ANNO QUADRAGESIMO QUARTO ET QUADRADESIMO QUINTO

VICTORIÆ REGINÆ.

A.D. 1881.

ANALYSIS.

Preliminary.
1. Short Title.
2. Commencement.
3. Interpretation.
4. Act not to apply to certain ships.
5. Division of Act.

PART I.

Incorporation, Constitution, and General Powers of the Marine Board.

6. Abolition of existing Marine Board.
7. Incorporation of Marine Board.
8. Appointment of Wardens.
10. Filling up of extraordinary vacancies.
11. Qualification of electors.
12. List of voters to be made out.
13. Revision of lists.
14. Registers to be produced.
15. Persons named in revised list qualified to vote.
17. Error in election not to vitiate acts of Marine Board.
18. Warden of Marine Board not to hold office under the Board.
19. Powers of Marine Board to be exercised within one league to seaward.
20. Board may appoint officers.
21. Certificates and documents purporting to be sealed or signed in a given manner to be received in evidence, or marked with some distinguishing stamp approved by the Board.
22. Owners and masters of ships to use proper forms.
23. Board may issue forms.
24. Forms unauthorised by Board to be inadmissible as evidence.

25. Penalties for forgery of seal and fraudulent alteration of forms.
27. Control of Treasurer over Board.
28. Lands may be leased for certain purposes.
29. Marine Board may authorize erection of wharves, &c., in any port, and may lease wharves.
30. Marine Board may appoint inspectors.
31. Powers of Board, inspectors, and surveyors.
32. Witnesses to be allowed expenses. Penalty for refusing to give evidence.
33. Power to enforce attendance of witnesses.
34. Penalty for obstructing surveyors or inspectors in the execution of their duty.
35. Marine Board may inspect documents and muster crews.
36. Penalty for refusing to produce documents, &c.
37. Board may make by-laws and regulations.

PART II.

Masters and Seamen.

38. Application of Part II. Fishing vessels and yachts partly exempt from Part II.

Mercantile Marine Offices.

40. Business of such offices generally.
41. Fees to be paid upon engagements and discharges.
42. Masters to pay fees, and to deduct part from wages. 
Proviso as to excess.
43. Penalty on Superintendent of Mercantile Marine taking other remuneration.
44. Dispensation of superintendence of Superintendent of Mercantile Marine.

Apprenticeships
46. Superintendents of Mercantile Marine to assist in binding apprentices, and may receive fees.

47. Indentures of apprentices bound to the service of a master of a ship, or an owner of a ship, or his agent, to be executed and recorded.

48. Apprentices and their indentures to be brought before Superintendent of Mercantile Marine.

Engagement of Seamen.

49. Licence for procuring seamen.

50. Penalty for supplying seamen without licence.

51. Penalty for receiving seamen unlicensed.

52. Agreements to be made with seamen shall contain certain particulars.

53. Agreement with seamen.

54. For foreign-going ships and intercolonial ships such agreements when made in the province, except in special cases, to be made before, and attested by, a Superintendent of Mercantile Marine.

55. To be explained to seamen. To be in duplicate.

56. Provision for substitutes.

57. Provision for substituting seamen.

58. Foreign-going ships or intercolonial ships, making short voyages, may have running agreements.

59. In coast-trade ships agreements may be entered into before a Superintendent of Mercantile Marine or other witness.

60. Penalty for shipping seamen without agreement duly executed.

61. Changes in crew to be reported.

62. Rules as to production of agreements and certificates of masters, mates, and engineers of foreign-going ships and intercolonial ships.

63. Rules as to productions of agreements and certificates for coast-trade ships.

64. Owner or agent of coast-trade ships may enter into time agreements.

65. Alterations to be void unless attested to have been made with the consent of all parties.

66. Penalties for falsifying agreements.

67. Seamen not to be bound to produce agreement.

68. Copy of agreement to be made accessible to crew.

69. Seamen discharged before voyage to have compensation.

70. Power of Court to rescind contract between owner or master and seaman or apprentice.

Allotment of Wages.

71. Regulations as to allotment notes.

72. Allotment notes in favor of certain persons.

73. Allotment notes may be sued upon with certain restrictions.

Advance Notes.

74. Discharge from foreign-going ships and intercolonial ships to be made before Superintendent of Mercantile Marine.

75. Master to deliver account of wages.

76. On discharge, masters to give seamen certificate of discharge, and return certificates of competency or service to mates and engineers.

77. Board or Superintendent of Mercantile Marine may decide questions which parties refer to them or him.

78. Masters and others to produce ship's papers to Board or Superintendent of Mercantile Marine, and give evidence.

79. Settlement of wages.

80. Right to wages and provisions when to begin.

81. Seamen not to give up certain rights.

82. And stipulation concerning salvage.

83. Wages not to be dependent on the earning of freight.

84. In case of death wages to be paid as above-mentioned.

85. Wages on termination of service by wreck or illness.

86. Wages not to accrue during refusal to work or imprisonment.

87. Period within which wages are to be paid.

Mode of Recovering Wages.

88. Seamen may sue for wages in a summary manner.

89. Restrictions on suit for wages in Superior Courts.

90. Admiralty jurisdiction and suing in Superior Courts.

91. As to claim exceeding £50 by seaman for wages.

92. As to claim exceeding £50 by master for wages and disbursements.

93. Proviso as to costs.

94. No seaman to sue for wages abroad, except in cases of discharge or of danger to life.

95. Master to have some remedies for wages as seamen.

Wages and Effects of Deceased Seamen.

96. Masters to take charge of or sell effects of deceased seamen which are on board, and enter the same, and wages due, in the official log.

97. Such effects and wages to be paid to Superintendent of Mercantile Marine, with full accounts.

98. Recovery of wages, &c., of seamen lost with their ship.

99. Penalties for not remitting or accounting for such monies and effects.

100. Wages and effects of seamen dying at home to be paid in certain cases, to Marine Board.

101. If less than £50, wages of deceased seamen may be handed over, without probate or administration, to the persons entitled.

102. Mode of payment under wills made by seamen.

103. Provision for payment of just claims by creditors, and for preventing fraudulent claims.

104. Mode of dealing with unclaimed wages of deceased seamen.

105. Punishment for forgery and false representations in order to obtain wages and property of deceased seamen.
Marine Board and Navigation Act.—1881.

Leaving Seamen Abroad.

103. Forcing seamen on shore a misdemeanour.
104. No seaman to be discharged or left abroad without certificate of some functionary.
105. Proof of such certificate to be upon the master.
106. Wages to be paid when seamen are left behind on ground of inability.
107. Such payment, if made in British possession, to be made to seaman himself; if made out of Her Majesty’s dominions, to be made to Consular Officer, who shall give a receipt.
108. Distressed seamen found abroad may be relieved and sent home at expense of province.
109. Power to sue for the amount advanced for the relief of seamen left abroad.

Provisions, Health, and Accommodation.

110. Survey of provisions and water on complaint made.
111. Forfeiture for frivolous complaint.
112. Allowance for short or bad provisions.
113. Rules for medicines, medical stores, and anti-scorbutics.
114. Masters to keep weights and measures on board.
115. Penalty for selling bad drugs for ships.
116. Expense of medical attendance and subsistence in case of illness, and of burial in case of death, to be defrayed.
117. Seaman’s expenses, in case of illness through neglect of owner or master, to be paid by them.
118. Forfeiture of wages of seamen when illness caused by his own fault.
119. Board may appoint medical inspectors.
120. Medical inspection of seamen.
121. Expenses, if paid by Consul, to be recoverable from owner.
122. Place appropriated to seamen to have a certain space for each man, and to be properly constructed and kept clear.

Power of Making Complaint.

123. Seamen to be allowed to go ashore to make complaint to a Justice.
124. Sale of and charge upon wages to be invalid.
125. No debt exceeding 1/4 recoverable till end of service.
126. Penalty for overcharges by lodging-house keepers.
127. Penalty for detaining seamen’s effects.
128. Persons not to go on board before the final arrival of ship without permission.
129. Penalty for solicitations by lodging-house keepers.

Rating of Seamen.

130. Rating of seamen.

Discipline.

131. Misconduct endangering ship, or life, or limb, a misdemeanour.
132. Obligation of shipowner to crew with respect to use of reasonable efforts to secure seaworthiness.
133. Board may order inquiry.

Court of Marine Inquiry.

134. Constitution of Court of Marine Inquiry.
135. Court of Marine Inquiry to be a corporation.
136. Duties of Court of Marine Inquiry.
137. Quorum of Court of Marine Inquiry.
138. President of Court of Marine Inquiry.
139. Judgment of Court of Marine Inquiry.
140. Powers of Court of Marine Inquiry.
141. Clerk of Court of Marine Inquiry.
142. Place of sitting.
143. Rules may be made.
144. Certificates to be delivered up.

Offences of Seamen.

145. Offences of seamen and apprentices, and their punishments.
Desertion.
Neglecting or refusing to join or proceed to sea, absence within twenty-four hours before sailing, and absence without leave.
Quitting without leave before ship is secured.
Act of disobedience.
Continued disobedience.
Assault on officers.
Combining to disobey.
Wilful damage and embezzlement.
Act of smuggling, causing loss to owner.
146. Survey of ships alleged by seamen to be unseaworthy.
147. Compensation to seamen for unnecessary detention on charge of desertion.
148. Entry of offences to be made in official log, and to be read over, or a copy given to the offender, and his reply (if any) to be also entered.
149. Seamen whom masters of ships are compelled to convey, and persons going in ships without leave, to be subject to penalties for breach of discipline.
150. Deserters may be sent on board.
151. Entries of desertion abroad to be indorsed on agreement.
152. Facilities for proving desertion so far as concerns the forfeiture of wages or emoluments.
153. Desertion and absence without leave.
154. Cost of procuring imprisonment may, to the extent of £3, be deducted from wages.
155. Amount of forfeiture, how to be ascertained when seamen contract for the voyage.
156. Application of forfeitures.
157. Questions of forfeiture may be decided in suits of wages.
158. Penalty for false statement as to last ship or name.
159. Fines to be deducted from wages and paid to Superintendent of Mercantile Marine.
160. Penalty for enticing to desert or harboring deserter.
161. Penalty for obtaining passage surreptitiously.
162. On change of masters, documents hereby required to be handed over to successor.

Deaths occurring at Sea or Abroad.

163. Inquiry into cause of death on board.

Custody of Documents respecting Seamen.

164. Superintendents of Mercantile Marine to transmit and record documents, to permit inspection, to produce originals, and to give copies.

Official Logs.

165. Official log-books to be kept in forms sanctioned by Marine Board.
166. Entries to be made in due time.

Constitutions.

168. Entries to be signed.
169. Penalties in respect of official logs.
170. Entries in official logs to be received in evidence.

171. Official
171. Official logs to be delivered to Superintendent of Mercantile Marine.
172. Official logs to be sent home in case of transfer of ship, and in case of loss.

PART III.
SAFETY, AND PREVENTION OF ACCIDENTS.

Application to Foreign Ships.
Unseaworthy Ships.
174. Sending unseaworthy ships to sea a misdemeanor.
175. Power to detain unsafe ships, and procedure for such detention.
176. Enforcing detention of ship.
177. Penalty on taking detaining officer to sea.
178. Constitution of Court of Survey for appeals
179. Power and procedure of Court of Survey.
180. Rules for procedure of Court of Survey.
181. Liability of Board and shipowner for cost and damages.
182. Power to require from complainants security for costs.
183. Supplementary provision as to detention of ship.

Foreign Ships Overloading.
184. Application to foreign ships of provisions as to detention.

Appeals on Refusal of certain Certificates to Ships.
185. Appeals on refusal of certain certificates to ships.

Scientific Referees.
186. Reference in difficult cases to scientific persons.

Cables and Anchors.
187. No chain-cable or anchor exceeding 18 lbs. to be sold without being tested.
188. Cables and anchors of alleged unseaworthy ships.

Ships’ Draught and Clearside.
189. Ships’ draught of water and clear side to be recorded.

Particulars to be entered in official log.
190. Marking of deck-lines.
191. Marking of load-lines.
192. Marking of load-lines on ships.
194. Penalty for offences in relation to marks on ships.

Equipments.
195. Ships to be properly equipped.
196. Penalties on masters and owners, &c., neglecting to provide equipments.
197. Officers of Customs not to clear ships not complying with the above provisions.

Lights and Fog-signals and Meeting and Passing.
198. Enactment of regulations concerning lights, fog signals, and sailing rules.
199. Regulations to be published.
200. Owners and masters bound to obey regulations.
201. Breach of regulations to imply wilful default of person in charge.
202. Liability for infringement of regulations in case of collision.
203. Duties of masters in case of collision.
204. Inspection for enforcing regulations.
205. Penalty for wrongly using signals of distress.

Equipments of Steamships.
206. Equipment of Steamships.

Safety-valve.

Firehouse.

Signals.

Signals of distress and shelter for deck passengers.

207. Penalty for improper weight on safety-valve.

Survey of Steamships.

208. Steamships to be surveyed twice in each year.
209. Board to appoint surveyors and fix their remuneration.
210. Surveyors to have power to inspect.
211. Penalty on surveyors receiving fees unlawfully.
212. Owners to have surveys made by surveyors, and surveyors to give declarations.
213. Transmission of declarations to Secretary.

Penalty for delay.
214. Times appointed for surveys and transmission of declarations.
215. Board to issue certificates.
216. Issue and transmission of certificates.
217. How long certificates to continue in force.
218. Board may cancel certificates and require fresh declarations.
219. Certificates to be placed in conspicuous part of ship.
220. Ship not to proceed on her voyage without certificate.
221. Penalty for carrying passengers in excess of number specified on certificates.
222. Water and provisions.
223. Forgery of declaration of certificate a misdemeanor.
224. Surveyors to make returns of the build and other particulars of steamships, and owners and masters to give information for that purpose.
225. Steamships with Board of Trade, colonial, or foreign certificates may be exempted from survey.
226. Exemption of certain steamships from provisions with respect to survey.
227. Owner or master carrying passengers in an exempted steamship liable to penalty.
228. Masters and engineers of steamships with restricted certificates to hold certificates of competency or service.
229. Penalty for not giving up cancelled certificates in certain cases.

Grain Cargoes.
230. Stowage of grain cargoes.

Deck Cargoes.
231. Space occupied by deck cargo to be liable to dues.
232. Description of deck cargo that may be carried.

PART IV.
WRECKS, CASUALTIES, AND SALVAGE.

Accidents.
233. Accidents to ship to be reported to Board.
234. Notice to be given of apprehended loss of ship.
235. Collisions to be entered in official log.

Inquiries into Shipping Casualties.
236. Inquiry may be instituted by Board.
237. Inquiry before Court of Marine Inquiry.
238. Person charged to have opportunity of making a defence.
239. Costs of such investigation.
240. Inquiries relating to missing ships.
241. Re-hearing of inquiries and investigations.

Wreck,
Wreck.

242. Appointment of receivers.
243. Sunk or stranded ships to be removed.
244. Duty of receiver when any ship is stranded or in distress.
245. Powers of receiver in case of accident to any ship or boat.
246. All articles washed on shore to be delivered to the receiver.
247. Power of receiver to suppress plunder and disorder by force.
248. Certain officers to exercise powers of receiver in his absence.
249. Power, in case of a ship being in distress, to pass over adjoining lands with carriages.
250. Penalty on owners and occupiers of land refusing to allow carriages, &c., to pass over their land.
251. Power of receiver to institute examination with respect to ships in distress.
252. Rules to be observed by persons finding wreck.
253. Power for receiver to seize concealed wreck.
254. Notice of wreck to be given by receiver.
255. Goods deemed perishable, or of small value, may be sold immediately.
256. Payments to be made to receiver.
257. Duties as to sums payable to receiver to be determined by Board.
258. In case of wreck of foreign ship, consul to be deemed agent of owners.
259. Foreign goods found derelict to be subject to the same duties as on importation.
260. Goods saved from ships wrecked to be forwarded to the port of their original destination.

Salvage.

261. Salvage in respect of services rendered.
262. Salvage for life may be paid by Board.
263. Disputes as to salvage, how to be settled.
264. Receiver may appoint a valuer in salvage cases.
265. Manner in which Justices may decide disputes.
266. Costs of arbitration.
267. Justices, &c., may call for documents and administer oaths.
268. Appeal to superior Courts.
269. Justices, &c., to transmit copy of proceedings and certificate of value to Court of Appeal.
270. Payment of salvage, to whom to be made in case of dispute as to apportionment.
271. Apportionment of salvage.
272. Manner of enforcing payment of salvage.
273. Power of receiver to sell property salvaged in case of non-payment.
274. Subject to payment of expenses, fees, and salvage, owner entitled to wreck.

Unclaimed Wreck.

275. Wreck unclaimed within a year may be sold.
276. Delivery of wreck by receiver not to prejudice title.
277. Penalty for plundering in cases of shipwreck, for obstructing the saving of shipwrecked property, and for secreting the same.
278. Penalty for selling wreck in foreign ports.

Salvage (General).

279. Voluntary agreement may be made.

PART V.

Pilotage.

281. To determine qualifications of pilots.
To make regulations as to pilot boats.
To make regulations for the government of pilots.
To make regulations as to licences and certificates.
To make pilotage compulsory at any port or ports other than Port Adelaide.
To alter and reduce rate of pilotage.
282. Masters of foreign-going and intercolonial ships of sixty tons register and upwards, and masters of coast-trade ships of one hundred tons register and upwards, to employ a pilot at Port Adelaide.
283. Masters of ships when within ten miles to display signal and facilitate pilot getting on board.
284. Signals for pilots.
285. Power to alter rules as to signals.
286. Pilot boats, how to be provided.
287. Characteristics of pilot boats.
288. Duties of master of pilot boat.
289. Qualified pilot to display flag, though not pilot boat.
290. Penalty on ordinary boat displaying pilot flag.
291. Registry of pilot's licence.
292. Copies of regulations to be furnished to qualified pilot, and to be produced by him.
293. Qualified pilot to produce licence to employer.
294. Licences to be delivered up when required, and returned on death.
295. Any person acting without licence liable to penalty.
296. Qualified pilot unable to board when entitled to pilotage.
297. Allowance to qualified pilot when taken out of his limits.
298. Services of pilot not required after having been demanded to be paid for.
299. Penalty on qualified pilot demanding improper rates.
300. Penalty on making false declaration as to draught or tonnage of ship, or falsifying marks.
301. Power of qualified pilot to supersede unqualified pilot.
302. Penalty on unqualified persons acting as pilots.
303. Occasions on which persons may act as pilots.
304. Liability for and recovery of pilotage dues.
305. Power of consignees to retain pilotage dues paid by them.
306. Of the offences by pilots.
307. Penalty on pilot endangering ship, life, or limb.
308. Penalty on person in charge of ship doing wilful injury.
309. Marine Board may revoke or suspend the licence of any pilot.
310. Settlement of difference as to truth of tonnage of ship.
311. Limitation of liability of owner where pilotage is compulsory.

Pilotage Exemption.

312. Certificates of exemption to be granted to masters of ships registered in Australia or New Zealand.
313. Master having certificate of exemption to hoist white flag.
314. Power to suspend, cancel, and re-issue certificate.

PART VI.

Lighthouses, Buoys, and Beacons.

315. Management of lighthouses, buoys, and beacons to be vested in Board.
316. Board may fix lighthouse or mooring dues.
317. Liability
### PART VII.

**Examinations and Certificates of Masters, Mates, and Engineers.**

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>324.</td>
<td>Examinations to be instituted for masters, mates, and engineers.</td>
</tr>
<tr>
<td>325.</td>
<td>Certificates of competency to be granted to those who pass.</td>
</tr>
<tr>
<td>326.</td>
<td>Certain ships to carry certificated masters and mates.</td>
</tr>
<tr>
<td>327.</td>
<td>Steamships to carry certificated engineers.</td>
</tr>
<tr>
<td>328.</td>
<td>Penalties on fraudulent use of certificates, &amp;c.</td>
</tr>
<tr>
<td>329.</td>
<td>Form of certificates, grants, cancellation, &amp;c., to be recorded.</td>
</tr>
<tr>
<td>330.</td>
<td>In case of loss, a copy to be granted.</td>
</tr>
<tr>
<td>331.</td>
<td>Penalties for false representations.</td>
</tr>
<tr>
<td></td>
<td>For forging or altering.</td>
</tr>
<tr>
<td></td>
<td>Or fraudulently using or leading any certificate.</td>
</tr>
</tbody>
</table>

**Certificates of Service.**

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>332.</td>
<td>Certificates of service to whom deliverable.</td>
</tr>
<tr>
<td></td>
<td>Master foreign-going and intercolonial ships.</td>
</tr>
<tr>
<td></td>
<td>Mate foreign-going and intercolonial ships.</td>
</tr>
<tr>
<td></td>
<td>Master coast-trade ships.</td>
</tr>
<tr>
<td></td>
<td>Mate coast-trade ships.</td>
</tr>
<tr>
<td></td>
<td>Master river steamships.</td>
</tr>
<tr>
<td></td>
<td>First-class engineer.</td>
</tr>
<tr>
<td></td>
<td>Second-class engineer.</td>
</tr>
<tr>
<td></td>
<td>Third-class engineer.</td>
</tr>
</tbody>
</table>

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### PART VIII.

**Explosives.**

**Shipment and Discharge.**

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>333.</td>
<td>Vessels arriving with explosives to hoist pilot-jack at the main.</td>
</tr>
<tr>
<td>334.</td>
<td>Ships to land explosives at magazine.</td>
</tr>
<tr>
<td>335.</td>
<td>Importer to give particulars of explosives.</td>
</tr>
<tr>
<td>336.</td>
<td>Explosives on arrival to be reported.</td>
</tr>
<tr>
<td>337.</td>
<td>Explosives to be removed from ship to magazine between such hours as Board may appoint.</td>
</tr>
<tr>
<td>338.</td>
<td>Penalty on going alongside wharves.</td>
</tr>
<tr>
<td>339.</td>
<td>Explosives to be landed at the place appointed for the purpose.</td>
</tr>
<tr>
<td>340.</td>
<td>Explosives not to be shipped within certain limits.</td>
</tr>
<tr>
<td>341.</td>
<td>Explosives embarked from magazines to be landed as directed by Act.</td>
</tr>
<tr>
<td>342.</td>
<td>Boats carrying explosives to be licensed and provided with tarpaulins.</td>
</tr>
<tr>
<td>343.</td>
<td>Explosives imported in packages with other merchandise not duly marked, liable to seizure.</td>
</tr>
<tr>
<td>344.</td>
<td>No explosive, &amp;c., to be shipped, &amp;c., unless contents are marked on package.</td>
</tr>
</tbody>
</table>

**Removal.**

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>345.</td>
<td>Explosives to be made secure in proper packages.</td>
</tr>
<tr>
<td>346.</td>
<td>Sale or transfer to be reported to the officer in charge.</td>
</tr>
<tr>
<td>347.</td>
<td>Regulating storage rent.</td>
</tr>
<tr>
<td>348.</td>
<td>Explosives may be sold for payment of charges.</td>
</tr>
<tr>
<td>349.</td>
<td>Quantity of explosives to be conveyed, and construction of carriages.</td>
</tr>
<tr>
<td>350.</td>
<td>Unlawful carriage of explosives.</td>
</tr>
<tr>
<td>351.</td>
<td>Explosives not to be carried in public vehicles or watermen’s boats.</td>
</tr>
</tbody>
</table>

**Licensing, &c.**

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>352.</td>
<td>Explosives only to be kept in authorised places.</td>
</tr>
<tr>
<td>353.</td>
<td>Magazines may be licensed.</td>
</tr>
<tr>
<td>354.</td>
<td>Licences for private magazines.</td>
</tr>
<tr>
<td>355.</td>
<td>Licences to be granted.</td>
</tr>
</tbody>
</table>

**Carrying Explosives.**

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>356.</td>
<td>Passenger steamships prohibited from carrying explosives.</td>
</tr>
<tr>
<td>357.</td>
<td>Explosives found on board ships may be seized.</td>
</tr>
<tr>
<td>358.</td>
<td>Restrictions on carriage of explosives.</td>
</tr>
<tr>
<td>359.</td>
<td>Penalty for misdescription of explosives.</td>
</tr>
<tr>
<td>360.</td>
<td>Power to refuse to carry packages supposed to contain explosives.</td>
</tr>
<tr>
<td>361.</td>
<td>Power to throw overboard explosives.</td>
</tr>
<tr>
<td>362.</td>
<td>Forfeiture of explosives improperly sent.</td>
</tr>
</tbody>
</table>

**Miscellaneous.**

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>363.</td>
<td>Expression “explosives” include every substance as defined herein.</td>
</tr>
<tr>
<td>364.</td>
<td>Board may define and classify explosives.</td>
</tr>
<tr>
<td>365.</td>
<td>Justice, on oath, to issue a search warrant.</td>
</tr>
<tr>
<td>366.</td>
<td>Board may appoint inspectors of magazines.</td>
</tr>
<tr>
<td>367.</td>
<td>Part VIII of Act not to apply to H.M.'s ships; nor in any of H.M.'s magazines; nor to rockets, &amp;c., on board ships; nor to explosives used by Her Majesty's forces.</td>
</tr>
</tbody>
</table>

---

### PART IX.

**Legal Procedure.**

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>368.</td>
<td>Act to be construed as an Act relating to the Customs, trade, and navigation.</td>
</tr>
<tr>
<td>369.</td>
<td>Punishment of offences, and recovery of penalties.</td>
</tr>
<tr>
<td>370.</td>
<td>Offence, where deemed to have been committed.</td>
</tr>
<tr>
<td>371.</td>
<td>Jurisdiction over ships lying off the coast.</td>
</tr>
<tr>
<td>372.</td>
<td>Sums ordered to be paid leviable by distress on ship.</td>
</tr>
<tr>
<td>373.</td>
<td>Application of penalties.</td>
</tr>
<tr>
<td>374.</td>
<td>Limitation of time in summary proceedings.</td>
</tr>
<tr>
<td>375.</td>
<td>Document proved without calling attesting witnesses.</td>
</tr>
<tr>
<td>376.</td>
<td>Service of order on master.</td>
</tr>
<tr>
<td>377.</td>
<td>Penalty on obstructing service on master of ship.</td>
</tr>
<tr>
<td>378.</td>
<td>Power of Judge of Supreme Court or Admiralty to arrest foreign ship that has occasioned damage.</td>
</tr>
<tr>
<td>379.</td>
<td>Power in certain cases to detain ship before application made to Judge.</td>
</tr>
<tr>
<td>380.</td>
<td>Who to be defendant to suit in such cases.</td>
</tr>
</tbody>
</table>

---

### PART X.

**Miscellaneous.**

**Misconduct by Passengers in Steamships.**

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>381.</td>
<td>Penalties on drunken or disorderly passengers.</td>
</tr>
</tbody>
</table>
An Act to consolidate and amend the Acts relating to the Marine Board, and to amend the Laws relating to Merchant Shipping and Seamen, and for other purposes.

[Reserved, November 18th, 1881.] W H E R E A S it is expedient to consolidate and amend the Acts relating to the Marine Board, and to amend the laws relating to merchant shipping and seamen—Be it therefore Enacted by the Governor of the Province of South Australia, with the advice and consent of the Legislative Council and House of Assembly of the said province, in this present Parliament assembled, as follows:

1. This Act may be for all purposes cited as the "Marine Board and Navigation Act, 1881."

2. This Act shall not come into operation until Her Majesty's pleasure thereon has been publicly signified in the province, but after the signification of such pleasure the Governor may, by Proclamation in the Government Gazette, appoint a day on and after which this Act shall come into force.

3. In the construction and for the purposes of this Act, unless the same would be inconsistent with the subject matter or context, the words and expressions following shall have the respective meanings hereinafter assigned to them, that is to say—

"Buoys and beacons" shall include all other marks and signs of the sea:

"Carriage"
"Carriage" shall include any wagon, cart, truck, vehicle, or other means of conveying goods or passengers by land, in whatever manner the same may be propelled:

"Collector of Customs" shall include the principal officer of Customs for the time being in any port in the province:

"Foreign-going ship" shall mean any ship trading or going without the limits of the province, not being an intercolonial ship:

"Harbormaster" shall mean the officer of the Marine Board charged with the administration of this Act at any port of the province, and of the By-laws or Regulations made thereunder:

"Coast-trade ship" shall mean any ship trading and going between any ports or places in the province, excepting, however, that portion of the said province known as the Northern Territory; and shall, for the purposes of section 59 of this Act, include any ship trading on the River Murray or on any tributary thereof:

"Intercolonial ship" shall mean any ship trading or going between the colonies of New South Wales, Victoria, Queensland, New Zealand, Tasmania, or Western Australia, or that portion of the Province of South Australia known as the Northern Territory, and any place within the limits of the said province:

"Justice" shall mean any Justice of the Peace for the said province:

"Lighthouse" shall include floating and other lights exhibited for the guidance of ships:

"Master" shall include every person (except a pilot) having command or charge of any ship:

"Pilot" shall mean any person not belonging to a ship who has the conduct thereof:

"Port" shall include harbor, haven, roadstead, channel, and navigable creek or river:

"Qualified pilot" shall mean any person duly licensed to conduct ships to which he does not belong:

"Receiver" shall mean any person appointed, in pursuance of this Act, Receiver of Wrecks:

"Seamen" shall include every person (except masters, pilots, and apprentices duly indentured and registered) employed in any capacity on board any ship:

"Secretary" shall mean the Secretary of the Marine Board appointed under this Act, and shall include any officer for the time being duly authorised to act in that capacity:

"Ship"
"Ship" shall mean and include every description of vessel used in navigation not propelled by oars:

"Tackle," used in relation to a ship, shall include all furniture and apparel thereof:

"Tidal water" shall mean any part of the sea or river within the ebb and flow of the tide at ordinary spring tides:

"Wharf" shall mean and include any quay, jetty, pier, landing place, platform, slip, basin, siding, dock, or other place at which goods may be legally landed, loaded, or unloaded:

"Wreck" shall include jetsam, flotsam, lagan, and derelict found in or upon the shores of the sea or any navigable river, lake, or tidal water:

"The Board" or "the said Board" shall mean the Marine Board of South Australia as constituted by this Act:

"The Treasurer" shall mean the Treasurer of the said province:

"Shipping casualty" shall include loss, abandonment, collision, accident, damage, and grounding:

"The Merchant Shipping Act, 1854," shall mean the Act of Parliament of the United Kingdom of Great Britain and Ireland bearing that name:

"The Passengers Act, 1855," shall mean the Act of Parliament of the United Kingdom of Great Britain and Ireland bearing that name.

4. This Act shall not apply to the following ships, that is to say—

1. Her Majesty's ships of war and troopships, and transports hired by or on behalf of Her Majesty, not being merchant ships freighted wholly or in part for the voyage to or from South Australia:

11. Ships belonging to Sovereign Powers in alliance with Her Majesty:

111. Ships belonging to the Royal Yacht Squadron, and yachts or ships used solely for pleasure and not engaged in trade or the conveyance of passengers for hire, except as hereinafter provided:

IV. Ships outfitting to or refitting from whale fisheries:

V. Ships belonging to or used in the service of the Government of the Province of South Australia, except in so far as the several sections of this Act may, by order of the Treasurer, be made applicable to vessels belonging to the said Government.

