mar DEPARTMENT.

From

the Govt of India
Leg: Dept

No. 758

Dated 28.3.95

Received 1/4

Enclosures 1 & 395c

SUBJECT.

Reg^g expression of opinion on the provisions of the enclosed Bill as amended by the Select Committee & of certain other bodies, the publication of the Report, with the Bill as amended in the local gazette and intimation re: the date of such publication:

Marine Dept.

W No. 276 of 1895.

Order 5th April 1895, No. 101.

Copies of the report with the amended Bill received with the foregoing letter will be forwarded to the Honorable the Judges of the High Court, the Advocate General and the under-mentioned officers and mercantile bodies with the request that they will favor Govt with their opinions on the provisions of the Bill in its present form.

The ~~Govt Solicitor~~
" Presidency Port Officer 2 6
" Protector of Emigrants, Madras.
" Chairman, Harbour Trust 2/3 Board
" Chamber of Commerce, Madras.
" — Do — Cocanada
" — Do — Cochin.

Messrs Adamson Macteggart & Co. 1
" Alston Lowe & Co. 1
" Andrew & Co. 1
" Arbuthnot & Co. 1
" Best & Co. 1
" Binny & Co. 1
" Gordon Woodroffe & Co. 1
" Hall Wilson & Co. 1
" Maiden & Co. 1
" Parry & Co. 1
" Wilson & Co. 1

Orders issued 3 copies & reads the

2. 2.

2 It is requested that the replies may reach the Govt not later than the 1st ~~Sept~~ August next.

3 The amended Bill and the ~~report~~ proceedings of the Select Committee will be published in the Fort St George Gazette in English and the Tamil, Telugu, Canarese and Malayalam languages.

F.D.B.
2.4.95

3/4/95

Amended Indian Merchant Shipping Bill

Office

Let me have copy of P.P. and enclosures for perusal and note.

F.D.B.
2/4/95

The Hon: the Chief Justice & the High Court (with C. 2)
To " Govt Solicitor 1
" the other Several addresses noted above
" Translator to Govt Concerned
" Supdt, Govt Press 1

with copies of Bill, &c.

5TH APRIL 1895, No. 101, MARINE.

GOVERNMENT OF MADRAS.

MARINE DEPARTMENT.

READ—he following paper:—

From J. M. MACPHERSON, Esq., Officiating Secretary to the Government of India, Legislative Department, to the Chief Secretary to the Government of Madras, dated Calcutta, the 28th March 1895, No. 758.

I am directed to forward herewith forty copies of the papers noted on the margin, and to request that the Governor in Council will favour the Government of India in this department with an expression of his opinion on the provisions of the Bill, as amended by the Select Committee, and with the opinions of the Hon'ble the Judges of the High Court, the Madras Chamber of Commerce and of such selected officers and other persons as the Governor in Council may think fit to consult on the subject.

A Preliminary Report of the Select Committee on the Bill to consolidate and amend certain Indian enactments relating to merchant shipping and the carriage of passengers by sea, with the Bill as amended by the Committee.

2. I am also to request that the Report with the Bill as amended may be published in the *Fort St. George Gazette* in English and in such other languages as the Governor in Council may deem proper, and that the dates of publication of both may be communicated in your reply.

3. The reply to this letter should be sent in by the 1st October.

ORDER—dated 5th April 1895, No. 101, Marine.

Copies of the Report with the amended Bill received with the foregoing letter will be forwarded to the Hon'ble the Judges of the High Court, the Advocate-General and the undermentioned officers and mercantile bodies, with the request that they will favour Government with their opinions on the provisions of the Bill in its present form:—

The Presidency Port Officer.
" Protector of Emigrants, Madras.
" Chairman, Harbour Trust Board.
" Chamber of Commerce, Madras.
" " " Cocanada.
" " " Cochin.
Messrs. Adamson, Mactaggart & Co.
" Alston, Lowe & Co.
" Andrew & Co.
Messrs. Arbuthnot & Co.
" Best & Co.
" Binny & Co.
" Gordon, Woodroffe & Co.
" Hall, Wilson & Co.
" Maiden & Co.
" Parry & Co.
" Wilson & Co.

2. It is requested that the replies may reach the Government not later than the 1st August next.

3. The amended Bill and the Report of the Select Committee will be published in the *Fort St. George Gazette* in English and the Tamil, Telugu, Canarese and Malayalam languages.

(True Extract.)

J. F. PRICE,
Chief Secretary.

To the Hon'ble the Chief Justice of the High Court (with C.L.),
" Government Solicitor,
" other addresses noted above,
" Translators to Government concerned,
" Superintendent, Government Press,
} with copies of Bill, &c.

Govt. of {1895} Madras.

MARINE.

Issued

Recd. *Encl.*

G.O., 5th April 1895, No. 101.

APRIL.

Consolidated Indian Merchant Shipping Bill.

Inviting opinions of the Hon'ble the Judges of the High Court, the Advocate-General and certain officers and mercantile firms on the provisions of the —, and publishing the Bill and the Report of the Select Committee in the *Fort St. George Gazette*.

15,003—

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Orders No.

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G.O., 5th April 1895, No. 101.

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Inviting opinions of the Hon'ble the Judges of the High Court, the Advocate-General and certain officers and mercantile firms on the provisions of the —, and publishing the Bill and the Report of the Select Committee in the *Fort St. George Gazette.*

DEPARTMENT.

15,003—

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