5. This Act shall be divided into ten parts, namely—

Part 1.—Marine Board: its Incorporation, Constitution, and General Functions:
PART I. INCORPORATION, CONSTITUTION, AND GENERAL POWERS OF THE MARINE BOARD.

6. Until the first appointment of the President and Wardens of the Marine Board of South Australia under the provisions of this Act, the Marine Board of South Australia as heretofore existing by virtue of the "Marine Board Act of 1860," and Acts amending the same, shall be the Board within the meaning of this Act, but upon such appointment shall be dissolved.

7. For the purpose of carrying into effect the provisions of this Act, there is hereby constituted a Board to be called the Marine Board of South Australia, to consist of a President and seven Wardens, who shall be a corporate body and have perpetual succession, and of whom any four shall form a quorum. The said Board shall have a common seal, and shall have inscribed thereon the words "The Marine Board of South Australia," with such device as the Governor may approve. At all meetings of the Board the President shall have a deliberative as well as a casting vote.

8. The Governor shall appoint eight persons to be the President and first Wardens of the said Board, and the said Wardens shall hold their office for a period of three years from the date of the first appointment under this section. On the expiration of such three years, and on the expiration of every succeeding three years, the Governor shall in like manner appoint seven persons to be Wardens of the said Board, who shall hold their office for a period of three years.

9. One of the persons to be so appointed as a Warden shall be appointed on the nomination of the South Australian Chamber of Commerce, Incorporated; another of the persons to be so appointed as aforesaid shall be appointed on the nomination of the Adelaide Underwriters' Association, Limited; and two of the persons to be so appointed as aforesaid shall (if duly qualified) be appointed on the nomination of the owners of ships as hereinafter mentioned; Provided that the nomination of each of the several persons so to be appointed
appointed as last aforesaid shall be certified to the Governor as regards
the South Australian Chamber of Commerce, Incorporated, under the
common seal thereof, countersigned by the persons for the time
being authorised to use the common seal of the corporation; and
as regards the Adelaide Underwriters' Association, Limited, under the
hand of the secretary, for the time being, of the said association; and
as regards the owners of ships, under the hand of the Collector of
Customs for the time being. All such nominations shall be made
and certified to the Governor on or before a day to be named in a
notice in the Government Gazette, signed by the Treasurer, calling
on the said several bodies or persons to exercise their respective
rights under this section before the day so named: Provided that if
the said several bodies or persons, or any of them, shall fail to exer-
cise their respective rights of nomination, whether under this or the
succeeding section of this Act, before the days named in the respective
notices mentioned in the said sections, such rights of nomination
shall, for the time being, lapse, and it shall be lawful for the
Governor to appoint a Warden or Wardens, who shall hold office
during the same period, and in all respects as if he had been
appointed on the nomination of such bodies or persons so making
default as aforesaid.

10. The Governor may at pleasure suspend or remove the
President or any Warden of the Marine Board, and any vacancy
caused by the removal of the President or any Warden by the
Governor shall be filled up as hereinafter directed. Any casual
vacancy caused by the death, resignation, or removal by the
Governor of the President or any Warden shall be filled by a
person appointed by the Governor. If the vacancy be caused by
the death, resignation, or removal of a Warden appointed on the
nomination of the South Australian Chamber of Commerce, Incor-
porated, Adelaide Underwriters' Association, Limited, or the owners
of ships, such vacancy shall, subject to the proviso of the last pre-
ceding section, be filled by a person nominated by such one of the
said bodies or persons respectively, as nominated the vacating
Warden; and in case of any such vacancy the Treasurer shall forth-
with, by notice to be published in the Government Gazette, call upon
such bodies or persons as may respectively be entitled to nominate a
person to the vacancy to exercise their respective rights within a
time to be named in such notice. Every person appointed Presi-
dent or Warden of the said Board, in pursuance of this section, shall
hold his office so long only as the vacating President or Warden in
whose place he shall have been appointed would have held his office
had no such vacancy occurred.

11. Owners of ships, whether individuals or bodies corporate,
registered at the Port of Adelaide or other Port of Registry
in the said province, shall have votes at the nomination of a
Warden of the said Board, according to the following scale,
that is to say—every registered owner of not less than fifty tons
in the whole of such shipping shall, at every nomination, have
one
one vote for fifty tons; two votes for two hundred and fifty tons; three votes for four hundred and fifty tons; four votes for seven hundred and fifty tons; five votes for eleven hundred tons; six votes for fifteen hundred tons; and one vote for every five hundred tons above fifteen hundred tons owned by him, but the total number of votes of such owners shall not exceed ten; and for the purpose of ascertaining the qualification of such electors the following rules shall be observed, that is to say—in the case of a ship registered in the name of one person, such person shall be deemed to be the owner; and in the case of a ship registered in distinct and several shares in the names of more persons than one, the tonnage shall be apportioned among the owners as nearly as may be, in proportion to their respective shares, and each of such persons shall be deemed to be the owner of the tonnage so apportioned to him; and in the case of a ship, or shares of a ship, registered jointly, without severance of interest, in the names of more persons than one, the tonnage shall, if it is sufficient, either alone or together with other tonnage (if any) owned by such joint owners, to give a qualification to each of them, be apportioned equally between the joint owners, and each of such joint owners shall be deemed to be the owner of the equal share so apportioned to him, but if it is not so sufficient, the whole of such tonnage shall be deemed to be owned by such one of the joint owners resident or having a place of business at the said Port of Adelaide, as is first named on the register; and in making any such appointment as aforesaid, any portion may be struck off so as to obtain a divisible amount, and the whole amount of tonnage so owned by each person, whether in ships or shares of or interests in ships, shall be added together, and, if sufficient, shall constitute his qualification. The words "owner" or "owners," "person" or "persons," in this and the succeeding five sections shall be taken to include a body corporate or bodies corporate.

12. The Collector of Customs shall, on or before a day to be fixed by the Governor by Proclamation in the Government Gazette, and on the expiration of every succeeding three years, make out an alphabetical list of persons entitled to vote by virtue of this Act at the nomination of a Warden, containing the christian name, surname, and residence of each such person, or in the case of a body corporate the style or title of such corporation, and the number of votes to which he is entitled, and shall sign such list, and cause a sufficient number of copies thereof to be printed and to be exhibited in some conspicuous place at the Custom House at Port Adelaide, for two entire weeks next after such list has been made, and shall keep true copies of such list, and permit the same to be perused by any person without payment of any fee at all reasonable hours during the period last aforesaid.

13. The Special Magistrate presiding at the Local Court of Port Adelaide shall, within twenty-one days after the day fixed by the Governor, as mentioned in the last preceding section, and on the expiration of every succeeding three years, revise the list described in
in the last preceding section, at the Custom House at Port Adelaide, and shall give seven clear days' notice of such revision in the Government Gazette, and by affixing a notice thereof on or near to the doors of such Custom House, and shall make such revision by inserting in such list the name of every person who claims to have his name inserted therein, and gives satisfactory proof to the said Special Magistrate of such his right, and by striking out from such list the name of every person against the insertion of whose name therein a satisfactory objection shall have been established by proof to the Special Magistrate, adduced by any other person named in such list, and the decision of the said Special Magistrate with respect to every such claim or objection shall be conclusive. And the said Special Magistrate shall, immediately after the completion of such revision, sign his name at the foot of the list so revised, and such list so revised shall be the register of voters for nomination of a Warden of the said Board from the date of such revision until the next ensuing revision, and the said revised list, when so signed, shall be delivered to the Treasurer, who shall, if necessary, cause a sufficient number of copies thereof to be printed, and shall cause a copy to be delivered to every voter applying for the same, on payment of a sufficient fee. For the purposes of this section, the said Special Magistrate shall have power to summon witnesses and administer oaths, and any person neglecting to appear after being so summoned, or refusing to be sworn, shall incur a penalty not exceeding Ten Pounds.

14. The Collector of Customs, if required, shall, for the assistance of the said Special Magistrate in revising the said list, produce to him such registers, books, or documents in his possession or control as the Special Magistrate may deem necessary.

15. Every person whose name is contained in such revised list, and no other person, shall be qualified to vote at the nomination of a Warden of the said Marine Board by the owners of ships. Corporate bodies may vote by their secretary or other authorised officers, and may in like manner do and execute all such acts, matters, and things as may be necessary or expedient for the purpose of being placed on the list of persons entitled to vote at the nomination of a Warden of the Board, and of objecting against the insertion of the name of any person in such list, and generally for the purpose of securing to such bodies corporate their rights of voting at the nomination of a Warden of the Board by the owners of ships.

16. No person shall be qualified to be nominated a Warden by the owners of ships unless his name is contained in such revised list, and unless he is, at the time of nomination, the registered owner of not less than one hundred tons of shipping; and if any person shall, after his appointment, at any time cease to be an owner of such quantity of tonnage, such person shall be deemed to have resigned his seat at the said Board; Provided, however, that the shipowners
PART I.

shipowners may nominate a master mariner one of their Wardens without such master mariner possessing the above qualifications; And provided also that a member of any corporate body whose name is contained in the list of persons entitled to vote at the nomination of a Warden of the Board by the owners of ships shall be deemed to be qualified to be nominated a Warden of the Board if the proportionate amount of the whole tonnage belonging to the corporate body, of which he is a member, represented by his shares therein, shall amount to one hundred tons of shipping.

17. No act, matter, or thing done by the said Board shall be invalidated or otherwise perjudicially affected by reason of any irregularity or informality in the appointment of any Warden, or of any error in the list of voters hereinbefore mentioned, or any irregularity in the making or revising of such list, or by reason of any person acting as a Warden who is not duly qualified.

18. No Warden of the Board shall hold any office under the said Board.

19. The powers, authorities, and jurisdiction of the Board shall extend and be exercisable in and over the limits of the said province, and the dependencies thereof, and to the distance of one nautical league to seaward from low-water mark along the coast line of the said province or of such dependencies.

20. The Board may, with the consent of the Treasurer, appoint and employ such Secretary, engineers, shipwright surveyors, engineer surveyors, clerks, examiners, messengers, and other officers or persons, except solicitors, at such reasonable salary, pay, or reward as to such Board may seem meet, and may, from time to time, with the like consent, dismiss and discharge such officers or persons, or any of them, and appoint others in their place: Provided that the salaries or rewards of all persons appointed and employed by such Board under the authority of this Act shall be annually voted by Parliament.

21. All documents whatever, purporting to be issued by or under the direction of the Board, and purporting either to be sealed with the seal of such Board, or to be signed by the Secretary, shall be received in evidence, and shall be deemed to be issued or written by or under the direction of the said Board without further proof, unless the contrary be shown; and all documents purporting to be certificates issued by the Board in pursuance of this Act, and to be sealed with the seal of such Board, as aforesaid, or to be signed by the Secretary of such Board, shall be received in evidence, and shall be deemed to be such certificates without further proof unless the contrary be shown.

22. In all matters to which this Act relates the owners and masters of ships shall use and employ the proper forms of notices, books, allotment notes, certificates, returns, accounts, statements, releases, discharges, declarations, and licences, issued by or under the
the sanction of the Board, with such necessary alterations only as shall be requisite to effect the object intended. Such forms shall be sealed with the seal of the Board, or marked with some distinguishing stamp authorised by the Board.

23. The Board shall, themselves, or by their servants, or agents, issue and sell, or otherwise distribute the authorised forms of documents mentioned in the last preceding section, or may appoint some person or persons to sell or distribute the same; and all such documents shall, if purporting to have affixed thereon or thereto the seal of the Board or other distinguishing stamp, be taken to be in a form duly authorised without further evidence.

24. Every such document which shall not be in a form authorised by the Board shall be inadmissible as evidence on behalf of any owner or master in any civil proceeding in any Court of the province, and may be disregarded by the Board and their officers, who shall not be required to notice or act upon the same in any way.

25. Every person who forges, assists in forging, or procures to be forged, the seal of the Board or other distinguishing stamp as aforesaid, or who fraudulently uses or alters, assists in fraudulently using or altering, or procures to be fraudulently used or altered, any form issued by the Board, with the view of evading any of the provisions of this Act, or any condition contained in such form, shall, for each offence, be deemed guilty of a misdemeanor.

26. The Board shall have within its jurisdiction:—

1. The management and superintendence of all matters relating to ports:

2. The regulation of shipping and seamen:

3. The regulation of pilotage and the licensing, appointment, and removal of pilots:

4. The management and superintendence of lighthouses, buoys, and beacons, and such wharves, jetties, magazines, ships, dredgers, and barges, as may have been or may from time to time by notice published in the Government Gazette be placed under their control by the Governor:

5. The placing and removal of moorings:

6. The establishment of light, jetty, tonnage, mooring, and other dues:

7. The regulation of, and granting and charging for licences to, watermen, boatmen, ballastmen, and others:

8. The regulation of steam and other ferry boats, harbor and river steamers:

9. The regulation and control of all dockyards, which are, or may hereafter
hereafter be, vested in Her Majesty, Her heirs and successors, and the deepening and improvement of all ports:

x. The examination of, and issue of, certificates of competency or service to masters, mates, and engineers of ships:

And shall at all times furnish such reports, estimates, accounts, vouchers, and documents, relating to any matter entrusted or proposed to be performed by it, as the Treasurer shall, by any writing under his hand addressed to the Board or Secretary, from time to time require.

27. The Governor may, by regulations to be published in the Government Gazette, from time to time transfer any duty by the last preceding clause imposed upon the Board to the department of the Engineer-in-Chief or of any other officer; and he, by writing under his hand, may direct the Board to do, or abstain from doing, any act which might otherwise be done by the Board, as may seem to him advisable.

28. The Marine Board may, with the consent of the Treasurer, grant leases of any lands vested in them, which may not be otherwise required for the accommodation of shipping, for yards for ship-building, boat-building, storing of timber, storing of coal, erection of workshops or foundries, or for other purposes connected with shipping, subject to such rent reserved and such covenants, provisions, and conditions, and for such term, not exceeding twenty-one years, as may seem fit.

29. The Board, with the consent of the Treasurer, may grant to the owner or occupier of any land fronting and immediately adjoining any portion of any port in the said province, a licence to make any wharf embankment, wall, or other work, immediately in front of his land and into the body of the said port, upon payment of such fair and reasonable consideration, and subject to such other conditions and restrictions as the Board think fit. The Board with the like consent may lease any wharf under their control for any term not exceeding twenty-one years, and at such rent, and subject to such covenants and conditions as may seem fit.

30. The Board may appoint any person to act as an inspector to report to them upon the following matters, that is to say—

i. Upon the nature and causes of any accident or damages which any ship has sustained or caused, or is alleged to have sustained or caused:

ii. Whether the provisions of this Act, or any regulations made under or by virtue of this Act, have been complied with:

iii. And generally upon any matter whatsoever in relation to which jurisdiction, authority, or power is by this Act conferred upon the Board.

31. The Board, and any Warden or other person deputed to act in
Marine Board and Navigation Act.—1881.

In their behalf, and every inspector and surveyor duly appointed, shall have and exercise the following powers, that is to say—

I. They may, at all reasonable times, go on board any ship or vessel of whatsoever description, to which any of the provisions of this Act extend, for the purpose of examining the hull and machinery, and making any report thereon required by the said Board:

II. They may inspect any boat's equipment, or materials on board or belonging to any such ship or vessel to which the provisions of this Act extend:

III. They may go on board any such ship or vessel and inspect the same, for the purpose of inquiring into or reporting upon the nature and causes of any accident or damage which such ship or vessel has sustained or caused, or is alleged to have sustained or caused:

IV. They may enter and inspect any premises the entry or inspection of which may appear to them requisite for the purpose of any report:

V. They may, by summons under their hand, require the attendance of all such persons as they may think fit to call before them on any inquiry or report authorised by the Board, and may require answers or returns to any inquiries they may think fit to make:

VI. They may require and enforce the production of all books, papers, log-books, certificates, accounts, agreements, or other documents relating to such inquiry or report:

VII. They may administer oaths, or in lieu thereof require any person examined to make and subscribe a statutory declaration of the truth of the statements made in his examination.

32. Every witness summoned as aforesaid shall be paid such expenses as in the opinion of the Board Warden, or other person deputed to act in their behalf, inspector or surveyor, would be allowed to a witness if attending upon subpoena to give evidence before the Supreme Court, and no dispute as to the sufficiency of such expenses shall warrant such witness in disobeying such summons, or in refusing to submit to such examination; but such dispute shall be referred by the Board to the Master of the Supreme Court, who, on a request made to him for that purpose under the hand of the Secretary, shall ascertain and certify the proper amount of such expenses; and every person who refuses to attend as a witness upon any report or inquiry to be held under the provisions of this Act, or before any such inspector or surveyor, after having been required so to do in the manner hereby directed, and after having had a tender made to him of the expenses (if any) to which he is entitled as aforesaid, or who refuses or neglects to make any answer, or to give

Witnesses to be allowed expenses.

Penalty for refusing to give evidence.
any return, or to produce any document in his possession, or to make or subscribe any declarations which any such inspector or surveyor is hereby empowered to require, shall for each such offence incur a penalty not exceeding Twenty Pounds.

33. If it shall upon oath be established to the satisfaction of any Justice that any witness who has been summoned to attend upon any report, investigation, or inquiry under this Act is about to quit the province, or refuses to attend upon such report, investigation, or inquiry, or that any person believed to be a material witness upon any such report, investigation, or inquiry, is evading service of any summons, or that it is probable that any such person will not attend to give evidence without being compelled so to do, it shall be lawful for such Justice by warrant under his hand to require all peace officers to bring up such witness or person upon such report, investigation, or inquiry, and in the meantime to lodge such witness or person in Her Majesty's Gaol at Adelaide, or in such other gaol as may be named in the said warrant, unless and until he shall have given sufficient security by way of bond or recognizance to the satisfaction of a Justice to secure his attendance.

34. Every person who wilfully impedes any such inspector or surveyor appointed as aforesaid, or any Warden deputed by the Board, or any person on whom by this Act the powers of an inspector or surveyor are conferred, in the execution of his duty, whether on board any ship or elsewhere, shall incur a penalty not exceeding Ten Pounds, and may be seized and detained by such inspector, surveyor, or other person, or by any person or persons whom he may call to his assistance, until such offender can be conveniently taken before some Justice or other officer having proper jurisdiction.

35. The Board may exercise the following powers, that is to say—

1. They may require the owner, master, or any of the crew of any ship to produce any log-books or other documents relating to such ship or her crew or any member thereof in their respective possession or control:

2. They may require any such master to produce a list of all persons on board his ship, and take copies of such log-books or documents, or of any part thereof:

3. They may muster the crew of any such ship:

4. They may summon the master or any seaman to appear and give any explanation concerning such ship or her crew, or the said log-books or documents.

36. If, upon requisition duly made by the Board, any person refuses or neglects to produce any such log-book or document as he is hereinbefore required to produce, or to allow the same to be inspected or copied as aforesaid, or impedes any such muster of
of a crew as aforesaid, or refuses or neglects to appear or give any explanation which he is hereinbefore required to give, or knowingly misleads or deceives the Board, he shall for each such offence incur a penalty not exceeding Twenty Pounds.

37. The Board, with the consent of the Governor, may confirm, repeal, or vary wholly or in part, any by-laws or regulations herefore in force under any of the Acts hereinafter repealed, and may make and afterwards from time to time alter and repeal such by-laws and regulations as to them shall seem necessary for the following purposes—

For the management and conduct of their meetings for the dispatch of business; for the control, supervision, and guidance of their officers, and of all other officers over whom, by virtue of this Act, they have control:

For the receipt by and discharge from ships of ballast in any port or place in the said province; for the licensing of owners of ballast lighters; and for fixing the places in any such port where such ballast shall be excavated or raised:

For the carriage and storage of explosives in steamships and passenger ships:

For the safe disposal of explosives arriving within the said province; for the protection of any port from damage by reason of any such explosives; for licensing boats and carriage for the removal of explosives; for fixing or licensing magazines, either afloat or ashore; for fixing the quantity and determining the nature and mode of storage of explosives which may be placed in any such magazine; and for fixing fees to be paid for any certificate, licence, or other document issued under the Eighth Part of this Act:

For providing the necessary forms of notices, books, certificates, returns, agreements, statements, discharges, declarations, licences, and other documents and forms authorised or required by this Act:

For the shipment, transhipment, and discharge of explosives, and for the conveyance to, receipt at, or delivery from or storage in, any Government or other magazines, either afloat or ashore, of any explosives:

For the management and conduct of the business required to be carried on at the Mercantile Marine Offices, and for the government of the officers thereof:

For the engagement and discharge of seamen:

For prescribing and regulating the lights and signals to be carried by any ship within the limits of any port, and for the better prevention of collisions within such limits; for the use of distress or other signals; for the use by ships and boats of lights,
Marine Board and Navigation Act.—1881.

PART I.

lights, boats, life-buoys, and life-jackets, or other means of saving life at sea:

For the use of lights and the employment of watchmen on board ships and boats when moored or anchored in any port or at any wharf; and for regulating the communication between vessels or between wharves and vessels by means of gangways or otherwise:

For the carriage of animals and the provision of shelter for deck passengers on board any intercolonial or home-trade ship:

For regulating the proceedings and the performance of the duties of shipwright surveyors, engineer surveyors, and inspectors:

For the survey of steamships by engineer surveyors and shipwright surveyors; for fixing and appointing the time, places, and manner of making such surveys; for fixing the fees, travelling or other expenses, to be paid in respect of such surveys; and for determining the persons by whom and the conditions under which such payments shall be made:

For the regulation of pilotage, and for appointing pilot stations, and for regulating the conduct and management thereof:

For appointing the place or places where such pilots shall board, and take charge of ships entering, intending to enter, or departing from, any port in the said province:

For regulating the issue of licences to pilots, and for ensuring the good conduct and ability of the holders of such licences:

For the examination of and issue of pilotage exemption certificates to masters of ships:

For regulating the conduct, management, superintendence, and protection of all lighthouses, buoys, beacons, jetties, sea and other harbor works, and other sea, river, or harbor marks:

For the mooring, unmooring, or removal of ships in any port in the said province:

For the licensing, control, and management of steam or other ferry boats, and all boats plying for hire either for goods or passengers:

For preventing the improper and unauthorised use of boats and vessels, and for preventing damage and trespass to boats and vessels and the gear and tackle thereof, whether afloat or ashore:

For the granting, and suspension or withdrawal, of licences to watermen, boatmen, harbor pilots, bargees, and others, and for fixing the fares or other remuneration to be charged or received by such watermen, boatmen, harbor pilots, bargees, or others:

For fixing and collecting warehouse, jetty, tonnage, mooring, and other
other dues, and from time to time altering, increasing, or diminishing the same:

For regulating the practice of Courts of Survey, as provided for in Part III. of this Act:

For the prevention of the overloading of either steam or sailing ships, and of overcrowding of sailing ships with passengers; for securing the safety of passengers and proper accommodation for passengers on board of sailing ships, and generally for regulating all other matters relating to the protection of life and property of passengers and others, as the case may be:

For licensing tugs for conducting ships into or out of any port, and for fixing the fees to be paid for such licences:

For the erection of wharves, and for granting and determining the conditions of leases of wharves the property of Her Majesty, or wharves erected, or to be erected, by any person or persons within the jurisdiction of the said Board:

For fixing the fees and charges to be taken or made in respect of the various matters authorised by this Act:

For affixing penalties to any breach of any by-law or regulation by this Act authorised to be made, not exceeding for any such offence the sum of Fifty Pounds, nor being less than Five Pounds, except in those cases where this Act affixes a special penalty in respect of any specific offence:

And generally for duly administering and carrying out the powers confided to them by this Act:

And all such by-laws and regulations, or notice of the confirmation, alteration, or repeal of any heretofore existing by-laws or regulations, shall—

1. Be published in the Government Gazette:

2. Take effect from a date to be therein specified:

3. Be deemed to be incorporated with this Act, and shall be of the same force and effect as though the provisions of such by-laws and regulations were expressly enacted in this Act: and

4. Be laid before both Houses of Parliament within one calendar month after making the same, if Parliament be then sitting, or if Parliament be not then sitting, within one calendar month after the commencement of the then next Session of Parliament:

And if either House of Parliament shall, by resolution passed within fourteen days next after any such by-laws and regulations as aforesaid shall be laid before it, resolve that the whole or any part thereof ought not to continue in force, in that case the whole of such by-laws and
and regulations, or such part or parts thereof as may be specified in the resolution (as the case may be), shall, from and after the passing of such resolution, cease to be binding: Provided always, that the powers of making by-laws and regulations, or imposing fees, charges, fines, and penalties respectively hereby given shall not limit or repeal any specific power of making by-laws or regulations given by this Act, but in every such case the powers hereby conferred shall be deemed to be auxiliary thereto.

PART II.

MASTERS AND SEAMEN.

38. The second part of this Act shall apply to all British ships registered at, trading with, or being at any place within the said province, and to the owners, masters, mates, and crews thereof:

The following ships, that is to say—

i. Registered sea-going ships exclusively employed in fishing on the coast of the province, and

ii. Ships used as pleasure yachts, not engaged in trading or plying for hire—

shall be subject only to so much of the Second Part of this Act as relates to the delivery or transmission of lists of crews to Superintendents of Mercantile Marine.

Mercantile Marine Offices.

39. The Marine Board, with the consent of the Treasurer, may establish a Mercantile Marine Office or Offices in any port in the province, and may for that purpose, subject as herein mentioned, appoint, and from time to time remove and re-appoint, superintendents of such offices, to be called Superintendents of Mercantile Marine, with any necessary deputies, clerks, and servants, and shall have complete control over the same; and every act done by or before any deputy duly appointed shall have the same effect as if done by or before a Superintendent of Mercantile Marine.

40. It shall be the business of Superintendents of Mercantile Marine—

i. To afford facilities for engaging seamen by keeping registries of their names and characters:

ii. To superintend and facilitate their engagement and discharge in manner hereinafter mentioned:

iii. To facilitate the making of apprenticeships to the sea service:

iv. To perform such other duties relating to merchant seamen and merchant ships as are hereby or may hereafter, under the powers herein contained, be committed to them.

41. The
PART II.

41. The fees payable upon all engagements and discharges effected before Superintendents of Mercantile Marine shall be conspicuously placed in the Mercantile Marine Offices; and all Superintendents of Mercantile Marine, their deputies, clerks, and servants, may refuse to proceed with any engagement or discharge until the fees payable thereon are paid.

42. Every owner, master, or agent of a ship engaging or discharging any seamen or seaman in a Mercantile Marine Office, or before a Superintendent of Mercantile Marine, shall pay to the Superintendent of Mercantile Marine the whole of the fees hereby made payable in respect of such engagement or discharge, and may, for the purpose of in part reimbursing himself, deduct, in respect of each such engagement or discharge, from the wages of all persons (except apprentices) so engaged or discharged, and retain any sums not exceeding the sums to be specified in that behalf by the Marine Board: Provided that, if in any case the sums which the owner is so entitled to deduct exceed the amount of the fee payable by him, such excess shall be paid by him to the Superintendent of Mercantile Marine in addition to such fee.

43. Any Superintendent of Mercantile Marine, Deputy Superintendent of Mercantile Marine, or any clerk or servant in any Mercantile Marine Office, who demands or receives any remuneration whatever, either directly or indirectly, for hiring or supplying any seaman for any merchant ship, excepting the lawful fees payable under this Act, shall, for every such offence, incur a penalty not exceeding Twenty Pounds, and shall also be liable to be dismissed from his office by the Board.

44. The Marine Board may from time to time dispense with the transaction before a Superintendent of Mercantile Marine, or in a Mercantile Marine Office, of any matters required by this Act to be so transacted; and thereupon such matters shall, if otherwise duly transacted as required by law, be as valid as if transacted before a Superintendent of Mercantile Marine, or in a Mercantile Marine Office.

Apprenticeships to the Sea Service.

45. All Superintendents of Mercantile Marine shall, if applied to for the purpose, give to any parents or other persons desirous of apprenticing boys to the sea service, and to masters and owners of ships requiring apprentices, such assistance as is in their power for facilitating the making of such apprenticeships, and may receive from persons availing themselves of such assistance such fees as may be determined in that behalf by the Board.

46. In the case of every boy bound apprentice to the sea service by his parent, the indenture shall be executed by the boy and the person to whom he is bound in the presence of, and shall be attested by, a Superintendent of Mercantile Marine; but, if the boy be bound by
47. All indentures of apprenticeship to the sea service shall be in duplicate; and every person to whom any boy whatever is bound as an apprentice to the sea service in the province shall, within seven days after the execution of the indenture, take or transmit the same to the nearest Superintendent of Mercantile Marine, who shall retain and record one copy, and shall indorse on the other that the same has been recorded, and shall re-deliver the same to the master of the apprentice; and whenever any such indenture is assigned or cancelled, and whenever any such apprentice dies or deserts, the master of the apprentice shall, within seven days after such assignment, cancellation, death, or desertion, if the same happens within the province, or, if the same happens elsewhere, so soon afterwards as circumstances permit, notify the same to the said Superintendent of Mercantile Marine to be recorded; and every person who fails to comply with the provisions of this section shall incur a penalty not exceeding Ten Pounds.

48. The master of every foreign-going ship or intercolonial ship shall, before carrying any apprentice to sea from any place in the province, cause such apprentice to appear before the Superintendent of Mercantile Marine before whom the crew is engaged, and shall produce to him the indenture by which such apprentice is bound, and the assignment or assignments thereof (if any); and the name of such apprentice, with the date of the indenture and of the assignment or assignments thereof (if any), and the name of the port or ports at which the same have been registered, shall be entered on the agreement; and for any default in obeying the provisions of this section the master shall, for each offence, incur a penalty not exceeding Five Pounds.

Engagement of Seamen.

49. The Board may from time to time license persons to supply seamen or apprentices for merchant ships in the province. Any such authority or licence may be granted and revoked on such terms and conditions as the Board think proper.

50. i. If any unauthorised person, that is to say, any person not so licensed, or not being the owner or master or mate of the ship, or a servant in constant employment of the owner, or a Superintendent of Mercantile Marine, engages or supplies any seaman or apprentice to be entered on board any ship, or offers by advertisement or otherwise to procure employment for any person as apprentice or seaman on any ship: or, ii. If
II. If any person employs any such unauthorised person for the purpose of engaging or supplying any seaman or apprentice for any ship, every such person shall, for each such offence, incur a penalty not exceeding Twenty Pounds.

III. If any person receives or accepts to be entered on board any ship any seaman or apprentice who has been engaged or supplied in contravention of the provisions of this section he shall, for every seaman or apprentice so received or accepted, incur a penalty not exceeding Twenty Pounds, unless he shows, to the satisfaction of the Court before which he is charged, that he did not know that such seaman or apprentice had been engaged or supplied in contravention as aforesaid, and that he could not, with reasonable diligence, have obtained such knowledge.

51. If any person demands or receives, directly or indirectly, from any seaman or apprentice to the sea service, or from any person seeking employment as a seaman or apprentice to the sea service, or from any person on his behalf, any remuneration whatever other than the prescribed fees for providing him with employment, he shall, for every such offence, be liable to a penalty not exceeding Ten Pounds; but nothing in this Act shall preclude any owner or master of a ship from receiving a premium with an apprentice, provided the amount of such premium is inserted in the indenture of apprenticeship.

52. The master of every ship, except coast-trade ships of less than eighty tons registered tonnage, shall enter into an agreement with every seaman whom he carries to sea from any port in the province as one of his crew in the manner hereinafter mentioned; and every such agreement shall be in a form sanctioned by the Board, and shall be dated at the time of the first signature thereof, and shall be signed by the master before any seaman signs the same, and shall contain the following particulars as terms thereof, that is to say—

1. The nature, and, as far as practicable, the duration of the intended voyage or engagement, or the maximum period of the voyage or engagement, and the places or parts of the world (if any) to which the voyage or engagement is not to extend:

II. The number and description of the crew, specifying how many are engaged as sailors:

III. The time at which each seaman is to be on board to begin work:

IV. The capacity in which each seaman is to serve:

V. The amount of wages which each seaman is to receive:

VI. A scale of the provisions which are to be furnished to each seaman:

VII. Any
vii. Any regulations as to conduct on board, and as to fines, short allowances of provisions, or other lawful punishments for misconduct, which have been sanctioned by the Marine Board as regulations proper to be adopted, and which the parties agree to adopt:

And every such agreement shall be so framed as to admit of stipulations, to be adopted at the will of the master and seaman in each case, as to allotment of wages, and may contain any other stipulations which are not contrary to law: Provided that if the master of any ship belonging to the United Kingdom or any British Possession has an agreement with his crew made in due form according to the law of the United Kingdom or the British Possession to which such ship belongs or in which her crew were engaged, and engages single seamen in the province, such seamen may sign the agreement so made, and it shall not be necessary for them to sign an agreement in the form sanctioned by the Board.

53. The owner or master of any ship engaged in fishing off the coast of the said province, may enter into an agreement with any person employed in such ship that such person shall be remunerated wholly by a share in the profits of the fishing adventure.

Every such agreement shall be in writing or in print, or partly in writing and partly in print, and shall be signed by the contracting parties in the presence of a Superintendent of Mercantile Marine.

The Superintendent shall, before such agreement is signed, read, and if necessary explain the same to the contracting parties, and shall attest the signature of the agreement, and certify that it has been read to and agreed to by the contracting parties.

Any such agreement, if made in the manner by this section required, shall be valid and binding on all the contracting parties, notwithstanding anything contained herein to the contrary.

54. In the case of all foreign-going ships and intercolonial ships, the following rules shall be observed with respect to agreements, that is to say—

i. Every agreement made in the province (except in such cases of agreements with substitutes as are hereinafter specially provided for) shall be signed by each seaman in the presence of a Superintendent of Mercantile Marine:

ii. Such Superintendent of Mercantile Marine shall cause the agreement to be read over and explained to each seaman, or otherwise ascertain that each seaman understands the same, before he signs it, and shall attest each signature:

iii. When the crew is first engaged the agreement shall be signed in duplicate, and one part shall be retained by the Superintendent of Mercantile Marine, and the other part shall contain a special place or form for the descriptions and signatures of substitutes or persons engaged subsequently.
quently to the first departure of the ship, and shall be delivered to the master:

iv. In the case of substitutes engaged in the place of seamen who have duly signed the agreement, and whose services are lost, within twenty-four hours of the ship’s putting to sea, by death, desertion, or other unforeseen cause, the engagement shall, when practicable, be made before some Superintendent of Mercantile Marine duly appointed in the manner hereinafter specified; and, whenever such last-mentioned engagement cannot be so made, 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 seamen; and the seamen shall thereupon sign the same in the presence of a witness, who shall attest their signatures:

v. Where the agreement is signed at any place other than a Mercantile Marine office, the extra expense, if any, caused by the attendance of the Superintendent of Mercantile Marine, or of his deputy, at such place, shall be borne by the ship.

55. In the case of foreign-going ships, or intercolonial ships, making voyages averaging less than three months in duration, running agreements with the crew may be made to extend over two or more voyages, or for a specified time, so that no such agreement shall extend beyond six months from the date thereof, or the first arrival of the ship at her port of destination in the province after the termination of such agreement, or the discharge of cargo consequent upon such arrival; and every person entering into such agreement, whether engaged upon the first commencement thereof or otherwise, shall enter into and sign the same in the manner hereby required for other foreign-going ships, or intercolonial ships; and every person engaged thereunder, if discharged in the province, shall be discharged in the manner hereby required for the discharge of seamen belonging to other foreign-going ships, or intercolonial ships.

56. The master of every foreign-going ship, or intercolonial ship, for which such a running agreement as aforesaid is made, shall, upon every return to any port in the province before the final termination of the agreement, discharge or engage before the Superintendent of Mercantile Marine at such port, any seaman whom he is required by law so to discharge or engage, and shall, upon every such return, indorse 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 indorsed to the Superintendent of Mercantile Marine; and any master who wilfully makes a false statement in such indorsement shall
shall incur a penalty not exceeding Twenty Pounds; and the Superintendent of Mercantile Marine shall also sign an indorsement 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 indorsed to the master.

57. For the purpose of determining the fees to be paid upon the engagement and discharge of seamen belonging to foreign-going ships, or intercolonial ships, which have running agreements as aforesaid, the crew shall be considered to be engaged when the agreement is first signed, and to be discharged when the agreement finally terminates, and all intermediate engagements and discharges shall be considered to be engagements and discharges of single seamen.

58. In the case of coast-trade ships, crews or single seamen may, if the master thinks fit, be engaged before a Superintendent of Mercantile Marine in the manner hereinbefore directed with respect to foreign-going ships and intercolonial ships; and in every case in which the engagement is not so made, 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 each seaman, and the seaman shall thereupon sign the same in the presence of a witness, who shall attest his signature.

59. In cases where several coast-trade ships belong to the same owner, the agreement with the seamen may, notwithstanding anything herein contained, 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; but, with the foregoing exception, all provisions herein contained which relate to ordinary agreements for coast-trade ships shall be applicable to agreements made in pursuance of this section.

60. If in any case a master carries any seaman to sea without entering into an agreement with him 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, or intercolonial ship, and the master or owner, in the case of a coast-trade ship, shall for each such offence incur a penalty not exceeding Five Pounds.

61. The master of every foreign-going ship, or intercolonial ship, of which the crew has been engaged before a Superintendent of Mercantile Marine shall, before finally leaving the province, sign and send to the nearest Superintendent of Mercantile Marine a full and accurate statement, in proper form, of every change which takes place in his crew before finally leaving the province, and in default shall for each offence incur a penalty not exceeding Five Pounds; and such statement shall be admissible in evidence, subject to all just exceptions.

62. The
62. The following rules shall be observed with respect to the production of agreements and certificates of competency or service for foreign-going ships, and intercolonial ships, that is to say—

1. The master of every foreign-going ship, or intercolonial ship, shall, on signing the agreement with his crew, produce to the Superintendent of Mercantile Marine before whom the same is signed the certificates of competency or service which the said master and his mate or mates, and, in the case of steamships, the engineer or engineers are by this Act required to possess; and upon such production being duly made, and the agreement being duly executed as hereby required, the Superintendent of Mercantile Marine shall sign and give to the master a certificate to that effect:

2. In the case of running agreements for foreign-going ships and intercolonial ships, the Superintendent of Mercantile Marine shall, before the second and every subsequent voyage made after the first commencement of the agreement, sign and give to the master, on his complying with the provisions herein contained with respect to such agreements, and producing to the Superintendent of Mercantile Marine the certificate of competency or service of any first, second, or only mate, and, in the case of steamships, of the engineer or engineers then first engaged by him, as by this Act required, a certificate to that effect:

3. The master of any foreign-going ship, or intercolonial ship, shall, before proceeding to sea, produce the certificate so to be given to him by the Superintendent of Mercantile Marine as aforesaid to the Collector of Customs, and no officer of Customs shall clear any such ship outwards without such production; and if any such ship attempts to go to sea without a clearance, any such officer may detain her until such certificate is produced:

4. The master of every foreign-going ship, or intercolonial ship, shall, within forty-eight hours after the ship’s arrival at any port in the province, or upon the discharge of the crew, whichever first happens, deliver such agreement to a Superintendent of Mercantile Marine at the place; and such Superintendent of Mercantile Marine shall thereupon give to the Master a certificate of such delivery; and no officer of Customs shall clear inwards any foreign-going ship or intercolonial ship without the production of such certificate:

And if the master of any foreign-going ship or intercolonial ship fails to deliver the agreement to a Superintendent of Mercantile Marine at the time and in the manner hereby directed, he shall for every default incur a penalty not exceeding Five Pounds.

63. The following rules shall be observed with respect to the production of agreements and certificates of competency or service for coast-trade ships, that is to say—
1. In the case of coast-trade ships of more than eighty tons registered tonnage, no agreement, except as hereinafter provided, shall extend beyond six months from the date thereof, or the first arrival of the ship at her final port of destination in the province after such date, or the discharge of cargo consequent upon such arrival:

II. The master or owner of every such ship shall, within twenty-one days after the termination of every agreement, transmit or deliver the same to some Superintendent of Mercantile Marine in the province, and shall also, in the case of coast-trade passenger ships, produce to the Superintendent of Mercantile Marine the certificates of competency or service which the said master and his mate or mates, and, in the case of steamships, the engineer or engineers, are by this Act required to possess:

III. The Superintendent of Mercantile Marine shall thereupon give to the master or owner a certificate of such delivery and production; and no officer of Customs shall grant a clearance or transire for any such ship as last aforesaid without the production of such certificate; and if any such ship attempts to ply or go to sea without such clearance or transire, any such officer may detain her until the said certificate is produced:

And if the agreement for any coast-trade ship is not delivered or transmitted by the master or owner to a Superintendent of Mercantile Marine at the time and in the manner hereby directed, such master or owner shall for every default incur a penalty not exceeding Five pounds.

44. The owner of coast-trade ships or his agent may enter into time agreements, in proper form, with individual seamen to serve in any one or more such ships belonging to him for any period not exceeding six months: Provided always that a duplicate of each agreement entered into under the provisions of this section be forwarded to the Superintendent of Mercantile Marine of the port at which the ship is registered within forty-eight hours after it has been entered into; and if such duplicate of agreement is not forwarded at the time and in the manner hereby directed, such owner or agent shall for every default incur a penalty not exceeding Five Pounds.

Alterations to be void unless attested to have been made with the consent of all parties.

Every erasure, interlineation, or alteration in any such agreement with seamen as is required by the Second Part of this Act (except additions so made as hereinafter directed, for shipping substitutes or persons engaged subsequently to the first departure of the ship) shall be wholly 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 of some Superintendent of Mercantile Marine, Justice, or officer of Customs.

Every
66. Every person who fraudulently alters, assists in fraudulently altering, or procures to be fraudulently altered, or makes, or assists in making, or procures to be made, any false entry in, or delivers, assists in delivering, or procures to be delivered, a false copy of any agreement, shall, for each such offence, be deemed guilty of a misdemeanour.

67. Any seaman may bring forward evidence to prove the contents of any agreement or otherwise to support his case, without producing or giving notice to produce the agreement or any copy thereof.

68. The master shall, at the commencement of every voyage or engagement, cause a legible copy of the agreement (omitting the signatures) to be placed or posted up in such part of the ship as to be accessible to the crew, and in default shall for each offence incur a penalty not exceeding Five Pounds.

69. Any seaman who has signed an agreement, and is afterwards discharged 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 hearing the case deems satisfactory of his having been so improperly discharged as aforesaid, recover such compensation as if it were wages duly earned.

70. Where a proceeding is instituted in or before any Court in relation to any dispute between an owner or master of a 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 purpose of this section, the Court, if, having regard to all the circumstances of the case, they think it just so to do, may rescind any contract between the owner or master and the seamen or apprentice, or any contract of apprenticeship, upon such terms as the Court may think just, and this power shall be in addition to any other jurisdiction which the Court can exercise, independently of this section.

For the purposes of this section the term “Court” includes any Special Magistrate or Justice having jurisdiction in the matter to which the proceeding relates.

Allotment of Wages.

71. All stipulations for the allotment of any part of the wages of a seaman during his absence which are made at the commencement of the voyage shall be inserted in the agreement, and shall state the amounts and times of the payments to be made.

72. (1.) Every
72. (i.) Every agreement with a seaman, which is required by this Act to be made in the form sanctioned by the Board, shall, if the seaman so require, stipulate for the allotment of any part not exceeding one-half of the wages of the seaman in favor of the wife, or the father, or mother, or the grandfather, or grandmother, or any child, or grandchild, or any brother, or sister of any such seaman:

(ii.) An allotment under the preceding subsection (i.) may also be made in favor of the Savings Bank of South Australia, and in that case shall be in favor of such persons and carried into effect in such manner as may be for the time being directed by regulations of the Board:

(iii.) The sum received by the said Savings Bank in pursuance of such allotment shall be paid out only on an application made through a Superintendant of Mercantile Marine, or the said Board, by the seaman himself, or in case of death by some person to whom the same might be paid under section 98 of this Act:

(iv.) A payment under an allotment-note shall begin at the expiration of one month, or, if the allotment is in favor of the said Savings Bank, of three months from the date of the agreement, or at such later date as may be fixed by the agreement; and shall be paid only in respect of wages earned before the date of payment:

(v.) The said Savings Bank or any person in whose favor an allotment has been made under this section may, unless the seaman is shown in manner hereinafter mentioned to have forfeited or ceased to be entitled to the wages out of which the allotment is to be paid, and subject, as to the wife, to the provision hereinafter contained, sue for and recover the sums allotted by the note when and as the same are made payable, with costs, from the owner or any agent who has authorised the drawing of the note, in the same manner in which seamen are by this Act enabled to sue for and recover wages not exceeding Fifty Pounds; and in any such proceeding it shall be sufficient for the claimant to prove that he or she is the person mentioned in the note, and that the note was given by the owner or by the master or some other authorised agent; and the seaman shall be presumed to be duly earning his wages, unless the contrary is shown to the satisfaction of the Court either by the official statement of the change in the crew caused by his absence made and signed by the master, as by this Act is required, or by a duly certified copy of some entry in the official log-book to the effect that he has 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 in its absolute discretion, considers sufficient to show satisfactorily
torily that the seaman has ceased to be entitled to the wages
out of which the allotment is to be paid:

(vi.) The wife of any seaman who deserts her children, or so
misconducts herself as to be undeserving of support from
her husband, shall thereupon forfeit all right to further
Payments of any allotment of his wages which has been
made in her favor.

Advance Notes.

73. Any document authorising, or promising, or purporting to
authorise, or promise, the future payment of money on account of a
seaman’s wages, conditionally on his going to sea from any port
within the province, and made before those wages have been actually
earned, shall be void. No moneys paid in satisfaction or in respect
of any such document, shall be deducted from a 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 moneys so paid, or pur-
porting to have been so paid: Provided that—

1. Nothing in this section shall invalidate or affect any allotment-
note duly made under this Act.

Discharge and Payment of Wages.

74. In the case of all foreign-going ships and intercolonial ships
all seamen shall be discharged and receive their wages in the presence
of the said Board, or of a Superintendent of Mercantile Marine duly
appointed under this Act, except in cases where some
competent Court otherwise directs; and any master or owner
of any such ship who discharges any seaman belonging
thereto or, except as aforesaid, pays his wages within the
province in any other manner, shall incur a penalty not exceeding
Ten Pounds; and, in the case of coast-trade ships, seamen may, if
the owner or master so desires, be discharged and receive their wages
in like manner.

And the owner or master of the ship shall pay to each seaman
on account, at the time when he lawfully leaves the ship, at the end
of his engagement, Two Pounds, or one-fourth of the balance 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.

75. (i.) Every master shall, subject to subsection ii. of this section,
not less than twenty-four hours before paying off or dis-
charging any seaman, deliver to him, or, if he is to be
discharged before a Superintendent of Mercantile Marine,
to such Superintendent of Mercantile Marine, a full and
true account, in proper form, of his wages and of all
deductions to be made therefrom on any account whatever,
and in default shall, for each offence, incur a penalty not
exceeding
exceeding Five Pounds; and no deduction from the wages of any seaman (except in respect of any matter happening after such delivery) shall be allowed unless it is included in the account so delivered; and the master 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 that 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 payments:

(ii.) The master of the ship may deliver the account of wages mentioned in subsection i. of this section to the seaman himself, at or before the time when he leaves the ship, instead of delivering it to a Superintendent of Mercantile Marine:

(iii.) If the seaman consents, the final settlement of his wages may be left to the Superintendent of Mercantile Marine, under regulations to be made by the Board, and the receipt of the Superintendent shall in that case operate as a release by the seaman under section 79 of this Act:

(iv.) In the event of the seaman's wages, or any part thereof, not being paid or settled as in this section mentioned, then, unless the delay is due to the act or default of the seaman, or to any reasonable dispute as to liability or to any other cause, not being the 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:

(v.) Where a question as to wages is raised before the Superintendent of Mercantile Marine, between the master or owner of a ship and a seaman or apprentice, if the amount in question does not exceed Five Pounds the Superintendent may adjudicate, and the decision of the Superintendent in the matter shall be final; but if the Superintendent is of the opinion that the question is one which ought to be decided by a court of law, he may refuse to decide it.

76. Upon the discharge of any seaman, or upon payment of his wages, the master shall sign and give him a certificate of his discharge, in a proper form, specifying the period of his service and the time and place of his discharge; and if any master fails to sign and give to any such seaman such certificate of discharge he shall for each such offence incur a penalty not exceeding Ten Pounds; and the master shall also, upon the discharge of every certificated mate or engineer whose certificate of competency or service has been delivered to and retained by him, return such certificate, and shall in default incur a penalty not exceeding Twenty Pounds.

77. The Board or any Superintendent of Mercantile Marine, by permission
Marine Board and Navigation Act.—1881.

permission of the Board, shall hear and decide any question whatever between a master or owner and any of his crew which both parties agree in writing to submit to them or him; and every award so made by them or him shall be binding on both parties, and shall, in any legal proceeding which may be taken in the matter before any Court of Justice, be deemed to be conclusive as to the rights of the parties; and any document purporting to be such submission or award shall be prima facie evidence thereof.

78. In any proceeding relating to the wages, claims, or discharge of any seaman carried on before the Board or any Superintendent of Mercantile Marine, by permission of the Board, under the provisions of this Act, the Board or such Superintendent of Mercantile Marine may call upon the owner, or his agent, or upon the master, or any mate, engineer, or other member of the crew, to produce any log-books, papers, or other documents in their respective possession or power relating to any matter in question in such proceeding, and may call before them or him and examine any of such persons being then at or near the place on any such matter; and every owner, agent, master, mate, engineer, or other member of the crew who, when called upon by the Board or Superintendent of Mercantile Marine, does not produce any such paper or document as aforesaid, if in his possession or power, or does not appear and give evidence, shall, unless he shows some reasonable excuse for such default, for each such offence incur a penalty not exceeding Five Pounds.

79. The following rules shall be observed with respect to the settlement of wages, that is to say—

1. Upon the completion before a Superintendent of Mercantile Marine of any discharge and settlement, the master or owner and each seaman shall respectively, in the presence of the Superintendent of Mercantile Marine, sign, in a proper form, a mutual release of all claims in respect of the past voyage or engagement, and the Superintendent of Mercantile Marine shall also sign, attest, and retain it:

ii. 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:

III. A copy of such release, certified under the hand of such Superintendent of Mercantile Marine to be a true copy, shall be given by him to any party thereto requiring the same: and such copy shall be receivable in evidence upon any future question touching such claims as aforesaid, and shall have all the effect of the original of which it purports to be a copy:

iv. In
iv. In cases in which discharge and settlement before a Superintendent of Mercantile Marine are hereby required, no payment, receipt, settlement, or discharge otherwise made shall operate or be admitted as evidence of the release or satisfaction of any claim:

v. Upon any payment being made by a master before a Superintendent of Mercantile Marine, the Superintendent of Mercantile Marine shall, if required, sign and give to such master a statement of the whole amount so paid; and such statement shall, as between the master and his employer, be received as evidence that he has made the payments therein mentioned.

**80.** Upon every discharge effected before a Superintendent of Mercantile Marine, the master shall make and sign, in a proper form, a report of the conduct, character, and qualifications of the persons discharged, or may state, in a column to be left for that purpose in the said form, that he declines to give any opinion upon such particulars, or upon any of them; and the Superintendent of Mercantile Marine shall, if desired so to do by any seaman, give to him, or endorse on his certificate of discharge, a copy of so much of such report as concerns him; and every person who makes, assists in making, or procures to be made, any false certificate or report of the service, qualifications, conduct, or character of any seaman, knowing the same to be false, or who forges, assists in forging, or procures to be forged, or fraudulently alters, assists in fraudulently altering, or procures to be fraudulently altered, any such certificate or report, or who fraudulently makes use of any certificate or report, or of any copy of any certificate or report which is forged or altered, or does not belong to him, shall, for each such offence, be deemed guilty of a misdemeanor.

**Legal Rights to Wages.**

81. A seaman's right to wages and provisions shall be taken to commence either at the time at which he commences work or at the time specified in the agreement for his commencement of work or presence on board, whichever first happens.

82. No seaman shall by any agreement, except as by this Act provided, 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; and every stipulation in any agreement inconsistent with any provisions of this Act, and every stipulation by which any seaman consents to abandon his right to wages in the case of the loss of the ship, or to abandon any right which he may have or obtain in the nature of salvage, shall be wholly inoperative; but nothing in this section shall apply to the case of any stipulation made by the seamen belonging to any 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 or ships. 83. The
83. The right to wages shall not be dependent on the earning of freight; and every seaman and apprentice who would be entitled to demand and recover any wages if the ship in which he has served 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.

84. If any seaman or apprentice to whom wages are due under the last preceding enactment dies before the same are paid, they shall be paid and applied in the manner hereinafter specified with regard to the wages of seamen who die during a voyage.

85. In cases where the service of a seaman terminates before the period contemplated in the agreement, by reason of the wreck or loss of the ship, and also in cases where such service terminates before such period as aforesaid by reason of his being left on shore at any place abroad under a certificate, granted as hereinafter mentioned, of his unfitness or inability to proceed on the voyage, such seaman shall be entitled to wages for the time of service prior to such termination as aforesaid but not for any further time.

86. No seaman or apprentice 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 fixed by the agreement for his beginning work, nor, unless the Court hearing the case otherwise directs, for any period during which he is lawfully imprisoned for any offence committed by him.

87. The master or owner of every ship shall pay to every seaman his wages within the respective periods following, that is to say, in the case of a coast-trade ship, within two days after the termination of the agreement, or at the time when such seaman is discharged, whichever first happens; and, in the case of all other ships (except ships employed in whale fishery or on other voyages for which seamen, by the terms of their agreement, are wholly compensated by shares in the profits of the adventure), within three days after the cargo has been delivered, or within five days after the seaman's discharge, whichever first happens; and in all cases the seaman shall, at the time of his discharge, be entitled to be paid on account a sum equal to one-fourth part of the balance due to him; and every master or owner who neglects or refuses to make payment in manner aforesaid, without sufficient cause, shall pay to the seaman a sum not exceeding the amount of two days' pay for each of the days, not exceeding ten days, during which payment is delayed beyond the respective periods aforesaid, and such sum shall be recoverable as wages.

Mode of Recovering Wages.

88. Any seaman or apprentice, or any person duly authorised on his behalf, may sue in a summary manner before a Special Magistrate.
Marine Board and Navigation Act.—1881.

PART II.

Magistrate or two Justices of the Peace acting in or near to 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 any amount of wages due to such seaman or apprentice not exceeding Fifty Pounds over and above the costs of any proceeding for the recovery thereof, so soon as the same becomes payable; and every order made by such Magistrate or Justices in the matter shall be final.

89. No suit or proceeding for the recovery of wages under the sum of Fifty Pounds shall be instituted by or on behalf of any seaman or apprentice in the Supreme Court, or any Court of Admiralty or Vice-Admiralty, unless the owner of the ship is adjudged bankrupt or declared insolvent, or unless the ship is under arrest, or is sold by the authority of any such Court as aforesaid, or unless any Justices, acting under the authority of this Act, refer the case to be adjudged by such Court, or unless neither the owner nor master is or resides within twenty miles of the place where the seaman or apprentice is discharged or put ashore.

90. The Supreme Court, or any Court of Admiralty or Vice-Admiralty, shall have jurisdiction, and all powers and authorities relating thereto, to try and determine, subject and according to the provisions of this Act, the following causes—

I. As to any claim exceeding Fifty Pounds by a seaman of any ship for wages earned by him on board the ship, whether the same be due under a special contract or otherwise:

II. As to any claim exceeding Fifty Pounds by the master of any ship for wages earned by him on board the ship, and for disbursements made by him on account of the ship:

Provided always that if in any such cause the plaintiff do not recover Fifty Pounds he shall not be entitled to any costs, charges, or expenses incurred by him therein, unless the Judge shall certify that the cause was a fit one to be tried in the said Court.

91. No seaman who is engaged for a voyage or engagement which is to terminate in the province shall be entitled to sue in any Court abroad for wages, unless he is discharged with such sanction as herein required and with the written consent of the master, or proves such ill-usage on the part of the master or by his authority as to warrant reasonable apprehension of danger to the life of such seaman if he were to remain on board; but if any seaman on his return to the province proves that the master or owner has been guilty of any conduct or default which but for this enactment would have entitled the seaman to sue for wages before the termination of the voyage or engagement, he shall be entitled to recover, in addition to his wages, such compensation, not exceeding Twenty Pounds, as the Court hearing the case thinks reasonable.

92. Every
92. Every master of a ship shall, as far as the case permits, have the same rights, liens, and remedies for the recovery of his wages which by this Act, or by any law or custom, any seaman, not being a master, has for the recovery of his wages; and if in any proceeding in the Supreme Court, or any Court of Admiralty or Vice-Admiralty, touching the claim of a master to wages, any right of set-off, or counter-claim, is set up, it shall be lawful for such 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.

Wages and Effects of Deceased Seamen.

93. Whenever any seaman or apprentice belonging to or sent home in any ship, whether a foreign-going ship, or intercolonial ship, employed on a voyage which is to terminate in the province, or a coast-trade ship, dies or is lost during a voyage, the master shall take charge of all money, clothes, and effects which he leaves on board, and shall, if he thinks fit, cause all or any of the said clothes and effects to be sold by auction at the mast or other public auction, and shall thereupon sign an entry in the official log-book containing the following particulars, that is to say—

1. A statement of the amount of the money and a description of the effects so left by the deceased:

2. In case of a sale, a description of each article sold, and the sum received for each:

3. A statement of the sum due to the deceased as wages, and the total amount of the deductions (if any) to be made therefrom:

And shall cause such entry to be attested by a mate and by one of the crew.

94. In the cases provided for by the last preceding section, the following rules shall be observed, that is to say—

1. The master shall within forty-eight hours after his arrival deliver any such effects as aforesaid remaining unsold, and pay any money which he has taken charge of or received from such sale as aforesaid, and also the balance of wages due to the deceased, to the Superintendent of Mercantile Marine at the port of destination in the province:

2. The master shall in all cases in which any seaman or apprentice dies during the progress of a voyage or engagement, give to such Superintendent of Mercantile Marine as aforesaid an account, in proper form, of the effects, money, and wages so to be delivered and paid; and no deductions claimed in such account shall be allowed unless verified, if there is any official log-book, by such entry therein as hereinbefore required, and also by such other vouchers (if any) as
as may be reasonably required by the Board or by the
Superintendent of Mercantile Marine to whom the account
is rendered:

III. Upon due compliance with the provisions of this section, the
Superintendent of Mercantile Marine shall grant to the
master a certificate to that effect, and no officer of Customs
shall clear inwards any foreign-going ship or intercolonial
ship without the production of such certificate.

95. The wages of seamen or apprentices who are lost with the
ship to which they belong shall be dealt with as follows, that is to
say—

1. The Board may, in their own name, sue for and recover the
same from the owner of the ship in the same manner in
which seamen's wages are recoverable:

2. In any proceedings for the recovery of such wages, if it is
shown to the satisfaction of the Court, Special Magistrate,
or Justice, that the ship has, twelve months or upwards
before the institution of the proceeding, left a port of
departure, and if it is not shown that she has been heard
of within twelve months after such departure, she shall
be deemed to have been lost, with all hands on board,
either immediately after the time she was last heard of or
at such later time as the Court, Special Magistrate, or
Justice hearing the case may think probable:

3. The production out of the custody of a Superintendent of
Mercantile Marine of any duplicate agreement or list of
the crew made out at the time of the last departure of the
ship from the province, or of a certificate purporting to be a
certificate from a Superintendent of Mercantile Marine or
from a consular or other public officer at any port abroad,
stating that certain seamen or apprentices were shipped in
the ship from the said port, shall, in the absence of proof
to the contrary, be sufficient proof that the seamen or
apprentices therein named were on board at the time of
the loss:

4. The Board shall deal with such wages in the manner in
which they deal with the wages of other deceased seamen
and apprentices under this Act.

96. If any master fails to take charge of the money or
other effects of a seaman or apprentice dying during a voyage, or to
make such entries in respect thereof, or to procure such attestation
to such entries, or to make such payment or delivery of any money,
wages, or effects, of any seaman or apprentice dying during a voyage,
or to give such account in respect thereof as hereinbefore respectively
directed, he shall be accountable for the money, wages, and effects
of the seaman or apprentice to the Board, and shall pay and
deliver
deliver the same accordingly; and such master shall, in addition, for every such offence incur a penalty not exceeding treble the value of the money or effects not accounted for, or, if such value is not ascertained, not exceeding Fifty Pounds; and if such money, wages, or effects are not duly paid, delivered, or accounted for by the master, the owner of the ship shall pay, deliver, and account for the same, and such money and wages and the value of such effects shall be recoverable from him accordingly; and, if he fails to account for and pay the same, he shall, in addition to his liability for the said money and value, incur the same penalty which is hereinbefore mentioned as incurred by the master for the like offence; and all money, wages, and effects of any seaman or apprentice dying during a voyage shall be recoverable in the same Courts and by the same modes of proceeding by which seamen are hereby enabled to recover wages due to them.

97. Whenever any seaman or apprentice dies in the province, and is at the time of his death entitled to claim from the master or owner of any ship in which he has served any unpaid wages or effects, such master or owner shall pay and deliver or account for the same to the Superintendent of Mercantile Marine at the port where the seaman or apprentice was discharged or was to have been discharged, or to the Board, or as they direct.

98. If the money and effects of any deceased seaman or apprentice, paid, delivered, or remitted to the Board or their officers, including the moneys received for any part of the said effects which have been sold either before delivery to the Board, or by their direction, do not exceed in value the sum of Fifty Pounds, then, subject to the provisions hereinafter contained, and to all such deductions for expenses incurred in respect of the seaman or apprentice or of his said money and effects as the said Board think proper to allow, the said Board may, if they think fit so to do, pay and deliver the said money and effects either to any claimants who can prove themselves, to the satisfaction of the said Board either to be his widow or children, or to be entitled to the effects of the deceased under his will (if any), or under the statutes for the distribution of the effects of intestates, or under any other statute, or at common law, or to be entitled to procure probate or take out letters of administration or confirmation, although no probate or letters of administration or confirmation have been taken out, and shall be thereby discharged from all further liability in respect of the money and effects so paid and delivered; or may, if they think fit so to do, require probate or letters of administration or confirmation to be taken out, and thereupon pay and deliver the said money and effects to the legal personal representatives of the deceased; and all claimants to whom such money or effects are so paid or delivered shall apply the same in due course of administration, and if such money and effects exceed in value the sum of Fifty Pounds, then, subject to the provisions hereinafter contained, and to deduction for expenses, the Board shall pay
pay and deliver the same to the legal personal representatives of the deceased, and shall, within a reasonable time of the distribution of the money and effects of any such deceased seaman, furnish the Board of Trade of the United Kingdom with a report and account of the money and effects so distributed.

99. In cases where the deceased seaman or apprentice has left a will, the Board shall have the following powers, that is to say—

i. They may, in their discretion, refuse to pay or deliver any such wages or effects as aforesaid to any person claiming to be entitled thereto under a will made on board ship, unless such will is in writing, and is signed or acknowledged by the testator in the presence of the master or first or only mate, or engineer of the ship, and is attested by such master, mate, or engineer:

ii. They may in their discretion refuse to pay or deliver any such wages or effects as aforesaid to any person, not being related to the testator by blood or marriage, who claims to be entitled thereto under a will made elsewhere than on board ship, unless such will is in writing, and is signed or acknowledged by the testator in the presence of two witnesses, one of whom is some Superintendent of Mercantile Marine appointed under this Act, or some minister or officiating minister or curate of the place in which the same is made, or, in a place where there are no such persons, some Justice of the Peace, or some British Consular Officer, or some officer of Customs, and is attested by such witnesses.

Whenever any claim made under a will is rejected by the Board on account of the said will not being made and attested as hereinbefore required, the wages and effects of the deceased shall be dealt with as if no will had been made.

100. The following rules shall be observed with respect to creditors of deceased seamen and apprentices, that is to say—

i. No such creditor shall be entitled to claim from the Board the wages or effects of any such seaman or apprentice or any part thereof by virtue of letters of administration taken out by him:

ii. No such creditor shall be entitled, by any means whatever, to payment of his debt out of such wages and effects if the debt accrued more than three years before the death of the deceased, or if the demand is not made within two years after such death:

iii. Subject as aforesaid, the steps to be taken for procuring payment of such debt shall be as follows, that is to say: Every person making a demand as creditor shall deliver to the Board an account in writing, in such form as the Board require,
Marine Board and Navigation Act.—1881.

require, subscribed with such creditor's name, stating the particulars of his demand and the place of his abode, and verified by his declaration made before a Justice:

iv. If before such demand is made any claim to the wages and effects of the deceased made by any person interested therein as his widow or child, or under a will, or under the Statutes for the distribution of the effects of intestates, or under any other Statute, or at common law, has been allowed, the Board shall give notice to the creditor of the allowance of such person's claim, and the creditor shall thereupon have the same rights and remedies against such person as if he or she had received the said wages and effects as the legal personal representative of the deceased:

v. If no claim by any such person has been allowed, the Board shall proceed to investigate the creditor's account, and may for that purpose require him to prove the same, and to produce all books, accounts, vouchers, and papers relating thereto; and if by such means the creditor duly satisfies the Board of the justice of the demand, either in the whole or in part, the same shall be allowed and paid accordingly, so far as the assets in the hands of the Board will extend for that purpose, and such payment shall discharge the Board from all further liability in respect of the money so paid; but if the Board are not so satisfied, or if such books, accounts, vouchers, or papers as aforesaid are not produced, and no sufficient reason is assigned for not producing them, the demand shall be disallowed:

vi. In any case whatever the Board may delay the investigation of any demand made by a creditor for the payment of his debt for one year from the time of the first delivery of the demand; and if in the course of that time a claim to the wages and effects of the deceased is made and substantiated as hereinbefore required by any person interested therein, as a widow or child, or under a will, or under the Statutes for the distribution of the effects of intestates, or under any other Statute, or at common law, the Board may pay and deliver the same to such person; and thereupon the creditor shall have the same rights and remedies against such person as if he or she had received the same as the legal personal representative of the deceased.

101. In cases of wages or effects of deceased seamen or apprentices received by the Board to which no claim is substantiated within six years after the receipt thereof by such Board, it shall be in the absolute discretion of such Board, if any subsequent claim is made, either to allow or refuse the same; and, subject to the provisions hereinafter contained, the Board shall from time to time pay any moneys arising from the unclaimed wages and effects of deceased seamen.
seamen which, in the opinion of such Board, it is not necessary to retain for the purpose of satisfying claims, to the Treasurer, and such moneys shall be carried to and form part of the revenue of the province.

102. Every person who, for the purpose of obtaining, either for himself or for another, any money or effects of any deceased seaman or apprentice, forges, assists in forging, or procures to be forged, or fraudulently alters, assists in fraudulently altering, or procures to be fraudulently altered, any document purporting to show or assist in showing a right to such wages or effects, and every person who, for the purpose aforesaid, makes use of any such forged or altered document as aforesaid, or who, for the purpose aforesaid, gives or makes, or procures to be given or made, or assists in giving or making or procuring to be given or made, any false evidence or representation, knowing the same to be false, shall be punishable with penal servitude for a term not exceeding four years, or with imprisonment, with or without hard labor, for any period not exceeding two years, or, if summarily prosecuted and convicted, by imprisonment, with or without hard labor, for any period not exceeding six months.

Leaving Seamen Abroad.

103. If the master or any other person belonging to any ship wrongfully forces on shore and leaves behind, or otherwise wilfully and wrongfully leaves behind, in any place on shore, or at sea, in or out of Her Majesty's dominions, any seaman or apprentice belonging to such ship before the completion of the voyage for which such person was engaged, or the return of the ship to the province, he shall for each such offence be deemed guilty of a misdemeanor.

104. If the master of any ship does any of the following things, that is to say—

1. Discharges any seaman or apprentice in any place situate in the United Kingdom, or in any British Possession other than South Australia, without previously obtaining the sanction in writing, indorsed on the agreement, of some Superintendent of Mercantile Marine or other officer duly appointed in that behalf, or (in the absence of any such functionary) of the Collector of Customs resident at or near the place where the discharge takes place:

2. Discharges any seaman or apprentice at any place out of Her Majesty's dominions without previously obtaining the sanction, so indorsed as aforesaid, of the British Consular Officer there, or (in his absence) of two respectable merchants resident there:

3. Leaves behind any seaman or apprentice at any place situate in the United Kingdom, or in any British Possession other than
than South Australia, on any ground whatever, without previously obtaining a certificate in writing, so indorsed as aforesaid, from such officer or person aforesaid, stating the fact and the cause thereof, whether such cause be unfitness or inability to proceed to sea, or desertion or disappearance:

iv. Leaves behind any seaman or apprentice at any place out of Her Majesty's dominions, on shore or at sea, on any ground whatever, without previously obtaining the certificate, indorsed in manner and to the effect last aforesaid, of the British Consular Officer there, or (in his absence) of two respectable merchants, if there are any such at or near the place where the ship then is—

he shall for each such default be deemed guilty of a misdemeanor.

105. Upon the trial of any information, indictment, or other proceeding against any person for discharging or leaving behind any seaman or apprentice contrary to the provisions of this Act, it shall lie upon such person either to produce the sanction or certificate hereby required 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.

106. Every master of any ship who leaves any seaman or apprentice on shore at any place out of South Australia under a certificate of his unfitness or inability to proceed on the voyage, shall deliver to one of the functionaries aforesaid, or (in the absence of such functionaries) to the merchants by whom such certificate is signed, or, if there be but one respectable merchant resident at such place, to him, a full and true account of the wages due to such seaman or apprentice, such account, when delivered to a Consular Officer, to be in duplicate, and shall pay the same either in money or by a bill drawn upon the owner, and by money whenever it is practicable so to do, and not by bill; and in cases where payment is made by bill drawn by the master, the owner of the ship shall be liable to pay the amount for which the same is drawn to the holder or indorsee thereof, and it shall not be necessary, in any proceeding against the owner upon such bill, to prove that the master had authority to draw the same; and any bill purporting to be drawn in pursuance of this section, and to be indorsed as herein required, if produced out of the custody of the Board, or of any Superintendent of Mercantile Marine, shall be received in evidence; and any indorsement on any such bill purporting to be made in pursuance of this section and to be signed by one of the functionaries herein mentioned shall also be received in evidence, and it shall be deemed to be prima facie evidence of the facts stated in such indorsement; and every such master as aforesaid who refuses or neglects to deliver a full account of such wages, and pay the amount thereof in money or by bill,
107. Every such payment as last aforesaid, whether by bill or in money, shall, if made in any British Possession, be made to the seaman or apprentice himself; and, if made out of Her Majesty's dominions, to the Consular Officer, from whom the master shall obtain an indorsement on one of the duplicates thereof of a receipt for the amount paid or bill delivered; and the master shall, within forty-eight hours after his return to his port of destination in the province, deliver the same to the Superintendent of Mercantile Marine there.

108. The Board may pay any reasonable expenses incurred by the Board of Trade of the United Kingdom, or by any officers of Her Majesty in any British Possession other than South Australia, or in any foreign country, on account of subsistence or transport back to the province of any seamen or apprentices belonging to the province, and who have been found in distress, either on account of shipwreck or otherwise, in any place out of the province, out of any moneys applicable to the relief of distressed seamen, and granted by the Parliament on the production of the bills of disbursements, with the proper vouchers, and such other evidence as the Board may require.

109. If any seaman or apprentice belonging to any ship is discharged or left behind at any place out of the province, without full compliance on the part of the master with all the provisions in that behalf in this Act contained, and becomes distressed, and is relieved under the provisions of this Act or of any other Act in force for the time being for the relief of distressed seamen, the wages (if any) due to such seaman or apprentice, and all expenses incurred for his subsistence, necessary clothing, conveyance home, and burial in case he should die abroad before reaching home, shall be a charge upon the ship to which he so belonged as aforesaid; and the Board may (besides suing for any penalties which may have been incurred) sue for and recover the said wages and expenses, with costs, either from the master of such ship as aforesaid, or from the person who is owner thereof for the time being, and such sums shall be recoverable in the same manner and by the same form and process in which wages due to the seaman would be recoverable by him; and in any proceedings for that purpose proof of payment by the Board of the charges incurred on account of any such seaman, apprentice, or other person, shall be _prima facie_ evidence that he was lawfully relieved, conveyed home, or buried (as the case may be) at Her Majesty's expense.

Provisions,
Provisions, Health, and Accommodation.

110. Any three or more of the crew of any ship may complain to any Superintendent of Mercantile Marine that the provisions or water for the use of the crew are at any time of bad quality, unfit for use, or deficient in quantity; and such officer may thereupon examine the said provisions or water, or cause them to be examined; and if on examination such provisions or water are 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; and if such master does not thereupon provide other proper provisions or water in lieu of any so signified to be of a bad quality and unfit for use, or does not procure the requisite quantity of any so signified to be insufficient in quantity, or uses any provisions or water which had been so signified as aforesaid to be of a bad quality and unfit for use, he shall in every such case incur a penalty not exceeding Twenty Pounds; and upon every such examination as aforesaid the officer making or directing the same shall enter a statement of the result of the examination in the official log-book, and shall send a report thereof to the Marine Board; and such report, if produced out of their custody, or of any officer acting under their direction, shall be received in evidence in any legal proceeding.

111. If the officer to whom any such complaint as last aforesaid is made certifies in such statement as aforesaid that there was no reasonable ground for such complaint, each of the parties so complaining shall be liable to forfeit to the owner out of his wages a sum not exceeding one week's wages.

112. In the following cases, that is to say—

1. If during a voyage the allowance of any of the provisions which any seaman has by his agreement stipulated for is reduced (except in accordance with any regulations for reduction by way of punishment contained in the agreement, and also except for any time during which such 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):

2. 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—

1. If his allowance is reduced by any quantity not exceeding one-third of the quantity specified in the agreement, a sum not exceeding Fourpence a day:

2. If his allowance is reduced by more than one-third of such quantity, Eightpence a day:

iii. In
iii. In respect of such bad quality as aforesaid, a sum not exceeding One Shilling a day.

But if it is shown to the satisfaction of the Court before which the case is tried 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 lieu thereof, the Court shall take such circumstances into consideration, and shall modify or refuse compensation, as the justice of the case may require.

113. The Board may make, and when made revoke, alter, or add to, rules to be observed with respect to medicines, medical stores, and anti-scorbutics to be provided for use on board of ships. Until such rules are made, the rules with respect to medicines, medical stores, and anti-scorbutics in force for the time being under "The Merchant Shipping Act, 1854," and Acts amending the same, shall, so far as the same are applicable, be deemed to be in force in the province.

114. Every master shall keep on board proper weights and measures for the purpose of determining the quantities of the several provisions and articles served out, 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 about such quantities; and in default shall for every offence incur a penalty not exceeding Ten Pounds.

115. Any person who manufactures, sells, or keeps or offers for sale, any such medicines, medical stores, or anti-scorbutics as aforesaid which are of bad quality, shall for each such offence incur a penalty not exceeding Twenty Pounds.

116. The following rules shall be observed with respect to expenses attendant on illness and death, that is to say—

1. If the master or any seaman or apprentice receives any hurt or injury in the service of the ship to which he belongs, the expense of providing the necessary surgical and medical advice, with attendance and medicines, and of his subsistence until he is cured, or dies, or is brought back to some port in the province, if shipped in the province, or, if shipped in some British Possession, to some port in such Possession, and of his conveyance to such port, and the expense (if any) of his burial, shall be defrayed by the owner of such ship, without any deduction on that account from the wages of such master, seaman, or apprentice:

2. If the master or any seaman or apprentice is on account of any illness temporarily removed from his ship for the purpose of preventing infection, or otherwise for the convenience of the ship, and subsequently returns to his duty, the expense of such removal, and of providing the necessary
sary advice, with attendance and medicines, and of his subsistence whilst away from the ship, shall be defrayed in like manner:

111. The expense of all medicines and surgical or medical advice and attendance given to any master, seaman, or apprentice whilst on board his ship shall be defrayed in like manner:

iv. In all other cases any reasonable expenses duly incurred by the owner for any seaman in respect of illness, and also any reasonable expenses duly incurred by the owner in respect of the burial of any seaman or apprentice who dies whilst on service, shall, if duly proved, be deducted from the wages of such seaman or apprentice.

117. Whenever it is shown that any seaman or apprentice who is ill has, through the neglect of the master or owner, not been provided with proper food and water according to his agreement, or with such accommodation, medicines, medical stores, or anti-scorbutics as are required by "The Merchant Shipping Act, 1854," or any Act amending the same, or by this Act, then, unless it can be shown that the illness has been produced by other causes, 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 such seaman himself, or by the Treasurer, or by the Board, or any local authority on his behalf; and such expenses may be recovered in the same way as if they were wages duly earned: Provided that this enactment shall not operate so as to affect any further liability of any such owner or master for such neglect, or any remedy which any seaman already possesses.

118. Where a seaman is, 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 the time during which he is, by reason of such illness, incapable of performing his duty.

119. The Board may call to their assistance any legally-qualified medical practitioner to inspect the medicines, medical stores, lime or lemon juice, or other articles, sugar and vinegar, required to be kept on board any ship, and such medical practitioners shall, for the purposes of such inspection, have the same power as inspectors appointed by the Board under this Act; but every such practitioner, if required by timely notice in writing from the master, owner, or consignee, shall make his inspection three days at least before the ship proceeds to sea, and if the result of the inspection is satisfactory, shall not again make inspection before the commencement of the voyage, unless he has reason to suspect that some of the articles inspected have been subsequently removed, injured, or destroyed; and whenever any such medical practitioner is of opinion that in any ship hereby required to carry such articles as aforesaid, the same or any of them are deficient in quantity or quality, or are placed in improper
improper vessels, he shall signify the same in writing to the chief officer of Customs of the port where such ship is lying, and also to the master, owner, or consignee thereof, and thereupon the master of such ship, before proceeding to sea, shall produce to such chief officer of Customs a certificate under the hand of such medical practitioner, to the effect that such deficiency has been supplied or remedied, or that such improper vessels have been replaced by proper vessels as the case may require; and such chief officer of Customs shall not grant a clearance for such ship without the production of such certificate, and, if such ship attempts to go to sea without a clearance, may detain her until such certificate is produced, and if such ship proceeds to sea without the production of such certificate, the owner, master, or consignee thereof shall incur a penalty not exceeding Twenty Pounds.

Medical inspection of seamen.

120. The Board shall, on application by the owner or master of any ship, appoint a legally-qualified medical practitioner to examine any seaman applying for employment on such ship, and shall give to the Superintendent of Mercantile Marine a report under his hand, stating whether such seaman is in a fit state for duty at sea; and a copy of such report shall be given to the master or owner of the ship.

The master or owner applying for such inspection shall pay to the Superintendent such fees as the Board may direct.

Expenses, if paid by Consul, to be recoverable from owner.

121. If any such expenses in respect of the illness, injury, or hurt of any seaman or apprentice as are to be borne by the owner are paid by any Consular Officer or other person on behalf of Her Majesty, or if any other expenses in respect of the illness, injury, or hurt of any seaman or apprentice whose wages are not accounted for to such officer under the provisions hereinbefore contained in that behalf are so paid, such expenses shall be repaid to such officer or other person by the master of the ship, and if not so repaid, the amount thereof, with costs, shall be a charge upon the ship, and be recoverable from the said master, or from the owner of the ship for the time being, as a debt due to Her Majesty, and shall be recoverable either by ordinary process of law or in the manner in which seamen are hereby enabled to recover wages; and in any proceeding for the recovery thereof the production of a certificate of the facts, signed by such officer or other person, together with such vouchers (if any) as the case requires, shall be sufficient proof that the said expenses were duly paid by such Consular Officer or other person as aforesaid.

122. The following rules shall be observed with respect to accommodation on board ships, that is to say—

1. Every place in any ship occupied by seamen or apprentices and appropriated to their use, shall have, for every such seaman or apprentice, a space of not less than seventy-two cubic feet, and of not less than twelve superficial feet, measured on the deck or floor of such place:

2. Every
II. Every such place shall be such as to make the space aforesaid available for the proper accommodation of the men who are to occupy 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:

III. No such place as aforesaid shall be deemed to be such as to authorise a deduction from registered tonnage under the provisions hereinafter contained, unless there is or are 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 the surveyor hereinafter mentioned:

IV. Every such place shall, whenever the ship is registered, or re-registered, be inspected by one of the inspectors appointed by the Board, who shall, if satisfied that the same is in all respects such as is required by this Act, give to the Collector of Customs a certificate to that effect, and thereupon such space shall be deducted from the registered tonnage:

V. No such deduction from tonnage as aforesaid shall be authorized unless there is permanently cut in a beam, and cut in or painted on or over the doorway or hatchway of every such place, the number of men which it is constructed to accommodate, with the words "Certified to accommodate seamen":

VI. Every such place shall be kept free from stores or goods of any kind not being the personal property of the crew in use during the voyage:

VII. Upon any complaint concerning any such place as aforesaid, one of the inspectors appointed by the Board may inspect such place, and if he finds that any of the provisions of this Act with respect to the same are not complied with, he shall report the same to the Collector of Customs at the port where the ship is registered, and thereupon the registered tonnage shall be altered, and the deduction aforesaid in respect to space disallowed, unless and until it shall be certified by such surveyor, or by some other surveyor appointed by the Board, that the provisions of the Act in respect of such place are fully complied with:

VIII. If any such place in any ship is not kept free from goods and stores as aforesaid, the master shall be deemed to be in fault, and shall, for every such failure to comply with the provisions of this section, forfeit and pay to each seaman lodged in such place the sum of One Shilling a day for each day, after complaint made to him by any two or more of such seamen, during which any goods or stores, not being the personal property of the crew, are stored or kept therein:

IX. If
Marine Board and Navigation Act.—1881.

PART II.

ix. If in any other respect the provisions of this section are not observed with respect to any such place in any ship, the owner shall be deemed to be in fault, and shall, for every failure to comply with the provisions of this section, incur a penalty not exceeding Twenty Pounds.

Power of making Complaint.

123. If any seaman or apprentice, whilst on board any ship, states to the master that he desires to make complaint to a Justice against the master or any of the crew, the said master shall, if the ship is then at a place where there is a Justice, so soon as the service of the ship will permit, and, 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, and shall, in default, incur a penalty not exceeding Ten Pounds.

Protection of Seamen from Imposition.

124. No wages due or accruing to any seaman or apprentice shall be subject to attachment or arrestment from any Court; and every payment of wages to a seaman or apprentice shall be valid in law, notwithstanding any previous sale or assignment of such wages, or of any attachment, incumbrance, or arrestment thereon; and no assignment or sale of such wages, or of salvage made prior to the accruing thereof, shall bind the party making the same; and no power of attorney or authority for the receipt of any such wages or salvage shall be irrevocable.

125. No debt exceeding in amount Five Shillings, incurred by any seaman after he has engaged to serve, shall be recoverable until the service agreed for is concluded.

126. If any person demands or receives from any seaman or apprentice to the sea service payment in respect of his board or lodging in the house of such person for a longer period than such seaman or apprentice has actually resided or boarded therein, he shall incur a penalty not exceeding Ten Pounds.

127. If any person receives or takes into his possession or under his control any moneys, documents, or effects of any seaman or apprentice to the sea service, and does not return the same or pay the value thereof when required by such seaman or apprentice, subject to such deduction as may be justly due to him from such seaman or apprentice in respect of board and lodging, or otherwise, or absconds therewith, he shall incur a penalty not exceeding Ten Pounds; and any Special Magistrate or two Justices may, besides inflicting such penalty, by summary order direct the amount or value of such moneys, documents, or effects, subject to such deduction as aforesaid, to be forthwith paid to such seaman or apprentice.

128. Where
128. Where a 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, or not being duly authorised by law for the purpose, who 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 being on board the ship remains there after being warned to leave by the master or by a police officer, or by any officer of the Board or of the Customs, shall for every such offence be liable on summary conviction to a fine not exceeding Twenty Pounds, or in the discretion of the Court to imprisonment for any term not exceeding six calendar months; and the master or any officer of the Board or police officer may take any such person into custody, and deliver him up forthwith to any constable or peace officer, to be taken before a Justice or Justices, and to be dealt with according to the provisions of this Act.

129. If, within twenty-four hours after the arrival of any ship at any port in the province, any person then being on board such ship solicits any seaman to become a lodging at the house of any person letting lodgings for hire, or takes out of such ship any effects of any seaman, except under his personal direction and with the permission of the master, he shall for every such offence incur a penalty not exceeding Five Pounds.

Rating of Seamen.

130. A seaman shall not be entitled to the rating of A.B., that is to say, of an able-bodied seaman, unless he has served at sea for four years before the mast; but the employment of fishermen in registered decked fishing vessels shall only count as sea service up to the period of three years of such employment, and the rating of A.B. shall only be granted after at least one year's sea service in a trading vessel, in addition to three or more years' sea service on board of registered decked fishing vessels. Such service may be proved by certificates of discharge or certificates of service, in due form, in which shall be specified whether the service was rendered in whole or in part in steamship or sailing ship, or by other satisfactory proof. Nothing in this section shall affect a seaman who has been rated and has served as A.B. before the coming into operation of this Act.

Discipline.

131. Any master of or any seaman or apprentice belonging to any ship who, by wilful breach of duty, or by neglect of duty, or by reason of drunkenness—

1. Does any act tending to the immediate loss, destruction, or serious damage of such ship, or tending immediately to endanger the life or limb of any person belonging to or on board of such ship: or,

2. Refuses
Obligation of ship-owner to crew with respect to use of reasonable efforts to secure seaworthiness.

132. In every contract of service, express or implied, between the owner of a ship and the master or any seaman thereof, and in every instrument of apprenticeship whereby any person is bound to serve as an apprentice on board any ship, there shall be implied, notwithstanding any agreement to the contrary, an obligation on the owner of the ship that the owner of the ship, and the master, and every agent charged with the loading of the ship, or the preparing thereof for sea, or the sending thereof to sea, shall use all reasonable means to insure the seaworthiness of the ship for the voyage at the time when the voyage commences, and to keep her in a seaworthy condition for the voyage during the same: Provided that nothing in this section shall subject the owner of a ship to any liability by reason of the ship being sent to sea in an unseaworthy state where, owing to special circumstances, the so sending thereof to sea is reasonable and justifiable.

133. If the Board has reason to believe that any master, mate, or engineer is, from incompetency or misconduct, unfit to discharge his duties, or if at any time complaint is made to the Board with reference to any master, mate, or engineer holding a certificate of competency or of service issued by the Board of Trade of the United Kingdom or by the Board, to the effect that such certificated officer is, by reason of incompetency, drunkenness, tyranny, or misconduct unfit to discharge his duties, the Board may order an inquiry to be held before the Court of Marine Inquiry into the conduct of such officer.

Court of Marine Inquiry.

134. For the purposes of this Act, there is hereby constituted a court or tribunal, under the name of the “Court of Marine Inquiry.” Such court shall consist of the Judges of the Supreme Court of the province, all Special Magistrates of the province, and the nautical and engineering assessors appointed by the Governor as hereinafter directed. The Governor may appoint any number of persons who in his opinion are possessed of nautical or engineering skill to be nautical or engineering assessors for the purposes of this Act, such assessors to be appointed from a list of persons approved of as eligible, and furnished from time to time by the Marine Board.

135. The Court of Marine Inquiry shall be a Corporation with perpetual succession and a common seal.

136. The Court of Marine Inquiry is hereby authorised:

1. To make inquiry into charges of incompetency or misconduct.
on the part of masters, certificated engineers, and mates of ships, holding certificates issued by the Board of Trade of the United Kingdom, and also as to shipwrecks and other casualties affecting ships, and for that purpose to exercise all powers given by the 242nd section of "The Merchant Shipping Act of 1854" and the 23rd section of the Act of Parliament of the United Kingdom of Great Britain and Ireland, known as the "Merchant Shipping Amendment Act, 1862" (which sections are for convenience set forth in the Schedule A hereto) to the court or tribunal mentioned in subsection 5 of the former:

II. To hold any investigation which may be directed by the Board into the alleged incompetency or misconduct of any master, mate, or engineer holding a certificate, whether of competency or service, issued by the Board, and to cancel or suspend any such certificate held by a master, mate, or engineer who, upon any such investigation, shall—

(a.) Be found guilty of any act of gross misconduct, drunkenness, or tyranny:

(b.) Be found to be incompetent:

(c.) Be found to have occasioned, by his wrongful act or default, the loss, abandonment of, or serious damage to, any ship, or loss of life:

(d.) Be found to have been convicted of any offence, for which, in the opinion of the said Court, his certificate should be cancelled or suspended:

III. To hold any investigation into a shipping casualty under the fourth part of this Act.

137. For the purposes of subsection 1. of the last preceding section, a quorum of the Court of Marine Inquiry shall consist—

(a.) In cases where it is sought to cancel or suspend a certificate of a master, mate, or engineer issued by the Board of Trade of the United Kingdom, on the grounds of misconduct, including drunkenness, tyranny, or misconduct or incompetency, not contributing to a shipping casualty, of one or more of the Judges of the Supreme Court:

(b.) In all other cases where it is sought to cancel or suspend a certificate of a master, mate, or engineer, issued by the Board of Trade of the United Kingdom, of at least one Judge of the Supreme Court, and two nautical or engineering assessors, respectively, according as the inquiry is into the incompetency or misconduct of a master, or mate, or of an engineer, respectively.

For the purposes of subsection II. of the last preceding section, a quorum shall consist of a Judge of the Supreme Court and two nautical
nautical or engineering assessors, or a Special Magistrate and two nautical or engineering assessors, the assessors to be nautical or engineering, according as the inquiry is into the incompetency or misconduct of a master or mate, or of an engineer, respectively.

For the purposes of subsection III. of the last preceding section a quorum shall consist of a Judge of the Supreme Court and two nautical or engineering assessors, or of a Special Magistrate and two nautical or engineering assessors respectively: Provided that in all cases in which it would be competent for the said Court upon any such investigation to suspend or cancel any certificate issued by the Board of Trade of the United Kingdom a quorum shall consist of a Judge of the Supreme Court and two nautical or engineering assessors respectively.

138. The Chief Justice, if he be present, or if he be not present, the Senior Judge of the Supreme Court present, or if no Judge of the Supreme Court be present, then the Special Magistrate of longest standing present, shall be the President of the Court of Marine Inquiry.

139. At the close of every inquiry or investigation before the Court of Marine Inquiry, the judgment of the Court shall be delivered by the President in open Court, and such judgment shall (except where a Judge of the Supreme Court shall sit alone) be the judgment of the majority of the Court, and for the purpose of ascertaining such majority the President shall have a casting as well as a deliberative vote. Except where a Judge shall sit alone, one nautical or engineering assessor shall concur in the judgment of the Court. The President shall, in every case, forward to the Board the judgment of the Court, together with the evidence, and it shall be competent for any member of the Court, who may dissent from the judgment, to forward to the Board, in writing, his reason for so dissenting.

140. The Court of Marine Inquiry shall be a court of record, and for the purpose of any inquiry or investigation shall have all the powers given by this Act to an inspector or surveyor appointed by the Board, and, as far as relates to the summoning of parties and compelling the attendance of witnesses, shall have all the powers ordinarily exercised by the Supreme Court in any civil or criminal proceeding.

141. The Secretary of the Marine Board for the time being shall be the Clerk of the Court of Marine Inquiry, and shall have the custody of the common seal thereof: And all summonses, whether to witnesses or parties, notices, and documents, issued under the hand of the Clerk of the Court of Marine Inquiry and sealed with the seal thereof, shall be deemed to be issued by and under the authority of the Court of Marine Inquiry.
142. The Court of Marine Inquiry shall sit in such suitable place or places as may from time to time be determined by the Governor of this province.

143. The Judges of the Supreme Court, or any two of them, may make rules for the conduct and procedure of the Court of Marine Inquiry, and for fixing the mode and rotation in which, and the persons by whom the members of the said Court shall be summoned, and imposing penalties on members of the said Court for non-attendance after being duly summoned, and from time to time alter or revoke the same. All such rules shall be under the hands of the Judges making the same, and the seal of the Supreme Court, and shall be published in the Government Gazette, and take effect from the date of such publication. Until such rules are made, the Supreme Court or any Judge thereof shall, at the request of the Board, give such directions as may seem fit for the conduct and procedure of and in any particular case.

144. Every master, mate, or engineer whose certificate is suspended or cancelled in pursuance of this Act, or of "The Merchant Shipping Act, 1854," or any amendment thereof, shall, upon demand of the Court of Marine Inquiry, deliver his certificate to the Court, who shall forward the same to the Board, or, if it is not demanded by the Court, shall, upon demand, deliver the same to the Board, or as they may direct; and every master, mate, and engineer who shall fail to comply with the provisions of this section shall, for each such offence, incur a penalty not exceeding Fifty Pounds: Provided that it shall be lawful for the Board at any subsequent time to grant any person whose certificate (being a certificate granted by the Board) has been cancelled a new certificate of the same, or any lower grade.

Offences of Seamen.

145. Whenever any seaman who has been lawfully engaged, or any apprentice to the sea service, commits any of the following offences, he shall be liable to be punished summarily as follows, that is to say—

1. For desertion he shall be liable to forfeit all, or any part, of the clothes and effects he leaves on board, and all or any part of the wages or emoluments which he has then earned; and also, if such desertion takes place abroad, at the discretion of the Court, to forfeit all or any part of the wages or emoluments he may earn in any other ship in which he may be employed until his next return to the province, 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:

11. For neglecting, or refusing, without reasonable cause, to join his ship, or to 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
any time without leave and without sufficient reason from
his ship or from his duty, not amounting to desertion, or
not treated as such by the master, he shall be liable to
forfeit out of his wages a sum not exceeding the amount
of 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:

iii. For quitting the 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:

iv. For wilful disobedience to any lawful command he shall be
liable to imprisonment for any period not exceeding four
weeks, with or without hard labor; and also, at the dis-
cretion of the Court, to forfeit out of his wages a sum not
exceeding two days' pay:

v. For continued wilful disobedience to lawful commands, or
continued wilful neglect of duty, he shall be liable to
imprisonment for any period not exceeding twelve weeks,
with or without hard labor; and also, at the discretion of
the Court, to forfeit for every twenty-four hours' continu-
ance 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:

vi. For assaulting any master, mate, or engineer he shall be
liable to imprisonment for any period not exceeding six
months, with or without hard labor:

vii. For combining with any other, or others, 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 any period not
exceeding twelve months, with or without hard labor:

viii. For wilfully damaging the ship, or embezzling 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 any period not exceeding twelve
months, with or without hard labor:

ix. For any act of smuggling of which he is convicted, and
whereby loss or damage is occasioned to the master or
owner, he shall be liable to pay to such master or owner
such a sum as is sufficient to reimburse the master or
owner for such loss or damage; and the whole or a pro-
portionate part of his wages may be retained in satisfaction
or on account of such liability without prejudice to any
further remedy.
146. Whenever in any proceeding against any seaman or apprentice belonging to any ship for desertion, or for neglecting or refusing to join or to proceed to sea in his ship, or for being absent from or quitting the same without leave, it is alleged by one-fourth, being not less than three, of the seamen belonging to such ship, or, if the number of such seamen exceed twenty, by not less than five such seamen, that such 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 such ship is insufficient, the Court having cognizance of the case shall take such means as may be in their power to satisfy themselves concerning the truth or untruth of such allegation, and shall for that purpose receive the evidence of the person or persons making the same, and shall have power to summon any other witnesses whose evidence they may think it desirable to hear. The Court shall thereupon, if satisfied that the allegation is groundless, proceed to adjudicate, but, if not so satisfied, shall cause such ship to be surveyed:

Provided that no seaman or apprentice charged with desertion, or with quitting his ship without leave, shall have any right to apply for a survey under this section unless, previously to his quitting his ship, he has complained to the master of the circumstances so alleged in justification.

For the purposes of this section, the Court shall require any of the surveyors appointed by the Board, under this Act, or any person appointed for the purpose by the Board, or if such 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 impartial surveyor 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 may think fit to put. Such surveyor or other person shall survey the ship, and make his report in writing to the Court, including an answer to every question put to him by the Court. The Court shall cause such report to be communicated to the parties, and, unless it is proved to the satisfaction of the Court that the opinions expressed in such report are erroneous, the Court shall determine the questions before them in accordance with those opinions.

For the purposes of such survey, a surveyor shall have all the powers of an inspector appointed by the Board under this Act.

The costs (if any) of the survey shall be determined by the Court, according to a scale of fees to be fixed by the Board, and shall be paid by the master or owner of the ship.

If it is proved to the satisfaction of the Court that the ship is in a fit condition to proceed to sea, or as the case may be, that the accommodation is sufficient, the costs of the survey shall be paid by the person or persons 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 such person or persons.

147. If
PART II.
Compensation to seamen for unnecessary detention on charge of desertion.

147. If a seaman or apprentice belonging to any ship is detained on a charge of desertion or any kindred offence, and if, upon a survey of the ship being made under this Act, it is proved that she is not in a fit condition to proceed to sea, or that her accommodation is insufficient, the owner or master of the ship shall be liable to pay to such seaman or apprentice such compensation for his detention as the Court having cognizance of the proceedings may award.

Entry of offences to be made in official log, and to be read over or a copy given to the offender, and his reply (if any) to be also entered.

148. Upon the commission of any of the offences enumerated in section 145 of this Act an entry thereof shall be made in the official log-book, and shall be signed by the master and also by the mate or one of the crew; and 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 thinks fit; and 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; and in any subsequent legal proceeding the entries herebefore 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.

Seamen whom masters of ships are compelled to convey, and persons going in ships without leave, to be subject to penalties for breach of discipline.

149. Every seafaring person whom the master of any ship is, under the authority of this Act, or of “The Merchant Shipping Act, 1854,” or of any Act amending the same, compelled to take on board and convey, and every person who goes to sea in any ship without the consent of the master or owner or other person entitled to give such consent, shall, so long as he remains in such 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.

Deserters may be sent on board.

150. Whenever any seaman or apprentice is brought before any Court 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, such Court may, if the master, or the owner, or his agent so requires, cause him 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 them 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 offender, 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.

151. In
151. In all cases of desertion from any ship in any place abroad, the master shall produce the entry of such desertion in the official log-book to the person or persons required by "The Merchant Shipping Act, 1854," or any Act amending the same, to indorse on the agreement a certificate of such desertion, and shall, for every failure to comply with the provisions of this section, incur a penalty not exceeding Five Pounds.

152. Whenever a question arises whether the wages of any seaman or apprentice are forfeited for desertion, it shall be sufficient for the party insisting on the forfeiture to show that such 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 such voyage was to terminate in the province and the ship has not returned, that he is absent from her, and that an entry of the desertion has been duly made in the official log-book; and 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 reasons for leaving the ship.

153. A seaman or apprentice to the sea service shall not be liable to imprisonment for deserting or for neglecting or refusing without reasonable cause to join his ship or to proceed to sea in his ship, or for absence without leave at any time within twenty-four hours of his ship's sailing from any port, or for absence at any time without leave and without sufficient reason from his ship or from his duty.

Whenever, either at the commencement or during the progress of any voyage, any seaman or apprentice neglects or refuses to join, or deserts from or refuses to proceed to sea, in any 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 or constables, 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 matters to be dealt with according to law, and that if it appears to the Court before which the case is brought that the seaman or apprentice has been conveyed on board or taken before the Court on improper or insufficient grounds, the master, mate, owner, ship's husband, or consignee, as the case may be, shall incur a penalty not exceeding Twenty Pounds; but such penalty, if inflicted, shall be a bar to any action for false imprisonment.

If a seaman or apprentice to the sea service intends to absent himself from his ship or his duty, he may give notice of his intention either to the owner or to the master of the ship not less than forty-eight
eight hours before the time at which he ought to be on board his
ship; and in the event of such notice being given the Court shall
not exercise any of the powers conferred on it by section 150 and
this section of this Act.

Subject to the foregoing provisions of this section, the powers
conferred by section 150 and this section of this Act may be
exercised, notwithstanding the abolition of imprisonment for de-
sertion and similar offences and of apprehension without warrant.

Nothing in this section shall affect section 131 of this Act.

154. Whenever in any proceeding relating to seamen's wages it is
shown that any seaman or apprentice has in the course of the voyage
been convicted of any offence by any competent tribunal and right-
fully punished therefor by imprisonment or otherwise, the Court
hearing the case may direct a part of the wages due to such seaman,
not exceeding Three Pounds, to be applied in reimbursing any costs
properly incurred by the master in procuring such conviction and
punishment.

155. Whenever any seaman contracts for wages by the voyage, or
by the run, or by the share, and not by the month or 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 calendar 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; and
if the whole time spent in the voyage does not exceed the period for
which the pay is to be forfeited, the forfeiture shall extend to the
whole wages or share.

156. All clothes, effects, wages, and emoluments, which, under
the provisions hereinbefore contained, are forfeited for desertion shall
be applied, in the first instance, in or towards the reimbursement 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 reimburs-
ment, the same shall be paid to the Board, and shall be carried
to and form part of the revenue of the province; and, in all other
cases of forfeiture of wages under the provisions hereinbefore con-
tained, 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.

157. Any question concerning the forfeiture of or deduction
from the wages of any seaman or apprentice may be determined in
any proceeding lawfully instituted with respect to such wages, not-
withstanding
withstanding 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.

158. If any seaman, on or before being engaged, wilfully and fraudulently makes a false statement of the name of his last ship or last alleged ship, or wilfully and fraudulently makes a false statement of his own name, he shall incur a penalty not exceeding Five Pounds; and such penalty may be deducted from any wages he may earn by virtue of such engagement as aforesaid, and shall, subject to reimbursement of the loss and expenses (if any) occasioned by any previous desertion, be paid and applied in the same manner as other penalties payable under this Act.

159. Whenever any seaman commits an act of misconduct for which his agreement imposes a fine, and which it is intended to punish by enforcing such fine, an entry thereof shall be made in the official log-book, and a copy of such entry shall be furnished, or the same shall be read over to the offender, and an entry of such reading over and of the reply (if any) made by the offender shall be made, in the manner and subject to the conditions hereinbefore specified with respect to the offences against discipline specified in and punishable under this Act; and such fine shall be deducted and paid over as follows, that is to say if the offender is discharged in the province, and the offence and such entries in respect thereof as aforesaid are proved, in the case of a foreign-going ship or intercolonial ship, to the satisfaction of the Superintendent of Mercantile Marine before whom the offender is discharged, and, in the case of a coast-trade ship, to the satisfaction of the Superintendent of Mercantile Marine at or nearest to the place at which the crew is discharged, the master or owner shall deduct such fine from the wages of the offender, and pay the same over to such Superintendent of Mercantile Marine; and if, before the final discharge of the crew in the province, any such offender as aforesaid has entered into any of Her Majesty's ships, or has been discharged abroad, and the offence and such entries as aforesaid have been proved to the satisfaction of the officer in command of the ship into which he has so entered, or of the Consular Officer, officer of Customs, or other person by whose sanction he has been so discharged, and the fine has thereupon been deducted as aforesaid, and an entry of such deduction has then been made in the official log-book (if any), and signed by such officer or other person, on the return of the ship to the province the master or owner shall pay over such fine, in the case of foreign-going ships and intercolonial ships, to the Superintendent of Mercantile Marine before whom the crew is discharged, and, in the case of coast-trade ships, to the Superintendent of Mercantile Marine at or nearest to the place at which the crew is discharged; and if any master or owner neglects or refuses to pay over any such fine in manner aforesaid, he shall, for each such offence, incur a penalty not exceeding six times the amount of the fine retained by him: Provided that no act of misconduct
misconduct for which any such fine as aforesaid has been inflicted and paid shall be otherwise punished under the provisions of this Act.

160. Every person who, by any means whatever, persuades, or attempts to persuade, any 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, shall for each such offence in respect of each such seaman or apprentice, incur a penalty not exceeding Ten Pounds; and every person who wilfully harbors or secretes any seaman or apprentice who has deserted from his ship, or who has wilfully neglected or refused to join or has deserted from his ship, knowing or having reason to believe such seaman or apprentice to have so done, shall, for every such seaman or apprentice so harbored or secreted, incur a penalty not exceeding Twenty Pounds.

161. Any person who secretes himself and goes to sea in any ship without the consent of either the owner, consignee, or master, or of a mate, or of any person in charge of such ship, or of any other person entitled to give such consent, shall incur a penalty not exceeding Twenty Pounds, or be liable to imprisonment, with or without hard labor, for any period not exceeding four weeks.

162. If during the progress of a voyage the master is 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, incur a penalty not exceeding One Hundred Pounds; and such successor shall, immediately on assuming the command of the ship, enter in the official log-book a list of the documents so delivered to him.

Deaths occurring at Sea or Abroad.

163. Whenever any case of death happens on board any foreign-going ship or intercolonial ship, the Superintendent of Mercantile Marine, or other person appointed for the purpose by the Board, shall, on the arrival of such ship at a port in the province, inquire into the cause of such death, and shall make an entry in such book, or upon such document as the Board may direct, to the effect either that the statement of the cause of death therein contained is in his opinion true or otherwise, as the result of the inquiry requires; and every such Superintendent of Mercantile Marine or other person as aforesaid shall, for the purpose of such inquiry, have the powers given to inspectors or surveyors appointed by the Board under this Act; and if, in the course of such inquiry, it appears to him that any such death as aforesaid has been caused by violence or other improper means, he shall either report the matter to the Board, or, if the emergency of the case so requires, shall take immediate steps for bringing the offender or offenders to justice.
164. All Superintendents of Mercantile Marine shall take charge of all documents which are delivered or transmitted to or retained by them in pursuance of this Act, and shall keep them for such time (if any) as may be necessary for the purpose of settling any business arising at the place where such documents come into their hands, or for any other proper purpose, and shall, if required, produce them for any of such purposes, and shall then transmit them to the Superintendents of Mercantile Marine at the ports at which the ships are registered, to be by them recorded and preserved; and any Superintendant of Mercantile Marine shall, on payment of a moderate fee, to be fixed by the Board, or without payment of any fee if the Board so direct, allow any person to inspect the same; and, in cases in which the production of the original of any such document in any Court of Justice or elsewhere is essential, shall produce the same, and in other cases shall make and deliver to any person requiring it a certified copy of any such document or of any part thereof; and every copy purporting to be so made and certified shall be received in evidence, and shall have all the effect of the original of which it purports to be a copy.

Official Logs.

165. The Board shall sanction forms of official log-books, which may be different for different classes of ships, so that each such form contains blanks for the entries hereinafter required; and an official log-book of every ship (except ships employed exclusively in trading between ports on the coasts of the province) shall be kept in the appropriate sanctioned form; and such official log-book may, at the discretion of the master or owner, either be kept distinct from the ordinary ship's log-book or united therewith, so that in all cases all the blanks in the official log-book be duly filled up.

166. Every entry in every official log-book shall be made as soon as possible after the occurrence to which it relates, and, if not made on the same day as the occurrence to which it relates, shall be made and dated so as to show the date of the occurrence and of the entry respecting it; and, in no case shall any entry therein in respect of any occurrence happening previously to the arrival of the ship at her final port of discharge be made more than twenty-four hours after such arrival.

167. Every master of a ship for which an official log-book is hereby required shall make or cause to be made therein entries of the following matters, that is to say—

1. Every legal conviction of any member of his crew, and the punishment inflicted:

2. Every offence committed by any member of his crew for which it is intended to prosecute, or to enforce a forfeiture, or to exact a fine, together with such statement concerning the
Marine Board and Navigation Act.—1881.

PART II.

Punishments.

the reading over of such entry, and concerning the reply (if any) made to the charge, as hereinbefore required:

III. Every offence for which punishment is inflicted on board, and the punishment inflicted:

IV. A statement of the conduct, character, and qualifications of each of his crew, or a statement that he declines to give an opinion on such particulars:

V. Every case of injury or illness happening to any member of the crew, with the nature thereof, and the medical treatment adopted (if any):

VI. Every marriage taking place on board, with the names and ages of the parties:

Deaths.

VII. Every case of death happening on board, and of the cause thereof:

Births.

VIII. Every birth happening on board, with the sex of the infant, and the names of the parents:

Quitting ship.

IX. 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:

X. The amount of wages due to any seaman who enters Her Majesty's service during the voyage:

Wages of men entering navy.

XI. 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.

XII. 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:

Sale of deceased men's effects.

XIII. Every collision with any other ship, and the circumstances under which the same occurred.

Entries, how to be signed.

168. The entries hereby required to be made in official log-books shall be signed as follows, that is to say—every such entry shall be signed by the master and by the mate, or some other of the crew, and every entry of illness, injury, or death, shall be also signed by the surgeon or medical practitioner on board (if any); and every entry of wages due to, or of the sale of the effects of, any seaman or apprentice who dies, shall be signed by the master and by the mate, and some other member of the crew; and every entry of wages due to any seaman who enters Her Majesty’s service shall be signed by the master and by the seaman, or by the officer authorised to receive the seaman into such service.

Penalties in respect official logs.

169. The following offences in respect of official log-books shall be punishable as hereinafter mentioned, that is to say—

1. If in any case an official log-book is not kept in the manner hereby
Marine Board and Navigation Act.—1881.

hereby required, or if any entry hereby directed to be made in any such log-book is not made at the time and in the manner hereby directed, the master shall, for each such offence, incur the specific penalty herein mentioned in respect thereof; or, where there is no such specific penalty, a penalty not exceeding Five Pounds:

11. Every person who makes, or procures to be made, or assists in making any entry in any official log-book in respect of any occurrence happening previously to the arrival of the ship at her final port of discharge more than twenty-four hours after such arrival, shall, for each such offence, incur a penalty not exceeding Thirty Pounds:

111. Every person who wilfully destroys, or mutilates, or renders illegible any entry in any official log-book, or who wilfully makes, or procures to be made, or assists in making any false or fraudulent entry or omission in any such log-book, shall, for each such offence, be deemed guilty of a misdemeanor.

170. All entries made in any official log-book as hereinbefore directed shall be received in evidence in any proceeding in any Court of Justice, subject to all just exceptions.

171. In the case of foreign-going ships and intercolonial ships the master shall, within forty-eight hours after the ship's arrival at any port in the province, or upon the discharge of the crew, whichever first happens, deliver to the Superintendent of Mercantile Marine, before whom the crew is discharged, the official log-book of the voyage; and every master who refuses or neglects to deliver his official log-book as hereby required, shall, for every default, incur a penalty not exceeding Five Pounds.

172. If any ship ceases, by reason of transfer of ownership, or change of employment, to fall within the definition of a foreign-going ship, or intercolonial ship, the master or owner thereof shall, if such ship is then in the province within one month, and, if she is elsewhere, within six months, deliver or transmit to the Superintendent of Mercantile Marine at the port to which the ship belonged the official log-book (if any), duly made out to the time at which she ceased to be a foreign-going ship, or intercolonial ship, and in default shall, for each offence, incur a penalty not exceeding Ten Pounds; and if any ship is lost or abandoned the master or owner thereof shall, if practicable, and as soon as possible, deliver or transmit to the Superintendent of Mercantile Marine at the nearest port the official log-book (if any), duly made out to the time of such loss or abandonment, and in default shall, for each offence, incur a penalty not exceeding Ten Pounds.

PART
PART III.

SAFETY, AND PREVENTION OF ACCIDENTS.

Application.

173. All British ships registered at, trading with, or being at any place within the Province of South Australia shall be subject to all the provisions contained in the Third Part of this Act.

Unseaworthy Ships.

174. Every person who sends, or attempts to send, or is party to sending, or attempting to send, from any port or place in the province, a ship to sea in such unseaworthy state that the life of any person is likely to be thereby endangered, shall be guilty of a misdemeanor, unless he proves that he used all reasonable means to insure her being sent to sea in a seaworthy state, or that her going to sea in such unseaworthy state was, under the circumstances, reasonable and justifiable; and for the purpose of giving such proof he may give evidence in the same manner as any other witness.

Every master of a ship who knowingly takes the same to sea in such unseaworthy state that the life of any person is likely to be thereby endangered, shall be guilty of a misdemeanor, unless he proves that her going to sea in such unseaworthy state was, under the circumstances, reasonable and justifiable; and for the purpose of giving such proof he may give evidence in the same manner as any other witness.

A misdemeanor under this section shall not be punishable upon summary conviction.

No prosecution under this section shall be instituted without the consent of the Board.

175. Where a ship registered at, trading with, or being at any place within the said province is, by reason of the defective condition of her hull, equipments, or machinery, or by reason of overloading or improper loading, unfit to proceed to sea without serious danger to human life, having regard to the nature of the service for which she is intended, any such ship (hereinafter referred to as "unsafe") may be provisionally detained for the purpose of being surveyed, and either finally detained or released as follows—

1. The Board, or any detaining officer appointed as hereinafter mentioned, if he or they have reason to believe, on complaint or otherwise, that a ship is unsafe, may provisionally order the detention of the ship for the purpose of being surveyed:

2. When a ship has been provisionally detained there shall be forthwith served on the master of the ship a written statement of the grounds of her detention, and the Board may, if they think fit, appoint some competent person or persons to survey the ship and report thereon to them:

III. The
III. The Board, on receiving the report, may either order the ship to be released, or, if in their opinion the ship is unsafe, may order her to be finally detained, either absolutely 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 Board think necessary for the protection of human life, and may from time to time vary or add to any such order:

IV. Before the order for final detention is made, a copy of the report shall be served by the Board upon the master of the ship, and, within seven days after such service, the owner or master of the ship may appeal in the prescribed manner to a Court of Survey (hereinafter mentioned) at the port where the ship is detained:

V. Where a ship has been provisionally detained, the owner or master of the ship, at any time before the person appointed under this section to survey the ship makes such survey, may require that he shall be accompanied by such person, possessing like qualifications with those required to be possessed by assessors appointed under this Act, as the owner or master may select; and in such case, if the surveyor and such person agree, the Board shall cause the ship to be detained or released accordingly; but, if they differ, the Board may act as if the requisition had not been made, and the owner and master shall have the like appeal touching the report of the surveyor as is before provided by this section:

VI. Where a ship has been provisionally detained, the Board may at any time, if they think it expedient, refer the matter to a Court of Survey at the port where the ship is detained:

VII. The Board may at any time, if satisfied that a ship detained under this Act is not unsafe, order her to be released either upon or without any conditions:

VIII. Officers may be appointed by the Board to be detaining officers, and such detaining officers shall have the same power as the Board have under this section of provisionally ordering the detention of a ship for the purpose of being surveyed, and of appointing a person or persons to survey her; and if any such detaining officer thinks that a ship so detained by him is not unsafe, he may order her to be released:

IX. A detaining officer shall forthwith report to the Board any order made by him for the detention or release of a ship.

176. Where under this Act any ship is authorised or ordered to be detained, if such ship after such detention, or after service on the master of any notice of or order for such detention, proceeds to sea before
before it is released by competent authority, the master of the ship, and also the owner, and any person who sends the ship to sea, if such owner or person be party or privy to the offence, shall forfeit and pay a penalty not exceeding One Hundred Pounds.

177. Where a ship so proceeding to sea takes to sea, when on board thereof in the execution of his duty, any officer authorised to detain the ship, the owner and master of the ship shall each be liable to pay all expenses of and incidental to the officer being so taken to sea, and also a penalty not exceeding One Hundred Pounds, or, if the offence is not prosecuted in a summary manner, not exceeding Ten Pounds for every day until the officer returns, or until such time as would enable him after leaving the ship to return to the port from which he is taken, and such expenses may be recovered in like manner as the penalty.

178. A Court of Survey for a port shall consist of a Special Magistrate, with the assistance of two assessors.

The assessors shall be persons of nautical, engineering, or other special skill and experience; to be appointed by the Governor as hereinbefore provided.

The clerk of the nearest Local Court to the port at which the ship is detained, or such other person as the Special Magistrate may appoint, shall be the clerk of the Court of Survey.

The clerk of the Court shall, on receiving notice of an appeal or a reference from the Board, immediately summon the Court in the prescribed manner to meet forthwith.

179. With respect to a Court of Survey the following provisions shall have effect.

1. The case shall be heard in open Court:

2. The Special Magistrate and each assessor may survey the ship and shall have all the powers of an inspector or surveyor appointed by the Board under this Act:

3. The Special Magistrate may appoint any competent person or persons to survey the ship and report thereon to the Court:

4. The Special Magistrate shall have the same power as the Board 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:

5. The owner and master of the ship, and any person appointed by the owner or master, and also any person appointed by the Board, may attend at any inspection or survey made in pursuance of this section:

vi. The
vi. The Special Magistrate shall send to the Board the prescribed report, and each assessor shall either express his concurrence in such report by signing the same, or report to the Board the reasons for his dissent therefrom.

180. The Board may make general rules to carry into effect the provisions of this Act with respect to a Court of Survey, and, in particular with respect to the summoning of and procedure before the Court, the requiring, on an appeal, security for costs and damages, the amount of application of fees, and the publication of the rules.

All such rules while in force shall have effect as if enacted in this Act; and the expression "prescribed," in the provisions of this Act relating to the detention of ships or to a Court of Survey, means prescribed by such rules.

181. If it appears that there was not reasonable and probable cause, by reason of the condition of the ship or the act or default of the owner, for the provisional detention of the ship, the Board 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.

If a ship is finally detained under this Act, or if it appears that a ship provisionally detained was, at the time of such detention, unsafe within the meaning of this Act, the owner of the ship shall be liable to pay to the Board the costs of and incidental to the detention and survey of the ship; and those costs shall, without prejudice to any other remedy, be recoverable as salvage is recoverable.

For the purposes of this Act, 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 appointed by the Board, shall be deemed to be part of the costs of the detention and survey of the ship; and any dispute as to the amount of costs under this Act may be referred to the Master of the Supreme Court, who, on request made to him for that purpose by the Board, shall ascertain and certify the proper amount of such costs.

182. Where a complaint is made to the Board or a Detaining Officer that a ship is unsafe, the Board or officer may, if they or he think fit, require the complainant to give security to the satisfaction of the Board for the costs and compensation which he may become liable to pay as hereinafter mentioned.

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 the Board or detaining officer frivolous or vexatious, such security shall not be required; and the Board or officer shall, if the complaint is made in sufficient time before the sailing of the ship, take proper steps for ascertaining whether the ship ought to be detained under this Act.
PART III.

Where a ship is detained in consequence of any complaint, and the circumstances are such that the Board are liable under this Act to pay to the owner of the ship any costs or compensation, the complainant shall be liable to pay to the Board all such costs and compensation as the Board incur or are liable to pay in respect of the detention and survey of the ship.

183. (1.) A Detaining Officer shall have, for the purpose of his duties under this Act, the same powers as an inspector appointed by the Board under this Act:

(ii.) An order for the detention of a ship provisional or final, and an order varying the same, shall be served as soon as may be on the master of the ship:

(iii.) When a ship has been detained under this Act she shall not be released by reason of her British register being subsequently closed:

(iv.) The provisions of this Act with respect to persons who willfully impede an inspector, or disobey a requisition or order of an inspector, shall apply as if those provisions were herein enacted, with the substitution for the Inspector of any Justices, Magistrate, assessor, officer, or surveyor who, under this Act, has the same powers as an Inspector or has authority to survey a ship.

Foreign Ships Overloading.

184. Where a foreign ship has taken on board all or any part of her cargo at a port in the province, and is, whilst at that port, unsafe by reason of overloading or improper loading, the provisions of this Act with respect to the detention of ships shall apply to that foreign ship as if she were a British ship, with the following modifications—

1. A copy of the order for the provisional detention of the ship shall be forthwith served on the Consular Officer for the State to which the ship belongs at or nearest to the place where the ship is detained:

II. Where a ship has been provisionally detained, the Consular Officer, on the request of the owner or master of the ship, may require that the person appointed by the Board to survey the ship shall be accompanied by such person as the Consular Officer may select, and in such case, if the surveyor and such person agree, the Board shall cause the ship to be detained or released accordingly; but if they differ, the Board may act as if the requisition had not been made, and the owner and master shall have the appeal to a Court of Survey touching the report of the surveyor which is before provided by this Act; and,

III. Where

III. Where the owner or master of the ship appeals to a Court of Survey, the Consular Officer, on the request of such owner, or master, may appoint any competent person, who shall be assessor in such case.

In this section, the expression "Consular Officer" means any Consul-General, Vice-Consul, Consular-Agent, or other officer duly recognised as a Consular Officer of a foreign State.

Appeals on Refusal of certain Certificates to Ships.

185. If a shipowner feels aggrieved—

i. By a declaration of a surveyor respecting a passenger steamer, or by the refusal of a surveyor to give the said declaration: or

ii. By the refusal of a certificate of clearance for an emigrant ship from an Emigration Officer, officer appointed by the Board, or other officer mentioned in sections eleven and fifty of "The Passengers Act, 1855," and the enactments amending the same: or

iii. By the refusal of a certificate as to lights or fog-signals,

the owner may appeal, in the prescribed manner, to a Court of Survey at the port where the ship for the time being is.

On such appeal the Court of Survey shall report to the Board on the question raised by the appeal, and the Board, when satisfied that the requirements of the report and the other provisions of this Act and of the above-mentioned enactments have been complied with, may—

i. In the case of a passenger steamer, direct that a certificate be issued under section 215 of this Act; and,

ii. In the case of an emigrant ship, direct the Emigration, or other officer, to give a certificate of clearance under the above-mentioned enactments; and,

iii. In the case of a refusal of a certificate as to lights or fog-signals, direct a surveyor, or other person appointed by him, to give a certificate under subsection iii. of section 204 of this Act.

Subject to any order made by the Court of Survey, the costs of and incidental to an appeal under this section shall follow the event.

Subject as aforesaid, the provisions of this Act with respect to the Court of Survey and appeals thereto, so far as consistent with the tenor thereof, shall apply to the Court of Survey when acting under this section, and to appeals under this section.

Where the survey of a ship is made for the purpose of a declaration or certificate under this Act or the above-recited enactments, the
the person appointed to make the survey shall, if so required by the
owner, be accompanied on the survey by some competent person
appointed by the owner; and in such case, if the said two persons
agree, there shall be no appeal to the Court of Survey in pursuance
of this section.

Scientific Referees.

186. If the Board are of opinion that an appeal under this
Act involves a question of construction or design, or of scientific
difficulty or important principle, they may refer the matter to one
or more scientific referees appointed by the Treasurer as may appear
to possess the special qualifications necessary to the particular case;
and thereupon the appeal shall be determined by the referee or
referees, instead of by a Court of Survey.

The Board, if the appellant in any appeal so require and give
security to their satisfaction to pay the costs of and incidental to
the reference, shall refer that appeal to a referee or referees so to be
appointed as aforesaid.

The referee or referees shall have the same powers as a Court
of Survey.

Cables and Anchors.

187. After the commencement of this Act, a maker of or dealer
in anchors and chain cables shall not sell or contract to sell, nor
shall any person purchase or contract to purchase, for the use of any
ship, any chain cable or any anchor exceeding in weight one
hundred and sixty-eight pounds which has not been previously
tested and stamped in accordance with the Acts of Parliament of the
United Kingdom of Great Britain and Ireland, intituled "The
Chain Cables and Anchors Acts, 1864 to 1874." Any person who
acts in contravention of this section shall be deemed to be guilty of
a misdemeanor.

188. Whenever any ship is surveyed or detained under this
Act on the ground of alleged unseaworthiness, the Board may
direct an inquiry into the condition of the cables and anchors,
and, if they have not been tested according to the Acts of
Parliament of the United Kingdom of Great Britain and Ireland,
intituled "The Chain Cables and Anchors Acts, 1864 to 1874," may
make such further order as they think requisite previous to her
release.

Ship's Draught, and Clear Side.

189. The Board may, in any case or class of cases in which
they think it expedient so to do, direct any person appointed by
them for the purpose to record, in such manner and with such
particulars as they direct, the draught of water of any sea-going
ship, as shown on the scale of feet on her stem and on her stern
post, upon her leaving any wharf or port for the purpose of
proceeding to sea; also to measure and record the extent of her
clear side in feet and inches; and such person shall thereupon keep
such
such record, and shall from time to time forward the same or a copy thereof to the Board; and such record, or any copy thereof, if produced by or out of the custody of the Board, shall be admissible in evidence of the draught of water and extent of clear side of the ship at the time specified in the record.

The term "clear side" means the height from the water to the upper side of the plank of the deck from which the depth of hold, as stated in the register, is measured, and the measurement of the clear side is to be taken at the lowest part of the side.

190. The master of every sea-going ship shall, upon her leaving any wharf or port for the purpose of proceeding to sea, record her draught of water and the extent of her clear side in feet and inches in the official log-book (if any), and shall produce such record to the Board whenever required by them so to do, or, in default of such production, shall incur a penalty not exceeding Twenty Pounds; and shall, upon the request of any person appointed to record the ship's draught of water or clear side, permit such person to enter the ship and to make such inspections and take such measurements as may be requisite for the purpose of such record; and any master who fails so to do, or impedes, or suffers any one under his control to impede any person so appointed in the execution of his duty, shall, for each offence, incur a penalty not exceeding Five Pounds.

Deck and Load Lines.

191. Every ship (except ships under eighty tons register employed solely in the coast-trade, ships employed solely in fishing, and pleasure yachts) shall be permanently and conspicuously marked with lines of not less than twelve inches in length and one inch in breadth, painted longitudinally on each side amidships, or as near thereto as is practicable, and indicating the position of each deck which is above water. The upper edge of each of these lines shall be level with the upper side of the deck plank next the water-way at the place of marking. The lines shall be white or yellow on a dark ground, or black on a light ground.

192. With respect to the marking of a load-line on ships, the following provisions shall have effect—

1. The owner of every ship (except ships under eighty tons register employed solely in the coast-trade, ships employed solely in fishing, and pleasure yachts) shall, before entering his ship outwards from any port in the province upon any voyage for which he is required so to enter her, or, if that is not practicable, as soon afterwards as may be, mark upon each of her sides amidships, or as near thereto as is 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:

II. The
196. In any of the following cases, that is to say—

1. If any ship proceeds to sea without being equipped as hereinbefore provided, or if any of such equipments are lost or rendered unfit for service in the course of the voyage through the wilful fault or negligence of the owner or master: or

2. If, in case of any such equipments being accidentally lost or injured in the course of the voyage, the master wilfully neglects to replace or repair the same on the first opportunity: or

3. If such equipments are not kept so as to be at all times fit and ready for use:

then, if the owner appears to be in fault, he shall incur a penalty not exceeding One Hundred Pounds, and, if the master appears to be in fault, he shall incur a penalty not exceeding Fifty Pounds.

197. Any officer of Customs may refuse to grant a clearance or transire for any ship unless equipped as hereinbefore provided; and if any such ship attempts to go to sea without such clearance or transire any such officer may detain her until she is so provided.

Lights and Fog-Signals, and Meeting and Passing.

198. On and after a day to be fixed by the Governor, by Proclamation in the Government Gazette, the regulations contained in Schedule B hereto shall come into operation, and be of the same force as if they were enacted in the body of this Act; but it shall be lawful for the Governor, on the recommendation of the Board, by Proclamation as aforesaid, to annul or modify any of the said regulations, or make new regulations in addition thereto or in substitution therefor, and any alterations in, or additions to, such regulations made in manner aforesaid, shall be of the same force as the regulations in the said Schedule.

199. The Board shall cause the said regulations, and any alterations therein or additions thereto hereafter to be made, to be printed, and shall furnish a copy thereof to any owner or master of a ship who applies for the same, and the production of the Gazette in which any Proclamation containing such regulations, or any alterations therein, or additions thereto, published, or of a copy of such regulations, alterations, or additions, signed, or purporting to be signed, by the secretary, or sealed, or purporting to be sealed, with the seal of the Board, shall be sufficient evidence of the making of such regulations, alterations, or additions.
200. All owners and masters of ships shall be bound to take notice of all such regulations as aforesaid, and shall, so long as the same continue in force, be bound to obey them, and to carry and exhibit no other lights, and to use no other fog signals than such as are required by the said regulations: And in case of wilful default, the master or the owner of the ship, if it appear that he was in fault, shall, for each occasion upon which any regulation is infringed, incur a penalty not exceeding Fifty Pounds, in addition to his liability for any damages that may have been occasioned by his default.

201. In case any damage to person or property arises from the non-observance by any ship of any of such regulations, such damage shall be deemed to have been occasioned by the wilful default of the person in charge of the deck of such ship at the time, unless it is shown to the satisfaction of the Court before which the case is tried that the circumstances of the case made a departure from the regulation necessary.

202. If in any case of collision it is proved to the Court before which the case is tried that any of the regulations for preventing collisions has been infringed, the ship by which such regulation has been infringed shall be deemed to be in fault, unless it is shown to the satisfaction of the Court that the circumstances of the case made departure from the regulation necessary.

203. In every case of collision between two ships, it shall be the duty of the master or person in charge of each ship, if and so far as he can do so without danger to his own ship, crew, and passengers (if any), to stay by the other ship until he has ascertained that she has no need of further assistance, and to render to the other ship, her master, crew, and passengers (if any), such assistance as may be practicable and as may be necessary in order to save them from any danger caused by the collision; and also to give to the master or person in charge of the other ship the name of his own ship, and of her port of registry, or of the port or place to which she belongs, and also the names of the ports or places from which and to which she is bound.

If he fails so to do, and no reasonable cause for such failure is shown, the collision shall, in absence of proof to the contrary, be deemed to have been caused by his wrongful act, neglect, or default.

Every master or person in charge of a ship who fails, without reasonable cause, to render such assistance or give such information as aforesaid, shall be deemed guilty of a misdemeanor, and, if he is a certificated officer, an inquiry into his conduct may be held, and his certificate may be cancelled or suspended in the same manner and with the same powers in and with which investigations into shipping casualties are directed to be conducted under the provisions contained in the Fourth Part of this Act.

204. The
204. The following steps may be taken in order to enforce compliance with the said regulations, that is to say—

1. The surveyors appointed under this Act, or such other persons as the Board may appoint for the purpose, may inspect any ships for the purpose of seeing that such ships are properly provided with lights and with the means of making fog-signals in pursuance of the said regulations; and shall, for that purpose, have the powers given to inspectors by this Act:

2. If any such surveyor or person 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:

3. Every notice so given shall be communicated, in such manner as the Board may direct, to the Collector of Customs at any port or ports from which such ship may seek to clear, or at which her transire is to be obtained; and no Collector of Customs to whom such communication is made shall clear such ship outwards, or grant her a transire, or allow her to proceed to sea without a certificate, under the hand of the Secretary or one of the said surveyors or other persons appointed by the Board 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.

205. The signals specified in Schedule C hereto, or any other signals which may from time to time be proclaimed under subsections iii. and iv. of section 206 of this Act, shall be deemed to be signals of distress. Any master of a ship who uses or displays, or causes or permits any person under his authority to use or display any of the said signals of distress hereinafter mentioned, except in the case of a ship being in distress, shall be liable to pay compensation for any labor undertaken, risk incurred, or loss sustained in consequence of such signal having been supposed to be a signal of distress, and such compensation may, without prejudice to any other remedy, be recovered in the same manner in which salvage is recoverable.

Equipment of Steamships.

206. Steamships shall, in addition to the equipments prescribed by section 195 of this Act, be provided as follows, that is to say—

1. Every steamship of which a survey is hereby required shall be provided with a safety-valve upon each boiler, so constructed as to be out of the control of the engineer when the steam is up, and provided with proper lifting gear; and, if such valve is in addition to the ordinary valve, it shall be so constructed as to have an area not less and a pressure not greater than the area of and pressure on that valve:

2. Every
II. Every sea-going steamship (unless used solely as a steam tug) shall be provided with a hose adapted for the purpose of extinguishing fire in any part of the ship, and capable of being connected with the engines of the ship:

III. Every sea-going steamship shall be provided with the means for making the signals of distress mentioned in the Schedule C hereto; but it shall be lawful for the Governor from time to time, on the recommendation of the Board, by Proclamation, to annul or modify the said Schedule, or make new regulations in addition to, or in substitution therefor, and any additions or substitutions made in manner aforesaid shall be of the same force as the said Schedule:

IV. Every sea-going steamship shall be provided with means of making flames in the ship which are inextinguishable in water, or such other means of making signals of distress as the Governor may from time to time, by Proclamation as aforesaid, approve, together with a proper supply of lights inextinguishable in water, and fitted for attachment to life-buoys:

V. Every coast-trade steamship employed to carry passengers by sea shall be provided with means of making signals of distress according to the regulations that may from time to time be made by the Board, and with shelter for the protection of deck passengers (if any) as the Board, having regard to the nature of the passage, the number of deck passengers to be carried, the season of the year, the safety of the ship, and the circumstances of the case may require.

And if any steamship as aforesaid plies or goes to sea from any port in the province without being so provided as hereinbefore required, then, for each default in any of the above requisites, the owner shall (if he appears to be in fault) incur a penalty not exceeding One Hundred Pounds, and the master shall (if he appears to be in fault) incur a penalty not exceeding Fifty Pounds.

207. If any person places an undue weight on the safety-valve of any steamship, or, in the case of steamships surveyed as hereinafter mentioned, increases such weight beyond the limits fixed by such engineer-surveyor as hereinafter mentioned, he shall, in addition to any other liabilities he may incur by so doing, incur a penalty not exceeding One Hundred Pounds.

Survey of Steamships.

208. Every steamship shall be surveyed twice at the least in every year in the manner hereinafter mentioned.

209. The Board may from time to time appoint such number of fit and proper persons to be engineer-surveyors and shipwright-surveyors, and other persons to be surveyors and fix their remuneration.
PART III.

Surveyors to have power to inspect.

210. Such engineer-surveyors and shipwright-surveyors may, in addition to the powers hereinbefore given to them in the execution of their duties, go on board any steamship at all reasonable times, and inspect the same or any part thereof, or any of the machinery, boats, equipments, or articles on board thereof, or any certificate of registry, or any certificates of the master, mates or engineers to which the provisions of this Act or any of the regulations to be made by virtue thereof apply, not unnecessarily detaining or delaying the ship from proceeding on any voyage; and if, in consequence of any accident to any such ship, or for any other reason, they consider it necessary so to do, may require the ship to be taken into dock for the purpose of surveying the hull thereof.

Penalty on surveyors receiving fees unlawfully.

211. Every surveyor who demands or receives, directly or indirectly, from the owner or master of any ship surveyed by him under the provisions of this Act, any fee or remuneration whatsoever for or in respect of such survey, otherwise than as the officer and by the direction of the Board, shall incur a penalty not exceeding Fifty Pounds.

Owners to have surveys made by surveyors, and surveyors to give declarations.

212. The owner of every steamship shall cause the same to be surveyed as herein directed by an engineer-surveyor, and by a shipwright-surveyor, and such surveyors shall thereupon, if satisfied that they can with propriety do so, give to such owner declarations as follows:—The declaration of the said shipwright-surveyor shall contain statements of the following particulars, that is to say—

1. That the hull of the ship is sufficient for the service intended, and in good condition:

11. That the partitions, boats, rafts, life-buoys, or other appliances for saving life, lights, signals, compasses, and shelter for deck passengers, and the certificates of the master and mates are such, and in such condition as required by this Act:

111. The time (if less than six months) for which the said hull and equipments will be sufficient:

1111. The limits (if any) beyond which, as regards the hull and equipments, the ship is, in the surveyor's judgment, not fit to ply:

11111. The number of passengers which the ship 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; such numbers to be subject to such conditions and
and variations, according to the time of year, the nature of the voyage, the cargo carried, or other circumstances, as the case requires.

The declaration of the said engineer-surveyor shall contain statements of the following particulars, that is to say—

1. That the machinery of the ship is sufficient for the service intended, and in good condition:

2. That the safety-valves and fire-hose are such, and in such condition as are required by this Act:

3. The limits of the weight to be placed on the safety-valves:

4. The time (if less than six months) for which such machinery will be sufficient:

5. The limits (if any) beyond which, as regards the machinery, the ship is, in the surveyor's judgment, not fit to ply:

6. That the certificate or certificates of the engineer or engineers of such ship, is or are such, and in such condition, as is required by this Act:

And such declarations shall be in such form as the Board direct.

213. The said owner shall transmit such declarations to the Secretary within three days after the date of the receipt thereof; and in default shall forfeit a sum not exceeding Ten Shillings for every day that the sending of such declaration is delayed; and such sum shall be paid upon the delivery of the certificate hereinafter mentioned, in addition to the fee payable for the same, and shall be applied in the same manner as such fees

214. In all cases where it is possible, the said half-yearly surveys shall be made, and the declarations shall be transmitted, as hereinbefore required, prior to the expiration of the then existing certificate granted as hereinafter provided; but if the owner of any steamship is unable to have the same surveyed within the time hereinbefore prescribed, either by reason of such ship being absent from the province, or by reason of such ship or the machinery thereof being under construction or repair, or of such ship being laid up in dock, or for any other reason satisfactory to the Board, then he shall have the same surveyed as aforesaid as soon thereafter as possible, and shall transmit such declarations to the Secretary, within three days after the receipt thereof, together with a statement of the reasons which have prevented the survey of such ship at the time hereinbefore prescribed, and shall, in case of delay in transmitting the declarations, be liable to a forfeiture similar to that mentioned in the last preceding section.

215. Upon the receipt of such declarations, the Board shall, if satisfied that the provisions of this Act have been complied with, cause a certificate to be prepared and issued to the effect that
the provisions of the law with respect to the survey of the ship and the transmission of the declarations in respect thereof have been complied with; and such certificate shall state the limits (if any) beyond which, according to the declarations of the surveyors, such ship is not fit to ply, and shall also contain a statement of the number of passengers which, according to the declaration of the surveyor, such ship is 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, such number to be subject to such conditions and variations according to the time of year, the nature of the voyage, the cargo carried, and other circumstances, as the case requires.

216. The Secretary shall hand such certificate to the master or owner, or his agent, and shall obtain on the duplicate of such certificate (which such duplicate shall be retained by the Board) an acknowledgment from the master or owner, or his agent, of the receipt of such certificate; or shall transmit such certificate, by post or otherwise, to the Collector of Customs or some other public officer at such port as the master or owner, or his agent may mention for the purpose, and the said Collector of Customs or officer as aforesaid shall deliver such certificate to the said master, owner, or his agent, on his applying for the same; and in proving the due issue and delivery or transmission to the master, owner, or his agent of such certificate, it shall be sufficient to produce the duplicate of such certificate containing the acknowledgment, as aforesaid, or to show that such certificate has been duly received by such Collector of Customs or officer as aforesaid, as the case may be.

217. No certificate shall be in force for the purposes of the Third Part of this Act beyond the date fixed for the expiration thereof; and no certificate shall be in force after notice is given by the Board to the owner, agent, or master of the ship to which the same relates, that such Board has cancelled or revoked the same: Provided that if any steamship is absent from the province at the time when her certificate expires, no penalty shall be incurred for the want of a certificate until she first begins to ply after her next subsequent return to the province. And the Board may require any certificate which has expired, or has been revoked or cancelled, to be delivered up as they direct; and any owner or master who, without reasonable cause, neglects or refuses to comply with such requirement shall incur a penalty not exceeding Ten Pounds.

218. The Board may revoke and cancel such certificates in any case in which they consider—

1. That the declaration or declarations of the sufficiency and good condition of the hull, equipments, and machinery of any steamship have been fraudulently or erroneously made; or,

ii. That such certificate has otherwise been issued upon false or erroneous information; or,

iii. That
iii. That since the making of such declarations the hull, equipments, or machinery of any ship have been materially altered, or have sustained any injury, or are otherwise insufficient:

And in every such case the Board may, if they think fit, require the owner to have the hull, equipments, or machinery of such ship again surveyed, and to transmit further declarations of the sufficiency and good condition thereof, before re-issuing any certificate or granting a fresh one in lieu thereof.

219. The owner or master of every steamship shall forthwith, on the delivery of any such certificate as aforesaid to him or his agent, cause it to be put up in some conspicuous part of the ship, so as to be visible to all persons on board the same, and shall cause it to be so continued so put up so long as such certificate remains in force and such ship is in use; and in default such owner or master shall, for every offence, incur a penalty not exceeding Ten Pounds.

220. It shall not be lawful for any steamship to proceed to sea or upon any voyage or excursion, or to ply on any lake, river, or in any port with or without any passengers on board, unless the owner or master thereof has received such a certificate as hereinafter provided for, such certificate being a certificate applicable to the voyage or excursion on which such ship is about to proceed; and no officer of Customs shall grant any clearance or transire for any steamship unless upon the production of such certificate as aforesaid (being a certificate then in force and applicable as aforesaid); and if any steamship attempts to ply or go to sea without such production, any such officer may detain her until such certificate is produced; and if any steamship plies or goes to sea, with or without any passengers on board, without having such certificate as aforesaid (being a certificate then in force, and applicable as aforesaid) so put up as aforesaid in some conspicuous part of the ship, the owner thereof shall, for such offence, incur a penalty not exceeding One Hundred Pounds, and the master of such ship shall also incur a further penalty not exceeding Twenty Pounds.

221. If the owner or master or other person in charge of any steamship receives on board thereof, or on or in any part thereof, or if such ship has on board thereof, or on or in any part thereof, any number of passengers which, having regard to the time, occasion, and circumstances of the case, is greater than the number of passengers allowed by the certificate, the owner or master shall incur a penalty not exceeding Twenty Pounds, and also an additional penalty not exceeding Five Shillings for every passenger over and above the number allowed by the certificate, or, if the fare of any of the passengers on board exceeds Five Shillings, not exceeding double the amount of the fares of all the passengers who are over and above the number so allowed as aforesaid, such fares to be estimated at the highest rate of fares payable by any passenger on board.

222. If
PART III.

Water and provisions.

222. If it shall appear that the master of any coast-trade steamship has neglected to issue to any passenger a sufficient quantity of wholesome water and provisions (unless such passenger shall have agreed to provide himself with such water or provisions), the owner, charterer, or master of such ship shall be liable, on conviction, for every such offence, to a penalty not exceeding Twenty Pounds.

223. Every person who knowingly and wilfully makes, or assists in making, or procures to be made, a false or fraudulent declaration or certificate with respect to any steamship requiring a certificate under the Third Part of this Act, or who forges, assists in forging, or procures to be forged, fraudulently alters, assists in fraudulently altering, or procures to be fraudulently altered, any declaration or certificate required by the Third Part of this Act, or any words or figures in any such declaration or certificate, or any signature thereto, shall be deemed guilty of a misdemeanor.

224. The said surveyors shall from time to time make such returns to the Board as they require with respect to the build, dimensions, draught, burden, rate of sailing, room for fuel, and the nature and particulars of machinery and equipments of the ships surveyed by them; and every owner, master, and engineer of any such ship shall, on demand, give to such surveyors all such information and assistance within his power as they require for the purpose of such returns; and every such owner, master, or engineer, who, on being applied to for that purpose, wilfully refuses or neglects to give such information or assistance, shall be liable to a penalty not exceeding Five Pounds.

225. In every case where a certificate has been granted to any steamship by the Board of Trade of the United Kingdom, and remains still in force, it shall not be requisite that she shall be again surveyed under this Act; and in the case of a steamship having a certificate issued by the properly-constituted authority of any British Possession or foreign country, if the Board are satisfied that the certificate remains still in force, and is to the like effect, and is granted after a like survey, and in such manner as to be equally efficient with, a certificate granted under this Act, they may dispense with the survey required under this Act: Provided that such certificate shall be subject to the provisions of this Act.

226. The board may from time to time, by writing under the hand of the Secretary, in such form as they may think fit, grant to the owner (or, in case there shall be no owner resident in the province, then to the master) of any steamship not employed in carrying passengers, and now or hereafter subject to the provisions of this Act, a certificate exempting the steamship named therein from the operation of the provisions of this Act relating to the survey of the hull, equipments, or machinery of any such steamship, but not further or otherwise; and any such certificate may be absolute or limited in any particular, and may be at any time cancelled and revoked.
revoked by the Board; but no such certificate of exemption shall be granted for or in respect of any steamship carrying passengers.

227. If the owner or master of any steamship in respect of which a certificate of exemption has been granted shall receive on board or carry any passengers, the owner or master shall incur a penalty not exceeding Fifty Pounds; and, in addition, the certificate of exemption granted in respect of such steamship shall be absolutely forfeited, and no certificate of exemption under this Act shall at any time thereafter be granted to the master or owner of such vessel so long as she remains the property of the owner so offending, or in the charge of the master so offending against this Act.

228. The master and engineer of every steamship in respect of which a certificate to ply within restricted limits has been granted under this Act, shall respectively hold either a certificate of competency or service appropriate to their respective stations in such ship, or of a higher grade; and any person who serves as such master or engineer of any such ship, without being at the time entitled to and possessed of such certificate, or who employs any person as master or engineer of any such ship without ascertaining that he is at the time entitled to and possessed of such certificate, shall for each such offence incur a penalty not exceeding Fifty Pounds.

229. Every certificate of exemption shall, in case of the cancellation or revocation thereof, or in case of the forfeiture thereof, be forthwith delivered up to the Board, or to such person as they may appoint to receive the same; and in default, every owner or master neglecting or refusing to deliver up any such certificate shall be liable to a penalty for each offence not exceeding Fifty Pounds.

Grain Cargoes.

230. No cargo which consists of any kind of grain, potatoes, corn, rice, paddy, pulse, seeds, nuts, or nut kernels, hereinafter referred to as “grain cargo,” shall be carried on board any ship, unless such grain cargo be contained in bags, sacks, or barrels, secured from shifting by boards and bulkheads.

If the managing owner or master of any ship, or any agent of such owner who is charged with the loading of the ship, or the sending her to sea, knowingly allows any grain cargo, or part of a grain cargo, to be shipped therein for carriage contrary to the provisions of this section, he shall, for every such offence, incur a penalty not exceeding Three Hundred Pounds, to be recovered upon summary conviction.

Deck Cargoes.

231. If any ship, British or foreign, other than coast-trade ships, carries, as deck cargo, that is to say—in any uncovered space upon deck, or in any covered space not included in the cubical contents forming...
PART III.

Marine Board and Navigation Act.—1881.

forming the ship’s registered tonnage, timber, stores, or other goods, excepting fresh fruit, all dues payable on the ship’s tonnage shall be payable as if there were added to the ship’s registered tonnage the tonnage of the space occupied by such goods at the time at which such dues become payable.

The space so occupied shall be deemed to be the space limited by the area occupied by the goods and by straight lines enclosing a rectangular space sufficient to include the goods.

The tonnage of such space shall be ascertained by an officer of the Board or of Customs in manner directed by Schedule D hereto, and when so ascertained shall be entered by him in the ship’s official log-book, and also in a memorandum, which he shall deliver to the master, and the master shall, when the said dues are demanded, produce such memorandum in like manner as if it were the certificate of registry, or in the case of a foreign ship, the document equivalent to a certificate of registry, and in default shall be liable to the same penalty as if he had failed to produce the said certificate or document.

232. No horses, cattle, sheep, or pigs shall be carried on the upper deck of any steamship unless properly secured in stalls or pens, properly constructed, erected for the purpose, with the approval of a surveyor or other person appointed by the Board who may grant a general certificate for any such ship of the number of horses, cattle, goats, sheep, pigs, or other animals which, in his opinion, may be safely and conveniently carried on the deck thereof without encroaching on the deck space and accommodation required for the number of passengers specified in the certificate required under this Act; and no part of the cargo, or of the provisions, water, or stores shall, without the special permission in writing of a surveyor, be carried on the upper deck, excepting fresh meat, poultry in coops or baskets, and fresh butter, eggs, fruit, and vegetables in baskets or wooden packages, and carts, carriages, and other vehicles; and all such articles shall be so placed as not to impede light or ventilation, or interfere with the comfort of the passengers; and if any articles or a greater number of horses or other animals than shall be certified as aforesaid shall be carried on deck contrary to the true intent and meaning of this Act, the master or owner of the ship carrying the same shall be liable to a penalty not exceeding Fifty Pounds.

PART IV.

WRECKS, CASUALTIES, AND SALVAGE.

Accidents.

233. In any of the cases following, that is to say—

1. Whenever any ship is lost, abandoned, or has sustained damage affecting her seaworthiness or her efficiency, either in
in her hull or in any part of her machinery, on or near the coast, or within any tidal water, or on any navigable river of the Province of South Australia:

II. Whenever any ship, by collision or otherwise, causes the loss of or damage to any other ship on or near the coast, or within any tidal water, or on any navigable river of the said province:

III. Whenever, by reason of any casualty or accident happening to or on board of any ship on or near such coast, or within any tidal water, or any navigable river in the said province, loss of life or any serious injury to any person ensues:

IV. Whenever any ship has run aground on or near such coast, or within any tidal water, or on any navigable river of the said province:

V. Whenever any loss, abandonment, collision, accident, casualty, damage, or grounding as aforesaid happens to any ship outside the limits of the said province, the master whereof arrives in the said province without having (subsequent to such loss, abandonment, collision, accident, casualty, damage, or grounding) been in the United Kingdom or any British possession, and not having previously reported the circumstance to the proper officer or department in the said United Kingdom or British Possessions, the onus of proving which shall be upon the master or owner thereof:

The master or owner shall, within twenty-four hours after the happening of any one of the above events, or as soon thereafter as possible, send to the Board, by letter, signed by such master or owner, a report containing full particulars of such loss, abandonment, accident, casualty, damage, or grounding, and of the probable occasion thereof, stating the name and official number (if any) of the ship, the port to which she belongs, the names of the master and mates and the numbers of their certificates (if any), and, if practicable, the place where she is; and if such master or owner neglect so to do, he shall, for such offence, incur a penalty not exceeding Fifty Pounds.

234. If the managing owner, or, in the event of there being no managing owner, the agent of any ship, have reason, owing to the non-appearance of such ship, or to any other circumstance, to apprehend that such ship has been wholly lost, he shall, as soon as conveniently may be, send to the Board notice, in writing, of such loss and of the probable occasion thereof, stating the name of the ship and her official number (if any) and the port to which she belongs; and if he neglect to do so within a reasonable time he shall incur a penalty not exceeding Fifty Pounds.

235. In every case of collision, in which it is practicable so to do, the master shall, immediately after the occurrence, cause a statement
PART IV.

Inquiry may be instituted by Board.

Investigation before the Court of Marine Inquiry.

Person charged to have opportunity of making a defence.

Costs of such investigation.

Inquiries relating to missing ships.

Marine Board and Navigation Act.—1881.

236. Whenever any shipping casualty happens on or near the coasts, or within any tidal water, or on any navigable river of the said province, and also whenever the same happens, or is supposed to have happened, outside the said limits, and any evidence can be obtained in the said province as to the circumstances under which the ship which has suffered such shipping casualty proceeded to sea or was last heard of, the Board, or some person appointed for the purpose by the Board, shall make inquiry respecting such shipping casualty, and such person shall, for the purpose, have all the powers and remedies given by this Act to inspectors appointed by the Board.

237. If it appears to the Board or such person or persons as aforesaid, either upon or without preliminary inquiry as aforesaid, that an investigation into any loss, abandonment, collision, accident, casualty, damage, or grounding (in this Act called a shipping casualty) is requisite or expedient, the Board shall refer the same to the Court of Marine Inquiry, who shall thereupon hold an investigation.

238. Every 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. No certificate, whether of competency or service of any master, mate, or engineer, and whether issued by the Board of Trade of the United Kingdom or by the Board, shall be cancelled or suspended unless a copy of the report, or a statement of the case upon which the inquiry or investigation is ordered has been furnished to the owner of the certificate before the commencement of the inquiry or investigation.

239. The Court of Marine Inquiry may make such order with respect to the costs of any such investigation or any portion thereof as they may deem just, and such costs shall be paid accordingly, and shall be recoverable in a summary manner; and the Board may, if in any case they think fit so to do, pay the expense of any such investigation.

240. Whenever a ship has been lost or is supposed to have been lost, and any evidence can be obtained in the province as to the circumstances under which she proceeded to sea or was last heard of, the Board (without prejudice to any other powers) may, if they think fit, cause an inquiry to be made or an investigation to be held, and all the provisions of this Act, so far as the same can be made applicable and the circumstances of the case permit, shall apply to any such inquiry or investigation.

241. Where an inquiry or investigation has been held by the Court
Court of Marine Inquiry under this Act (other than an inquiry under section 186, sub-section 1), the Board may, in any case, and shall, if new and important evidence which could not be produced at such inquiry or investigation has been discovered, or for any other reason there has, in their opinion, been grounds for suspecting a miscarriage of justice, order that the case be re-heard, either generally or as to any part thereof.

Wreck.

242. The Board shall have the general superintendence of all matters relating to wreck and salvage, and they may from time to time appoint any person to be Receiver of Wreck (in this Act referred to as receiver), and may remove any receiver; and may from time to time establish, alter, or abolish districts for the purpose of this Act, and assign a district to any receiver, and may vary such district from time to time, and may make, and when made revoke, alter, and add to, regulations for the conduct of receivers.

243. Any ship which shall be sunk, stranded, or run ashore in any port shall be removed by the master or owner within one calendar month, or such extended time as the Board may allow, and in default thereof the Board, after giving such notice as they may deem fit, may remove the same and recover all charges and expenses incurred in such removal as a debt due by the owner or master of such ship.

244. Whenever any ship or boat is stranded or in distress at any place on the shore of the sea, or of any tidal water, or in any navigable river or lake, within the limits of the province, the receiver of the district within which such place is situate shall, upon being made acquainted with such accident, forthwith proceed to such place, and upon his arrival there he shall take the command of all persons present, and assign such duties to each person and issue such directions as he may think fit, with a view to the preservation of such ship or boat and the lives of the persons belonging thereto and the cargo and tackle thereof; and if any person wilfully disobeys such directions he shall forfeit a sum not exceeding Fifty Pounds; but it shall not be lawful for such receiver to interfere between the master of such ship or boat and his crew in matters relating to the management thereof, unless he is requested so to do by such master, nor to take charge of any ship, cargo, or tackle contrary to the expressed wish of the master or owner of such ship, cargo, or tackle, or of his agent.

245. The receiver may, with a view to such preservation as aforesaid of the ship or boat, persons, cargo, and tackle, do the following things, that is to say—

1. Summon such number of men as he thinks necessary to assist him:

2. Require the master or other person having the charge of any ship or boat near at hand to give such aid with his men, ship, or boats as may be in his power:

3. Demand
III. Demand the use of any wagon, cart, or horses that may be near at hand:

And any person refusing, without reasonable cause, to comply with any summons, requisition, or demand so made as aforesaid shall, for every such refusal, incur a penalty not exceeding One Hundred Pounds.

246. All cargo and other articles belonging to any ship or boat that may be washed on shore or otherwise be lost or taken from such ship or boat shall be delivered to the receiver; and any person, whether he is the owner or not, who secretes or keeps possession of any such cargo or article, or refuses to deliver the same to the receiver or any person authorised by him to demand the same, shall incur a penalty not exceeding One Hundred Pounds; and it shall be lawful for such receiver or other person as aforesaid, to take such cargo or article by force from the person so refusing to deliver the same.

247. Whenever any such accident as aforesaid occurs to any ship or boat, and any person plunders, creates disorder, or obstructs the preservation of such ship, boat, lives, or cargo, as aforesaid, it shall be lawful for the receiver to cause such person to be apprehended, and to use force for the suppression of any such plundering, disorder, or obstruction, as aforesaid, with power to command all Her Majesty's subjects to assist him in the use of such force; and if any person is killed, maimed, or hurt by reason of his resisting the receiver in the execution of the duties hereby committed to him, or any person acting under his orders, such receiver or other person shall be free and fully indemnified as well against the Queen's Majesty, Her heirs and successors, as against all persons so killed, maimed, or hurt.

248. During the absence of the receiver from the place where any such accident as aforesaid occurs, or in places where no receiver has been appointed under this Act, the following officers in succession, each in the absence of the other, in the order in which they are named, that is to say—any Collector or principal officer of Customs, Special Magistrate, Justice, officer or constable of the police force may do all matters and things hereby authorised to be done by the receiver, with this exception, that with respect to any goods or articles belonging to any ship or boat, the delivery up of which to the receiver is hereinbefore required, any officer so acting shall be considered as the agent of the receiver, and shall place the same in the custody of the receiver; and no person so acting as substitute for any receiver shall be entitled to any fees payable to receivers, or be deprived by reason of his so acting of any right to salvage to which he would otherwise be entitled.

249. Whenever any such accident, as aforesaid, occurs to any ship or boat, all persons may, for the purpose of rendering assistance to such ship or boat, or saving the lives of the persons on board the same, or the cargo, or tackle thereof, unless there is some public road
road equally convenient, pass and repass, either with or without carriages or horses, over any adjoining lands, without being subject to interruption by the owner or occupier, so that they do as little damage as possible, and may also, on the like condition, deposit on such lands any cargo or other article recovered from such ship or boat; and all damage that may be sustained by any owner or occupier in consequence of any such passing or repassing, or deposit as aforesaid, shall be a charge on the ship, boat, cargo, or articles in respect of or by which such damage was occasioned, and shall, in default of payment, be recoverable in the same manner as salvage is hereby made recoverable; and the amount payable in respect thereof, if disputed, shall be determined in the same manner as the amount of salvage is hereby, in case of dispute, directed to be determined.

250. If the owner or occupier of any land over which any person is hereby authorised to pass or repass for any of the purposes hereinbefore mentioned does any of the following things, that is to say—

1. Impedes or hinders any such person from so passing or repassing, with or without carriages, horses, and servants, by locking his gates, refusing, upon request, to open the same, or otherwise, however:

2. Impedes or hinders the deposit of any cargo or other article recovered from any such ship or boat as hereinbefore mentioned:

3. Prevents such cargo or other article from remaining so deposited for a reasonable time, until the same can be removed to a safe place of public deposit:

He shall for every such offence incur a penalty not exceeding One Hundred Pounds.

251. Any receiver, or in his absence any Justice of the Peace, shall, as soon as conveniently may be, examine upon oath (which oath they are hereby respectively empowered to administer) any person belonging to any ship which may be or may have been in distress on the coasts of the province, or any other person who may be able to give any account thereof, or of the cargo or stores thereof, as to the following matters, that is to say—

1. The name and description of the ship:

2. The name of the master and of the owners:

3. The names of the owners of the cargo:

4. The ports or places from and to which the ship was bound:

5. The occasion of the distress of the ship:

6. The services rendered:

7. Such other matters or circumstances relating to such ship, or to the cargo on board the same, as the receiver or Justice thinks necessary:

And
PART IV.

Rules to be observed by persons finding wreck.

And such receiver or Justice shall take the examination down in writing, and shall send it to the Board; and for the purpose of such examination every such receiver or Justice as aforesaid shall have all the powers given by this Act to inspectors appointed by the Board.

252. The following rules shall be observed by any person finding or taking possession of wreck within the province, that is to say—

1. If the person so finding or taking possession of the same is the owner, he shall, as soon as possible, give notice to the receiver of the district within which such wreck is found, stating that he has so found or taken possession of the same; and he shall describe in such notice the marks by which such wreck is distinguished:

2. If any person, not being the owner, finds or takes possession of any wreck, he shall as soon as possible deliver the same to such receiver as aforesaid:

And any person making default in obeying the provisions of this section shall incur the following penalties, that is to say—

3. If he is the owner, and makes default in performing the several things the performance of which is hereby imposed on an owner, he shall incur a penalty not exceeding One Hundred Pounds:

4. If he is not the owner, and makes default in performing the several things the performance of which is hereby imposed on any person not being an owner, he shall forfeit all claim to salvage; he shall pay to the owner of such wreck, if the same is claimed, but, if the same is unclaimed, then to the receiver, double the value of such wreck (such value to be recovered in the same way as a penalty of like amount); and he shall incur a penalty not exceeding One Hundred Pounds.

Power for receiver to seize concealed wreck.

253. If any receiver suspects or receives information that any wreck is secreted, or in the possession of some person who is not the owner thereof, or otherwise improperly dealt with, he may apply to any Justice for a warrant, and such Justice shall have power to grant a warrant, by virtue whereof it shall be lawful for the receiver to enter into any house or other place, wherewith situate, and also into any ship or boat, and to search for and to seize and detain any such wreck as aforesaid there found; and if any such seizure is made in consequence of information that may have been given by any person to the receiver, the informer shall be entitled by way of salvage to such sum, not exceeding in any case Five Pounds, as the receiver may allow.

254. Every
254. Every receiver shall, within forty-eight hours after taking possession of any wreck, cause to be posted up in the Custom House or Board office of the port nearest to the place where such wreck was found or seized, a description of the same, and of any marks by which it is distinguished.

255. In cases where any wreck in the custody of any receiver is under the value of Five Pounds, or is of so perishable a nature, or so much damaged that the same cannot, in his opinion, be advantageously kept, or if the value thereof is not sufficient to defray the charge of warehousing, the receiver may sell the same before the expiration of the period hereinafter mentioned, and the money raised by such sale, after defraying the expenses thereof, shall be held by the receiver for the same purposes and subject to the same claims for and to which the article sold would have been held and liable if it had remained unsold.

256. There shall be paid to all receivers appointed under this Act the expenses properly incurred by them in the performance of their duties, and also such fees as may from time to time be directed by the Board; and the receiver shall have the same lien, and be entitled to the same remedies for the recovery of such expenses and fees, as a salvor has or is entitled to in respect of salvage due to him; but, save as aforesaid, no receiver appointed under this Act shall, as such, be entitled to any remuneration whatever.

257. Whenever any dispute arises in any part of the province as to the amount payable to any receiver in respect of expenses or fees, such dispute shall be determined by the Board, whose decision shall be final.

258. Whenever any articles belonging to or forming part of any foreign ship which has been wrecked on or near the coasts of the province, or belonging to or forming part of the cargo thereof, are found on or near such coasts, or are brought into any port in the province, the consul of the country to which such ship, or, in the case of cargo, to which the owners of such cargo, may have belonged, or any consular officer of such country authorised in that behalf, shall, in the absence of the owner of such ship or articles, and of the master or other agent of the owner, be deemed to be the agent of the owner, so far as relates to the custody and disposal of such articles.

259. All wreck, being foreign goods brought or coming into the province, shall be subject to the same duties as if the same were imported into the province, and if any question arises as to the origin of such goods, they shall be deemed to be the produce of such country as the Board may upon investigation determine.

260. The Board may permit all goods, wares, and merchandise saved from any ship stranded or wrecked on its inward voyage to be forwarded to the port of its original destination, and all goods,
Marine Board and Navigation Act.—1881.

PART IV.

Salvage in respect of services rendered.

261. In the following cases, that is to say—

Whenever any ship or boat is stranded or otherwise in distress on the shore of any sea or tidal water, or in any navigable river, situate within the limits of the province, and services are rendered by any person—

1. In assisting such ship or boat:

2. In saving the lives of the persons belonging to such ship or boat:

3. In saving the cargo or tackle of such ship or boat, or any portion thereof:

And whenever any wreck is saved by any person other than a receiver within the province—

There shall be payable by the owners of such ship or boat, cargo, tackle, or wreck, to the person by whom such services, or any of them, are rendered, or by whom such wreck is saved, a reasonable amount of salvage, together with all expenses properly incurred by him in the performance of such services, or the saving of such wreck; the amount of such salvage and expenses (which expenses are hereinafter included under the term salvage) to be determined, in case of dispute, in manner hereinafter mentioned.

Salvage for life may be paid by Board.

262. Salvage in respect of the preservation of the life or lives of any person or persons belonging to any such ship or boat as aforesaid shall be payable by the owners of the ship or boat in priority to all their claims for salvage; and in cases where such ship or boat is destroyed, or where the value thereof is insufficient, after payment of the actual expenses incurred, to pay the amount of salvage due in respect of any life or lives. the Board may, in their discretion, award to the salvors of such life or lives, out of any moneys voted by the Parliament for the purpose, such sum or sums as they deem fit, in whole or part satisfaction of any amount of salvage so left unpaid in respect of such life or lives.

Disputes as to salvage how to be settled.

263. In disputes with respect to salvage between the owners of any such ship, boat, cargo, tackle, or wreck as aforesaid, and the salvors, as to the amount of salvage, and the parties to the dispute cannot agree as to the settlement thereof by arbitration or otherwise, then, if the sum claimed does not exceed Three Hundred Pounds, such dispute shall be referred to the arbitration of a Special Magistrate resident at or near the place where such wreck is found, or, in case of services rendered to any ship or boat, or to the persons, cargo, or tackle belonging thereto, resident at or near the place where
where such ship or boat is lying, or at or near the first port or place in the province into which such ship or boat is brought after the occurrence of the accident by reason whereof the claim to salvage arises, or by two Justices to be nominated by such Magistrate; but if the sum claimed exceeds Three Hundred Pounds, such dispute may, with consent of the parties, be referred to the arbitration of such Magistrate or Justices as aforesaid, but if they do not consent, shall be decided by the Supreme Court, or by the Court of Vice-Admiralty of the province, subject to this proviso, that if the claimants in such dispute do not recover in such Court a greater sum than Three Hundred Pounds, they shall not, unless the Court certifies that the case is a fit one to be tried in a superior Court, recover any cost, charges, or expenses incurred by them in the prosecution of their claim; and every dispute with respect to salvage may be heard and adjudicated upon on the application either of the salvor or of the owner of the property salved, or of their respective agents.

264. Whenever any salvage question arises, the receiver for the district may, on application from either of the parties, appoint a valuer to value the property in respect to which the salvage claim is made, and shall, when the valuation has been returned to him, give a copy of the valuation to both parties; and any copy of such valuation, purporting to be signed by the valuer and to be attested by the receiver, shall be received in evidence in any subsequent proceeding; and there shall be paid in respect of such valuation, by the party applying for the same, such fee as the Board may direct.

265. Whenever in pursuance of this Act any dispute as to salvage is referred to the arbitration of a Special Magistrate or two Justices, he or they may either themselves determine the same, with power to call to their or his assistance any person conversant with maritime affairs as assessor, or they may, if a difference of opinion arises between them, or without such difference, the said Magistrate or Justices may, if he or they think fit, appoint some person conversant with maritime affairs as umpire to decide the point in dispute, and such Magistrate, Justices, or their umpire shall make an award as to the amount of salvage payable, within the following times, that is to say the said Magistrate or Justices within forty-eight hours after such dispute has been referred to him or them, and the said umpire within forty-eight hours of his appointment, with power, nevertheless, for such Magistrate, Justices, or umpire, by writing, under his or their hand or hands, to extend the time within which he and they are hereby respectively directed to make his or their award.

266. There shall be paid to every assessor and umpire who may be so appointed as aforesaid, in respect of his services, such sum not exceeding Five Pounds as the Board may from time to time direct; and all the costs of such arbitration, including any such payments as aforesaid, shall be paid by the parties to the dispute, in such
such manner and in such shares and proportions as the said Magistrate or Justices or the said umpire may direct by his or their award.

267. The said Magistrate or Justices or their umpire may call for the production of any documents in the possession or power of either party, which he or they may think necessary for determining the question in dispute, and may examine the parties or their witnesses on oath, and administer the oaths necessary for that purpose.

268. If any person is aggrieved by the award made by such Magistrate, Justices, or umpire as aforesaid, he may appeal to the Supreme Court or to the Court of Vice-Admiralty of the province; but no such appeal shall be allowed unless the sum in dispute exceeds Fifty Pounds, nor unless within ten days after the date of the award the appellant gives notice to the Magistrate or Justices to whom the matter was referred of his intention to appeal, nor unless the appellant proceeds to take out a monition, or to take such other proceedings as according to the practice of the Court to which the appeal is made is necessary for the institution of an appeal, within twenty days from the date of the award.

269. Whenever any appeal is made in manner hereinbefore provided, the Magistrate or Justices shall transmit to the proper officer of the Court to which the appeal is made a copy, certified under his or their hands to be a true copy of the proceedings had before such Magistrate or Justices or their umpire, if any, and of the award so made by him or them, accompanied with his or their certificate in writing of the gross value of the article respecting which salvage is claimed; and such copy and certificate shall be admitted in the Court hearing the appeal as evidence in the cause.

270. Whenever the aggregate amount of salvage payable in respect of salvage services rendered has been finally ascertained, either by agreement or by the award of such Magistrate or Justices or his or their umpire, but a dispute arises as to the apportionment thereof amongst several claimants, then, if the amount does not exceed One Thousand Pounds, it shall be lawful for the party liable to pay the amount so due to apply to the receiver of the district for liberty to pay the amount so ascertained to him; and he shall, if he thinks fit, receive the same accordingly, and grant a certificate under his hand, stating the fact of such payment and the services in respect of which it is made; and such certificate shall be a full discharge and indemnity to the person or persons to whom it is given, and to their ship, boats, cargo, tackle, and effects, against the claims of all persons whomsoever in respect of the services therein mentioned; but if the amount exceeds one thousand pounds, it shall be apportioned in manner hereinafter mentioned.

271. Upon the receipt of any such amount as aforesaid the receiver shall, with all convenient speed, proceed to distribute the same among the several persons entitled thereto, upon such evidence and
and in such shares and proportions as he thinks fit, with power to retain any moneys that may appear to him to be payable to any absent parties; but any distribution made in pursuance of this section shall be final and conclusive against the rights of all persons claiming to be entitled to any portion of the moneys so distributed.

272. Whenever any salvage is due to any person under this Act, the receiver shall act as follows, that is to say—

1. If the same is due in respect of services rendered in assisting any ship or boat, or in saving the lives of persons belonging to the same, or the cargo and tackle thereof, he shall detain such ship or boat and the cargo and tackle belonging thereto until payment is made, or process has been issued by some competent Court for the detention of such ship, boat, cargo, or tackle:

11. If the same is due in respect of the saving of any wreck, and such wreck is not sold as unclaimed in pursuance of the provisions hereinafter contained, he shall detain such wreck until payment is made or process has been issued in manner aforesaid; but it shall be lawful for the receiver, if at any time previously to the issue of such process security is given to his satisfaction for the amount of salvage due, to release from his custody any ship, boat, cargo, tackle, or wreck so detained by him as aforesaid; and in cases where the claim for salvage exceeds One Thousand Pounds, it shall be lawful for the Supreme Court, or for any Court having Admiralty jurisdiction, to determine any question that may arise concerning the amount of the security to be given or the sufficiency of the sureties; and in all cases where bond or other security is given to the receiver for an amount exceeding One Thousand Pounds it shall be lawful for the salvor, or for the owner of the property salved, or their respective agents, to institute proceedings in such last-mentioned Courts for the purpose of having the questions arising between them adjudicated upon, and the said Courts may enforce payment of the said bond or other security in the same manner as if bail had been given in the said Courts.

273. Whenever any ship, boat, cargo, tackle, or wreck is detained by any receiver for non-payment of any sums so due as aforesaid, and the parties liable to pay the same are aware of such detention, then, in the following cases, that is to say—

1. In cases where the amount is not disputed, and payment thereof is not made within twenty days after the same has become due:

11. In cases where the amount is disputed, but no appeal lies from the first tribunal to which the dispute is referred, and payment thereof is not made within twenty days after the decision of such first tribunal:

111. In
PART IV.

III. In cases where the amount is disputed, and an appeal lies from the decision of the first tribunal to some other tribunal, and payment thereof is not made within such twenty days as last aforesaid, or such monition as hereinbefore mentioned is not taken out within such twenty days, or such other proceedings as are, according to the practice of such other tribunal, necessary for the prosecution of an appeal are not instituted within such twenty days:

The receiver may forthwith sell such ship, boat, cargo, tackle, or wreck, or a sufficient part thereof, and out of the proceeds of the sale, after payment of all expenses thereof, defray all sums of money due in respect of expenses, fees, and salvage, paying the surplus, if any, to the owners of the property sold or other the parties entitled to receive the same.

274. Subject to the payment of such expenses, fees, and salvage as aforesaid, the owner of any wreck who establishes his claim thereto to the satisfaction of the receiver within one year from the date at which such wreck has come into the possession of the receiver, shall be entitled to have the same delivered up to him.

Unclaimed Wreck.

275. In the event of no owner establishing a claim to a wreck found in any place in the province before the expiration of a year from the date at which the same has come into the possession of the receiver, then such wreck, if unsold, shall be sold by such persons and in such manner as the Board may direct; the proceeds thereof, after payment of expenses, costs, fees, and salvage, shall be paid to the Treasurer, and form part of the revenue of the province.

276. Upon delivery of wreck or of the proceeds of wreck by any receiver to any person, in pursuance of the provisions of this Act, such receiver shall be discharged from all liability in respect thereof, but such delivery shall not be deemed to prejudice or affect any question concerning the right or title to the said wreck which may be raised by third parties.

277. Every person who does any of the following acts, that is to say—

i. Wrongfully carries away or removes any part of any ship or boat stranded or in danger of being stranded or otherwise in distress on or near the shore of any sea or tidal water, or in any navigable river in the province, or any part of the cargo or tackle thereof, or any wreck; or

ii. Endeavors in any way to impede or hinder the saving of such ship, boat, cargo, tackle, or wreck; or

iii. Secretes...
III. Secretes any wreck, or obliterates or defaces any marks thereon:

Shall, in addition to any other penalty or punishment he may be subject to under this or any other Act or law, for each such offence incur a penalty not exceeding Fifty Pounds; and every person not being a receiver or a person hereinbefore authorised to take the command in cases of ships being stranded or in distress, or not acting under the orders of such receiver or person, who, without the leave of the master, endeavors to board any such ship or boat as aforesaid, shall, for each offence, incur a penalty not exceeding Fifty Pounds; and it shall be lawful for the master of such ship or boat to repel by force any such person so attempting to board the same.

278. If any person takes into any place out of the province any ship or boat stranded, derelict, or otherwise in distress on or near the shore of the sea, or of any tidal water, or in any navigable river, situate within the limits of the province, or any part of the cargo or tackle thereof, or anything belonging thereto, or any wreck found within such limits as aforesaid, and there sells the same, he shall be guilty of felony, and be subject to penal servitude for a term not exceeding four years.

Salvage (General).

279. Whenever services for which salvage is claimed are rendered either by the master or crew or part of the crew of any ship, and the salver voluntarily agrees to abandon his lien upon the ship, cargo, and property alleged to be salved, upon the master or other person in charge thereof entering into a written agreement, attested by two witnesses, to abide by the decision of any Supreme Court or of the Court of Vice-Admiralty of the province, and thereby giving security in that behalf to such amount as may be agreed on by the parties to the said agreement, such agreement shall bind the said ship and the said cargo and the freight payable therefor respectively, and the respective owners of the said ship, freight, and cargo for the time being, and their respective heirs, executors, and administrators, for the salvage which may be adjudged to be payable in respect of the said ship, cargo, and freight respectively, to the extent of the security so given as aforesaid, and may be adjudicated upon and enforced in the Supreme Court or in the Court of Vice-Admiralty of the province; and upon such agreement being made, the salver and the master, or other person in charge as aforesaid, shall respectively make the following statements, so far as the same are applicable, that is to say—

1. The place, condition, and circumstances in which the said ship, cargo, or property was at the time when the services were rendered for which salvage is claimed:

11. The nature and duration of the services rendered.
The salvor shall add to his statement—

iii. The proportion of the value of the said ship, cargo, and property, and of the freight, which he claims for salvage, or the value at which he estimates the said ship, freight, cargo, and property respectively, and the several amounts that he claims for salvage in respect of the same:

iv. Any other circumstances he thinks relevant to the said claim:

And the said master or other person in charge of the said ship, cargo, or property shall add to his statement—

v. A copy of the certificate of registry of the said ship, and of the indorsements thereon, stating any change which (to his knowledge or belief) has occurred in the particulars contained in such certificate; and stating also, to the best of his knowledge and belief, the state of the title to the ship for the time being, and of the incumbrances and certificates of mortgages or sale, if any, affecting the same, and the names and places of business of the owners and incumbrancers:

vi. The name and place of business or residence of the freighter (if any) of the said ship, and the freight to be paid for the voyage she is then on:

vii. A general account of the quantity and nature of the cargo at the time the salvage services were rendered:

viii. The name and place of business or residence of the owner of such cargo, and of the consignee thereof:

ix. The values at which the said master estimates the said ship, cargo, and property, and the freight respectively, or, if he thinks fit, in lieu of such estimated value of the cargo, a copy of the ship's manifest:

x. The amounts which the master thinks should be paid as salvage for the services rendered:

xi. An accurate list of the property saved, in cases where the ship is not saved:

xii. An account of the proceeds of the sale of the said ship, cargo, or property, in cases where the same or any of them are sold at such port as aforesaid:

xiii. The number, capacities, and condition of the crew of the said ship at the time the said services were rendered:

xiv. Any other circumstances he thinks relevant to the matter in question:

And the salvor shall, as soon as practicable, transmit the said agreement and the said statements to the Court in which the said agreement is to be adjudicated upon.
280. Whenever the aggregate amount of salvage payable in respect of salvage services rendered in the province has been finally ascertained, and exceeds Three Hundred Pounds, and whenever the aggregate amount of salvage payable in respect of salvage services rendered elsewhere has been finally ascertained, whatever such amount may be, then if any delay or dispute arises as to the apportionment thereof, the Supreme Court or the Court of Vice-Admiralty of the province may cause the same to be apportioned amongst the persons entitled thereto in such manner as it thinks just; and may for that purpose, if it thinks fit, appoint any person to carry such apportionment into effect, and may compel any person in whose hands or under whose control such amount may be to distribute the same, or to bring the same into Court, to be there dealt with as the Court may direct, and may for the purposes aforesaid issue such monitions or other processes as it thinks fit.

PART V.

PILOTAGE.

281. The Marine Board shall be the department to do all or any of the following things within the limits of their jurisdiction, that is to say—

1. To determine the qualifications to be required from persons applying to be licensed as pilots, whether in respect of their age, skill, time of service, character, or otherwise:

2. To make regulations:

3. As to the approval and licensing of pilot boats and ships;

4. For the government of licensed pilots, and for insuring their good conduct and their constant attendance to an effectual performance of their duty, either at sea or on shore:

5. To fix the terms and conditions of granting licences to pilots and apprentices, and of granting such pilotage exemption certificates as hereinafter mentioned to masters, and to make regulations for punishing any breach of such regulations as aforesaid committed by such pilots or apprentices, or by such masters, by the withdrawal or suspension of their licences or certificates, as the case may be, or by the infliction of penalties, to be recoverable in a summary manner, so that no such penalty be made to exceed the sum of Twenty Pounds; and so that every such penalty be capable of reduction, at the discretion of the Justices by whom the same is inflicted:

6. To extend the provisions of the Fifth Part of this Act, and to make the employment of a qualified pilot compulsory by masters of all such ships who are by this Act required to employ such pilots at Port Adelaide, to any port or ports, or any part of such port or ports in the said province:
PART V.
To alter and reduce rate of pilotage.

Masters of foreign-going and intercolonial ships of sixty tons register and upwards, and masters of coast-trade ships of one hundred tons register and upwards, to employ a pilot at Port Adelaide.

282. If the master of any foreign-going or intercolonial ship of sixty tons register or any greater registered tonnage, or the master of any coast-trade ship of one hundred tons register or any greater registered tonnage, arriving at or off the Port of Adelaide, in the said province, and intending to enter that port or any part of the creek of Port Adelaide to the northward of the Port Adelaide lighthouse—

1. Shall not receive on board such ship the first pilot who shall offer himself and demand to conduct such ship into such port, or shall not forthwith on demand, and upon the pilot so offering himself (producing, if required, his licence as such pilot), give such ship in charge of such pilot: or

ii. Shall proceed to sea, or quit his station or anchorage inside the outer bar of the creek of Port Adelaide, without receiving on board a qualified pilot to conduct the said ship to sea:

Every such master, unless he has a pilotage exemption certificate enabling him to pilot the said ship within such limits as aforesaid, shall, over and above the amount which would have been payable for pilotage if such pilot's services had actually been engaged, forfeit and pay a penalty of not less than Five Pounds nor more than Thirty Pounds, to be recovered in a summary manner.

283. Every master of any such ship when within ten miles of the Port of Adelaide, and intending to enter that port or creek as aforesaid, shall (unless he has an exemption certificate as aforesaid), until a qualified pilot has come on board, use or display the usual signal for a pilot; and if any qualified pilot is within hail, or is approaching and within a mile of such ship, and has the proper distinguishing flag flying, or uses the proper distinguishing lights in his boat, such master shall, by heaving-to in proper time, or shortening sail, or by any practicable means consistent with the safety of his ship, facilitate such pilot getting on board, and in default thereof such master shall for each offence forfeit and pay a penalty not exceeding Five Pounds.

284. If the master of any ship requires the services of a pilot, the signals to be used and displayed shall be the following, that is to say—

In the daytime—

1. To be hoisted at the fore, the jack or other national color usually worn by merchant ships, having round it a white border, one-fifth of the breadth of the flag; or,

ii. The
At night—

1. The pyrotechnic light, commonly known as a blue light, every fifteen minutes: or,

2. A bright white light, flashed or shown at short or frequent intervals just above the bulwarks, for about a minute at a time:

And any master of a ship who uses or displays, or causes or permits any person under his authority to use or display, any of the said signals for any other purpose than that of summoning a pilot, or uses or causes or permits any person under his authority to use any other signal for a pilot, shall incur a penalty not exceeding Twenty Pounds.

285. The Board may, from time to time, repeal or alter the rules as to signals contained in the Fifth Part of this Act, or may make new rules in addition thereto, or in substitution therefor; and any alterations in or additions to such rules shall be published in the Government Gazette, and shall be of the same force as the rules contained herein.

286. All boats and ships regularly employed in such pilotage service shall be approved and licensed by the Board.

287. Every pilot boat or ship shall be distinguished by the following characteristics, that is to say—

1. A black color, painted or tarred, outside, with the exception of such names and numbers as are hereinafter mentioned, or such other distinguishing color or colors as the Board may direct:

2. On her stern the name of the owner thereof and the port to which she belongs, painted in white letters at least one inch broad and three inches long, and on each bow the number of the licence of such boat or ship:

3. When afloat in the daytime, a flag at the mast-head, or on a sprit or staff, or in some other equally conspicuous situation, such flag to be of large dimensions compared with the size of the boat or ship carrying the same, and to be of two colors, the upper horizontal half white, and the lower horizontal half red; and, at night, a white light at the mast-head visible all round the horizon, and a flare-up light exhibited every fifteen minutes.

288. And it shall be the duty of the master or owner of such pilot boat or ship to attend to the following particulars:—Firstly, that the boat or ship possesses all the above characteristics; secondly, that the aforesaid flag is kept clean and distinct, so as to be easily discerned.
Part V.

Discerned at a proper distance; and lastly, that the names and numbers before mentioned are not at any time concealed; and if default is made in any of the above particulars, he shall incur a penalty not exceeding Twenty Pounds for each default.

289. Whenever any qualified pilot is carried off in a boat or ship, not in the pilotage service, he shall exhibit a flag of the above description in order to show that such boat or ship has a qualified pilot on board; and if he fails to do so, without reasonable cause, he shall incur a penalty not exceeding Fifty Pounds.

290. If any boat or ship not having a qualified pilot on board displays a flag of the above-mentioned description, there shall be incurred for every such offence a penalty not exceeding Fifty Pounds, to be recovered from the owner or from the master of such boat or ship.

291. Every qualified pilot, on his appointment, shall receive a licence, containing his name and usual place of abode, together with a description of his person, and a specification of the limits within which he is qualified to act; and it shall be the duty of the Collector of Customs at the place at or nearest to which any qualified pilot may reside, upon his request, to register his licence, and no qualified pilot shall be entitled to act as such until his licence is so registered; and any qualified pilot acting beyond the limits for which he is qualified by his licence, shall be considered as an unqualified pilot.

292. Every qualified pilot shall, upon receiving his licence, be furnished with a copy of such part of this Act as relates to pilotage, together with a copy of the rates, by-laws, and regulations, and he shall produce such copies to the master of any ship or other person employing him, when required to do so, under a penalty, in case of default, not exceeding Five Pounds.

293. Every qualified pilot, while acting in that capacity, shall be provided with his licence, and produce the same to every person by whom he is employed, or to whom he tenders his services as pilot; and if he refuses to do so at the request of such person, he shall incur for each offence a penalty not exceeding Ten Pounds, and shall be subject to suspension or dismissal by the Board.

294. Every qualified pilot, when required by the Board, shall produce or deliver up his licence; and on the death of any qualified pilot, the person into whose hands his licence happens to fall, shall, without delay, transmit the same to the Board; and any pilot or person failing to comply with the provisions of this section, shall incur a penalty not exceeding Ten Pounds.

295. Any person not being duly licensed, or lawfully exempted from pilotage as master of a ship by the Board, found acting as a pilot
pilot for any ship, either entering or navigating in, or leaving Port Adelaide or any port of the said province to which the provisions of the Fifth Part of this Act may have been extended by the Board, shall be liable to a penalty of not less than Five Pounds, nor exceeding Fifty Pounds.

296. If any boat or ship, having a qualified pilot on board, leads any ship which has not a qualified pilot on board, when such last-mentioned ship cannot, from particular circumstances, be boarded, the pilot so leading such last-mentioned ship shall be entitled to the full pilotage for the distance run, as if he had actually been on board and had charge of such ship.

297. No qualified pilot, except under circumstances of unavoidable necessity, shall, without his consent be taken to sea, or beyond the limits for which he is licensed, in any ship whatever; and every pilot so taken, under circumstances of unavoidable necessity or without his consent, shall be entitled, over and above his pilotage, to the sum of Ten Shillings and Sixpence a day, to be computed from and inclusive of the day on which such ship passes the limits to which he was engaged to pilot her up to, and inclusive of the day of his being returned in the said ship to the place where he was taken on board, or up to and inclusive of such day as will allow him, if discharged from the ship, sufficient time to return thereto; and in such last-mentioned case, he shall be entitled to his reasonable travelling expenses.

298. When the master of any outward-bound ship, who shall have applied for or engaged the services of a pilot, shall afterwards find that he does not require the services of such pilot on the day on which such pilot shall have been first appointed to attend, and shall notify the same to the pilot immediately on his arrival to take charge of the said ship, no payment shall be made in respect of such first attendance; but if, after any renewed application for a pilot, such master shall again find that he is not prepared for sea, such master, owner, or agent of such ship shall pay or secure to be paid to the pilot, who may attend in consequence of any such renewed application, the sum of Ten Shillings for each day that such pilot shall be so detained, or for every such attendance, although such pilot so attending shall quit the said ship by reason of his services on that day being dispensed with by the master at the time of such attendance; and no pilot shall be bound to take such ship to sea until such payment shall have been made or secured to the satisfaction of the pilot entitled to the same.

299. Any qualified pilot demanding any rate, in respect of pilotage services, greater than the rate for the time being demandable by law, shall for each offence incur a penalty not exceeding Ten Pounds.
PART V.

Penalty on making false declaration as to draught or tonnage of ship, or falsifying marks.

300. If any master, on being requested by any qualified pilot, having charge of his ship to declare her draught of water or tonnage refuses to do so, or himself makes, or is privy to any other person making, a false declaration to such pilot as to such draught or tonnage aforesaid, he shall incur a penalty for every such offence not exceeding double the amount of pilotage which would have been payable to the pilot making such request; and if any master or other person interested in a ship makes, or is privy to any other person making, any fraudulent alteration in the marks on the sternpost or stem of such ship, denoting her draught of water, the offender shall incur a penalty not exceeding Five Hundred Pounds.

301. A qualified pilot may supersede an unqualified pilot; but it shall be lawful for the master to pay to such unqualified pilot a proportionate sum for his services, and to deduct the same from the charge of the qualified pilot; and, in case of dispute, the Board, by whom the qualified pilot is licensed, shall determine the proportionate sums to which each party is entitled.

302. An unqualified pilot assuming or continuing in the charge of any ship after a qualified pilot has offered to take charge of her, or using a licence which he is not entitled to use, for the purpose of making himself appear to be a qualified pilot, shall, for each offence, incur a penalty not exceeding Fifty Pounds.

303. An unqualified pilot may, without subjecting himself or his employer to any penalty, take charge of a ship as pilot under the following circumstances, that is to say—

i. When no qualified pilot has offered to take charge of such ship, or made a signal for that purpose: or,

ii. When a ship is in distress, or under circumstances making it necessary for the master to avail himself of the best assistance which can be found at the time: or,

iii. For the purpose of changing the moorings of any ship in port, or of taking her into or out of any dock, in cases where such act can be done by an unqualified pilot without infringing the regulations of the port.

304. The following persons shall be liable to pay pilotage dues for any ship for which the services of a qualified pilot are obtained, that is to say—The owner or master, or such consignees or agents thereof as have paid, or made themselves liable to pay, any other charge on account of such ship, in the port of her arrival or discharge, as to pilotage inwards, and in the port from which she clears out as to pilotage outwards; and in default of payment, such pilotage dues may be recovered in the same manner as penalties of the like amount may be recovered by virtue of this Act; but such recovery shall not take place until a previous demand thereof has been made in writing, and the dues so demanded have remained unpaid for three days after the time of such demand being made.

305. Every
305. Every consignee and agent, not being the owner or master, hereby made liable for the payment of pilotage dues, in respect of any ship, may, out of any moneys in his hand, received on account of such ship, or belonging to the owner thereof, retain the amount of all dues so paid by him, together with any reasonable expenses he may have incurred by reason of such payment or liability.

306. If any qualified pilot commits any of the following offences, that is to say—

i. Keeps himself, or is interested in keeping by any agent, servant, or other person, any public-house, or place of public entertainment, or sells, or is interested in selling, any article liable to duty:

ii. Commits any fraud, or other offence against the Revenues of Customs or Excise, or the laws relating thereto:

iii. Is in any way directly or indirectly concerned in any corrupt practices relating to ships, their tackle, furniture, cargoes, crews, or passengers, or to persons in distress at sea, or by shipwreck, or to their moneys, goods, or chattels:

iv. Lends his licence:

v. Acts as a pilot while suspended:

vi. Acts as pilot while in a state of intoxication:

vii. Employs, or causes to be employed, on board any ship of which he has the charge, any boat, anchor, cable, or other store, matter, or thing, beyond what is necessary for the service of such ship, with intent to enhance the expenses of pilotage for his own gain, or for the gain of any other person:

viii. Refuses or wilfully delays, when not prevented by illness or other reasonable cause, to take charge of any ship within the limits of his licence upon the signal for a pilot being made by such ship, or upon being required to do so by the master, owner, agent, or consignee thereof, or by any officer of the Board:

ix. Unnecessarily cuts or slips, or causes to be cut or slipped, any cable belonging to any ship:

x. Refuses, on the request of the master, to conduct the ship of which he has the charge into any port or place into which he is qualified to conduct the same, except on reasonable ground of danger to the ship:

xi. Quits the ship of which he has the charge, without the consent of the master, before the service for which he was hired has been performed:

He shall, for each such offence, in addition to any liability for damages at the suit of the party aggrieved, incur a penalty not exceeding
PART V.

exceeding One Hundred Pounds, and be liable to suspension or dismissal by the Board; and every person who procures, abets, or connives at the commission of any such offence, shall likewise, in addition to any such liability for damages as aforesaid, incur a penalty not exceeding One Hundred Pounds, and, if a qualified pilot, shall be liable to suspension or dismissal by the Board.

307. If any qualified pilot, when in charge of any ship, by wilful breach of duty, or by neglect of duty, or by reason of drunkenness, either—

1. Does any act tending to the immediate loss, destruction, or serious damage of such ship, or tending immediately to endanger the life or limb of any person on board such ship; or,

2. Refuses or omits to do any lawful act, proper and requisite to be done by him, for preserving such ship from loss, destruction, or serious damage, or for preserving any person belonging to or on board of such ship from danger to life or limb, he shall, for each such offence, be deemed guilty of a misdemeanor, and if a qualified pilot, also be liable to suspension or dismissal by the Board.

308. If any person by wilful misrepresentation of circumstances upon which the safety of a ship may depend, obtains or endeavors to obtain the charge of such ship, such person, and every other person procuring, abetting, or conniving at the commission of such offence, shall, in addition to any liability for damages, at the suit of the party aggrieved, incur a penalty not exceeding One Hundred Pounds; and, if the offender is a qualified pilot, he shall also be liable to suspension or dismissal by the Board.

309. The Board shall have power to revoke or suspend the licence of any qualified pilot licensed or appointed by them in such manner and at such time as they think fit.

310. Whenever any difference arises between the master and the qualified pilot of any ship trading to or from the Port of Adelaide, or to or from any other port or ports in the said province, as to her draught of water or tonnage, the Board shall, upon application by either party made in case of a ship inward bound, within twelve hours after her arrival, or at some time before she begins to discharge her cargo; and, in the case of a ship outward bound, before she quits her moorings, anchorage, or wharf, appoint some proper officer, who shall measure the ship and settle the difference accordingly; and there shall be paid to the officer measuring such ship by the party against whom he decides, such sum as the Board may direct.

311. No owner or master of any ship shall be answerable to any person whatever for any loss or damage occasioned by the fault or incapacity...
incapacity of any qualified pilot, acting in charge of such ship, within the limits where the employment of such pilot is compulsory by law.

Pilotage Exemption.

312. The master of any coast-trade ship of or above one hundred tons registered tonnage, or of any intercolonial ship of or above sixty tons registered tonnage registered in South Australia or either of the colonies of Victoria, New South Wales, Queensland, Western Australia, Tasmania, or New Zealand, may be granted a certificate of exemption from pilotage at Port Adelaide or any other port in the said province to which the provisions of the Fifth Part of this Act may have been extended by the Board, on passing an examination before the Board, or some person appointed by the Board, proving that he is competent to navigate his ship in and out of Port Adelaide or other port of the said province as aforesaid; and for such certificate (which said certificate shall be issued under such regulations as may be made by the Board, and shall not be transferable) a payment shall be made by such master to the Board of a sum of Five Pounds sterling, or such other amount as the Board may direct.

313. The master of every ship, having a pilotage exemption certificate from the Board, when within a distance of five miles from any pilot station or port, shall hoist at the main of such ship a white flag of not less than two yards square, and shall keep such flag flying until the arrival of such ship in the port; and any master of any ship having a pilotage exemption certificate from the said Board, not having such flag flying as aforesaid, and not having a pilot on board such ship in charge, shall, on conviction for every such offence, forfeit and pay a penalty of not less than Two Pounds nor more than Five Pounds in addition to an amount equal to the amount of pilotage which would have been payable if a pilot had actually been engaged.

314. If at any time it appears to the Board that any master of a ship to whom a pilotage exemption certificate has been granted by such Board, has been guilty of misconduct, or of conduct unfitting him to hold such certificate, or has shown himself incompetent to pilot his ship, such Board may thereupon suspend or cancel his said certificate; and, if such Board shall think fit, may at any time re-issue such certificate.

PART VI.

LIGHTHOUSES, BUOYS, AND BEACONS.

315. Subject to the provisions of this Act, the control, superintendence, and management of all lighthouses, buoys, beacons, and other sea marks shall be vested in the Board, who shall have power to do the following things, that is to say—

1. To
Marine Board and Navigation Act.—1881.

PART VI.

1. To fix the site and determine the nature of any new lighthouses and the order of the lights thereof, with all requisite works, roads, and appurtenances, and to cause any existing lighthouses to be altered or removed:

11. To erect or place any new buoys and beacons, or alter or remove any existing buoys and beacons:

111. To take and purchase any land which may be necessary for the above purposes, or for the maintenance of the works or the residence of the lightkeepers:

1v. To vary the character of any lighthouse or the mode of exhibiting lights therein:

v. To exchange any land set apart for lighthouse purposes for other land which may be deemed to be more suitable for such purposes.

316. It shall be lawful for the Board, with the consent of the Governor, to fix the various rates of lighthouse or mooring dues, which shall be payable at any port or ports within the province in respect of all ships arriving at and of all ships leaving such ports (except ships by this Act specially exempted), and in like manner from time to time to vary, alter, or abolish such dues.

317. The following persons shall be liable to pay lighthouse or mooring dues for any ship in respect of which such dues are payable, that is to say—the owner or master or such consignees or agents thereof as have paid or made themselves liable to pay any other charge on account of such ship in the port of her arrival or discharge; and in default of payment, such dues may be recovered in the same manner as penalties may be recovered under this Act.

318. All lighthouse or mooring dues leviable under the authority of this Act shall be paid by the master of the ship in respect of which the same shall be payable to the Board, who shall from time to time pay the amount of such dues to the Treasurer for the public uses of the said province.

319. A receipt for lighthouse or mooring dues shall be given by the person appointed to collect the same to every person paying the same, and no officer of customs shall grant a clearance or transire for any ship unless the receipt for such dues is produced to him.

320. Every consignee and agent (not being the owner or master) hereby made liable for the payment of light dues or mooring dues in respect of any ship may, out of any moneys in his hands received on account of such ship, or belonging to the owner thereof, retain the amount of all dues so paid by him, together with any reasonable expenses he may have incurred by reason of such payment or liability.
321. If any person wilfully or negligently commits any of the following offences, that is to say—

1. Injures any lighthouse or the lights exhibited therein, or any buoy, beacon, wharf, or jetties under the control of the Board:

2. Removes, alters, or destroys any lighthouse, buoy, or beacon:

3. Rides by, makes fast to, or runs foul of any lighthouse, buoy, or beacon—

He shall, in addition to the expenses of making good any damage so occasioned, incur a penalty not exceeding One Hundred Pounds.

Prevention of False Lights.

322. Whenever any fire or light is burnt or exhibited at such place or in such manner as to be liable to be mistaken for a light proceeding from a lighthouse, it shall be lawful for the Board to serve a notice upon the owner of the place where the fire or light is burnt or exhibited, or on the person having the charge of such fire or light, either personally or by delivery at the place of abode of such owner or person, or by affixing the same in some conspicuous spot near to such fire or light, and by such notice to direct such owner or person, within a reasonable time to be therein specified, to take effectual means for the extinguishing or effectually screening such existing light, and for preventing for the future any similar fire or light.

Any owner or person disobeying such notice shall be deemed guilty of a common nuisance, and, in addition to any other penalties or liabilities of any kind thereby incurred, shall incur a penalty not exceeding One Hundred Pounds.

323. If any owner or person served with such notice as aforesaid neglects for a period of two days to extinguish or effectually screen the fire or light therein mentioned, it shall be lawful for the Board, or any person authorised by them to enter upon the place whereon the same may be and forthwith to extinguish such fire or light, doing no unnecessary damage; and all expenses incurred in such extinction may be recovered from such person or owner as aforesaid in the same way as penalties are hereby directed to be recoverable.

PART VII.

EXAMINATIONS, AND CERTIFICATES OF MASTERS, MATES, AND ENGINEERS.

Certificates of Competency.

324. Examinations shall be instituted for persons who intend to become masters, mates, or engineers of foreign-going ships, or of intercolonial ships trading by sea or river, or of coast-trade ships, or of steamships plying within restricted limits, or who wish to procure certificates

Examinations to be instituted for masters, mates, and engineers.

PART VII.
certificates of competency, hereinafter mentioned, and such examinations shall be held at such places as the Board shall direct. The Board may appoint times for such examinations, and may, with the consent of the Treasurer, appoint, remove, and reappoint examiners to conduct the same, and may from time to time make, and when made revoke, alter, and add to, rules for the conduct of such examinations, and as to the qualifications of the applicants, and may fix the fees to be paid by such applicants.

325. The examiners shall report upon the result of every such examination to the Board, and the Secretary shall thereupon sign and deliver to every applicant who is duly reported to have satisfactorily passed the examination, and to have given satisfactory evidence as to his sobriety, experience, ability, and general good conduct, such a certificate (hereinafter called a "certificate of competency") as the case requires: Provided that in every case in which the Board have reason to believe such report to have been unduly made, such Board may remit the case either to the same or any other examiner, and may require a re-examination of the applicant, or a further inquiry as to his testimonials or character before granting him a certificate.

326. No ship, except ships exempted as in this Act mentioned, shall go to sea from any port or place in the said province unless such ship is provided with officers holding valid certificates of competency or service under this Act, or equivalent certificates granted by the Board of Trade of the United Kingdom or other recognised competent authority, according to the scale required by the laws of the country in which she is registered, or else according to the following scale, that is to say—

1. If she be a foreign-going ship—
   (a) Of less than one hundred tons register, with a certificated master:
   (b) Of one hundred tons register or less than three hundred tons register, with a master and a first mate or an only mate, as the case may be, duly certificated:
   (c) Of three hundred tons register and upwards, with a master and a first mate and a second mate or an only mate, as the case may be, duly certificated:

2. If she be an intercolonial ship trading by sea—
   (a) Of less than one hundred tons register, with a certificated master:
   (b) Of one hundred tons register and less than three hundred tons register, with a master and a first mate or an only mate, as the case may be, duly certificated:
   (c) Of three hundred tons register or upwards, with a master a first mate and a second mate or an only mate, as the case may be, duly certificated:

III. If
327. No steamship shall go to sea, or ply, or trade in South Australian waters unless such steamship is provided with an engineer or engineers holding valid certificates of competency or service as aforesaid as follows, that is to say—

1. Engineers' certificates shall be of three grades, namely, "first class engineers' certificates," "second-class engineers' certificates," and "third-class engineers' certificates":

2. Every foreign-going steamship, or intercolonial steamship trading by sea, or coast-trade steamship, of one hundred nominal horse-power or upwards, shall have as her first and second engineers two certificated engineers, the first possessing a first-class engineer's certificate, and the second possessing a second-class engineer's certificate or a certificate of a higher grade:

3. Every foreign-going steamship, or intercolonial steamship trading by sea, or coast-trade steamship of less than one hundred nominal horse-power, shall have as her only or first engineer an engineer possessing a second-class engineer's certificate or a certificate of a higher grade:

4. Every intercolonial steamship trading by river, and every steamship plying within the limits of any port in the said province, shall have as her engineer an engineer possessing a third-class engineer's certificate or a certificate of a higher grade:

And if any such ship proceeds to sea from, or plies or engages in trade in, any port or place in the province, without being so provided, the owner of the ship shall incur a penalty not exceeding One Hundred Pounds.
PART VII.

Penalties on fraudulent use of certificates, &c.

328. In each of the following cases—

1. If any person not possessed of a valid certificate appropriate to his grade suffers himself to be engaged or acts as master, mate, or engineer in contravention of this Act:

2. If any person employs or suffers any person to serve as master, mate, or engineer in contravention of this Act, without using all reasonable means (proof whereof shall lie on him) to ascertain that the person so serving is duly certificated:

3. If any person fraudulently engages or employs, or suffers to be engaged or employed, any duly certificated master, mate, or engineer to serve for the purpose only of enabling any ship to clear, and not for the purpose of the whole voyage, or if any master, mate, or engineer so fraudulently engages himself:

Then and in every such case the person so offending shall for every such offence incur a penalty not exceeding Fifty Pounds; and if any certificated master, mate, or engineer is engaged to serve on board any ship and quits such ship before or upon the commencement of her voyage, he shall be deemed, unless the contrary is shown, to have been fraudulently engaged or employed as aforesaid.

329. All certificates (whether of competency or service) granted by the Board shall be made in duplicate, and in proper form, and one part shall be delivered to the person entitled to receive the certificate, and the other shall be kept and recorded by the Secretary or by such other officer as the Board appoint for the purpose; and the Secretary or other officer as aforesaid shall make an entry in the record of such certificates of all orders made for cancelling, suspending, altering, or otherwise affecting any certificate in pursuance of the powers herein contained; and a copy purporting to be certified by such Secretary or other officer as aforesaid of any certificate shall be primâ facie evidence of such certificate; and a copy purporting to be so certified as aforesaid of any entry made as aforesaid in respect of any certificate shall be primâ facie evidence of the truth of the matters stated in such entry.

330. Whenever any master, mate, or engineer proves to the satisfaction of the Board that he has, without fault on his part, lost or been deprived of any certificate already granted to him by the Board, the Board shall, upon payment of such fee (if any) as they direct, cause a copy of the certificate to which by the record so kept as aforesaid he appears to be entitled to be made out and certified as aforesaid, and to be delivered to him; and any copy which purports to be so made and certified as aforesaid shall have all the effect of the original.

331. Every person who makes, or procures to be made, or assists in making, any false representation for the purpose of obtaining for himself
himself or for any other person a certificate either of competency or of service, or who forges, assists in forging, or procures to be forged, or fraudulently alters, assists in fraudulently altering, or procures to be fraudulently altered, any such certificate or any official copy of any such certificate, or who fraudulently makes use of any such certificate or any copy of any such certificate which is forged, altered, cancelled, suspended, or to which he is not justly entitled, or who fraudulently lends his certificate to or allows the same to be used by any other person, shall for each offence be deemed guilty of a misdemeanor.

Certificates of Service.

332. Certificates of service differing in form from certificates of competency shall be granted by the Board as follows, that is to say—

1. Every person who, before the first day of January, one thousand eight hundred and seventy-one, served as master of a foreign-going ship, or intercolonial ship, and had his usual place of residence in South Australia for a period of not less than three years then next preceding, or who has attained or attains a rank in the service of Her Majesty not lower than that of navigating sub-lieutenant, shall be entitled to a certificate of service as master for foreign-going ships or intercolonial ships:

2. Every person who, before the first day of January, one thousand eight hundred and seventy-one, served as a mate of a foreign-going ship or intercolonial ship, and had his usual place of residence in South Australia for a period of not less than three years then next preceding, shall be entitled to a certificate of service as mate for foreign-going ships or intercolonial ships:

3. Every person who, before the first day of January, one thousand eight hundred and seventy-one, has served as master of a coast-trade ship, and had his usual place of residence in South Australia for a period of not less than three years then next preceding, shall be entitled to a certificate of service as master for coast-trade ships or coast-trade passenger ships:

4. Every person who, before the first day of January, one thousand eight hundred and seventy-one, has served as mate of a coast-trade ship, and had his usual place of residence in South Australia for a period of not less than three years then next preceding, shall be entitled to a certificate of service as mate for coast-trade ships or coast-trade passenger ships:

5. Every person who, before the first day of January, one thousand eight hundred and seventy-one, has served as master of a steamship having a "river certificate," shall be entitled to a certificate of service as master for intercolonial steamships trading by river:

6. Every
vi. Every person who, before the first day of January, one thousand eight hundred and sixty-eight, has served as first engineer in any foreign-going steamship or inter-colonial steamship trading by sea of one hundred nominal horse-power or upwards, or who has attained or attains the rank of engineer in the service of Her Majesty, shall be entitled to a "first-class engineer's certificate" of service:

vii. Every person who, before the first day of January, one thousand eight hundred and sixty-eight, has served as second engineer in any foreign-going steamship, or inter-colonial steamship trading by sea, of one hundred nominal horse-power or upwards, or as first or only engineer in any sea-going steamship, or who has attained or attains the rank of first-class assistant engineer in the service of Her Majesty, shall be entitled to a "second-class engineer's certificate" of service:

viii. Every person who, before the first day of January, one thousand eight hundred and sixty-eight, has served as only engineer of any steamship plying within the limits of any port, or as only engineer of any intercolonial steamship trading by river, shall be entitled to a "third-class engineer's certificate":

And each of such certificates of service shall contain particulars of the name, place, and time of birth, and of the length and nature of the previous service, of the person to whom the same is delivered; and it shall be lawful for the Secretary to sign and deliver such certificates of service to the various persons so respectively entitled thereto upon their proving themselves to have attained such rank, or to have served as aforesaid, and upon their giving a full and satisfactory account of the particulars aforesaid.

PART VIII.

EXPLOSIVES.

Shipment and Discharge.

333. The master of any ship arriving at any port in the said province having any explosives on board besides the ship's stores in ship's magazines, or exceeding twelve pounds in weight, shall forthwith hoist a Pilot Jack at the main-mast head, and shall keep such Pilot Jack so flying until all such explosives as aforesaid shall have been landed; and if any master of any such ship shall offend herein he shall be liable to a penalty not exceeding Twenty Pounds.

334. The master of every ship arriving in any port of the said province, and not being within such distance from the Custom House or Marine Board Office of any such port as shall, from time to time, be fixed by the Board, shall land, in the manner directed by this Act, at such magazine or magazines as shall be appointed for
the purpose by the Board, all explosives exceeding twelve pounds in weight which may be on board such ship. And upon the receipt of such explosives at such magazine or magazines so appointed as aforesaid the magazine-keeper shall give to the master a receipt describing the packages containing the same, which receipt shall be deemed in law to maintain any lien which the master or owner of the ship may have upon the said explosives therein described for freight or other lawful charges upon the same respectively; and the master shall forthwith give to the Board notice in writing of such lien. Every importer shall, within forty-eight hours after the arrival of any such ship at or beyond such distance as aforesaid, deliver to the magazine-keeper a full description of the said explosives, showing the quantity with the marks and numbers of the packages containing the same, which description the magazine-keeper shall enter, together with the name of such importer, in a book to be kept for that purpose, and shall thereupon give a certificate of such entry to the said importer. And no person shall be entitled to receive any explosives from any magazine unless he shall produce to the Board or magazine-keeper such certificate, nor unless the storage and any other charges authorised by this Act shall have been paid to the magazine-keeper, or other person authorised by the Board to receive the same.

335. The master of every ship lying within such distance as aforesaid in any port in the said province, at any time after the coming into operation of this Act, on board of which any explosives exceeding twelve pounds in weight shall be found, shall be liable to a fine of Ten Shillings for every additional pound weight of such explosives so found: Provided that twenty-four hours from the time of anchorage at or beyond such distance as aforesaid, shall be allowed to the master of every such ship for the landing of all explosives exceeding the aforesaid weight.

336. The master of every ship arriving in any port in the said province with explosives exceeding twelve pounds in weight on board such ship shall, previously to the landing of such explosives for the purpose of being deposited in a Government or licensed magazine or magazines, report the same to the Board; and as soon as the same shall be reported the Board are hereby authorised to grant a permit or permits to the master of such ship to land such explosives in order that the same may be deposited in one of the Government magazines or in a licensed magazine, and if such explosives are to be deposited in a Government magazine the said Board shall receive the same into their custody and charge, and shall enter in a book, to be kept for that purpose, the name of such ship and of the master thereof.

337. Any explosives which may be so permitted to be deposited in a Government magazine or licensed magazine as aforesaid, shall be removed, from the ship in which the same may be so imported, only between such hours as may be appointed by the Board, and...
and when and so often as any quantity or quantities of explosives shall be so removed, the same shall be brought direct from such ship to such place as may have been appointed for the landing of such explosives, and thence to such magazine or magazines as aforesaid, by and at the expense of the owner of the ship, or of the proprietor or importer of such explosives.

**338.** No ship shall be allowed to come alongside any wharf in any port in the said province, until all explosives exceeding twelve pounds in weight which may be on board shall be first landed as aforesaid, and every master of a ship who shall offend herein shall forfeit and pay a penalty of One Pound sterling for every additional pound weight of such explosives found on board.

**339.** No explosives shall be landed as aforesaid, or shipped in any port in the said province, other than at such landing places or shipping places as may be appointed for that purpose by the Board, and any person or persons who shall land, or attempt to land, or ship, or attempt to ship, any explosives contrary to the provisions of this section, shall forfeit and pay the sum of Two Shillings for every pound weight of explosives so landed or shipped, or attempted to be landed or shipped.

**340.** No ship or boat shall take on board any explosives exceeding twelve pounds in weight whilst within the distance from the Custom House or Marine Board Office fixed as aforesaid; and no ship or boat (unless by order of the Board) shall take on board any explosives exceeding twelve pounds in weight illegally brought within such distance as aforesaid. And every master of a ship, or person in charge of a boat, or any other person offending herein, shall forfeit and pay a penalty of Ten Shillings for every additional pound weight of explosives so taken on board.

**341.** Explosives embarked from any Government or licensed magazine shall not be landed except as directed by this Act, and any person offending herein shall, for every such offence, forfeit and pay a penalty of Two Shillings for every pound weight of explosives landed contrary to this section.

**342.** No boat shall be used for the conveyance of explosives unless approved and licensed by the Board, and provided with such tarpaulins or other coverings as the Board may direct; and any person who shall convey any explosives in any boat not so approved and licensed and provided with tarpaulins or other coverings as aforesaid, shall forfeit and pay the sum of Ten Pounds for every such offence; and every person in charge of such boat acting without such licence shall forfeit and pay the sum of Ten Pounds for every such offence.

**343.** Should any explosives exceeding twelve pounds in weight be imported in any ship arriving in Port Adelaide, or any other port within
within the said province, whether by itself or packed with any other merchandise, and the package containing the same not being marked so as to show that explosives are therein contained, and specifying the same, such explosives, together with the package containing the same and the said merchandise, shall be liable to seizure and confiscation, may be declared by a Special Magistrate or two Justices to be forfeited, and may be sold by the Board in such manner as they direct. And the importer of the same wilfully neglecting to report the importation of such explosives to the Board within twenty-four hours after the arrival of the said ship in such port, shall be liable to a penalty not exceeding Ten Pounds.

344. No explosives exceeding twelve pounds in weight shall be shipped on board any ship, or shipped, delivered, or conveyed in any boat or carriage without a plain and durable brand or superscription on the package containing the same, showing what explosives are therein contained. And if any person shall so ship or deliver, or cause to be shipped or delivered, any such explosives without such brand or superscription, or if any master of any ship shall knowingly receive on board or permit to be landed any such explosives without such notification and brand or superscription, every such person so offending shall be liable to a penalty not exceeding Fifty Pounds.

Removal.

345. All explosives exceeding twelve pounds in weight when in course of removal shall be in barrels closely joined and hooped, or in copper, zinc, or tinned cases or canisters enclosed in wooden boxes or barrels, and no such box or barrel shall contain more than one hundred pounds in weight of any explosive, and such explosive shall be so secured that no part thereof can be scattered in its removal. And in case any of such packages shall be defectively constructed or made contrary to the provisions of this section, or of any regulation which may be hereafter made by the Board, the magazine-keeper appointed by the Board may, if he deem it necessary, remove the contents of the said packages into secure and properly-constructed barrels or boxes, and charge and receive from the importer or owner for such removal the actual expense incurred for every barrel or box so repacked; and the magazine-keeper may refuse to deliver to the said importer or owner the explosive so repacked until the said charge shall be paid: Provided always that in case such repacking cannot be done without danger the magazine-keeper may, with the permission of the Board, order the said explosive so defectively packed to be destroyed.

346. In case the importer or owner of any explosive, while it shall be deposited in any Government magazine, shall sell or transfer the whole or any part of the same to any other person, such sale or transfer shall be immediately reported in writing to the Board or magazine-keeper, and a certificate of such sale or transfer, together with any other documents necessary for claiming transfer and delivery of such explosive from such importer or owner, shall also be produced
Regulating storage rent.

347. The storage rent and other charges for any explosives deposited in any Government magazine as aforesaid shall be paid by the importer or holder of the certificate thereof at the rates to be authorised by the Board, with the consent of the Governor in Council, and such importer or holder shall be held liable for the payment of storage and all other expenses thereupon until the transfer in the property of such explosive has been duly reported to and registered by the Board or magazine-keeper: Provided that it shall be lawful for the Board, with the like consent, at any time, by any order or regulation, to diminish the rate of such store rent and other charges, and again to increase such rate or charges.

Explosives may be sold for payment of charges.

348. If the storage rent due upon, and all other charges and expenses incurred in respect of, any explosives heretofore or hereafter to be deposited in any Government magazine, subject to the provisions of this Act, shall not be paid within twelve months after such explosives shall have been so deposited, or within one month after demand shall have been made by the Board, or officer appointed in that behalf, it shall be lawful for such Board or officer to cause such explosives, or so much thereof as may appear to be necessary to satisfy all such storage rent, and other charges and expenses, to be sold by public auction, after having been advertised for two weeks in the Government Gazette, and the produce thereof shall be applied first to the payment of such storage rent, and all other charges and expenses as aforesaid, and the surplus (if any) shall be paid to the importer or other person duly authorised to receive the same.

Quantity of explosives to be conveyed, and construction of carriages.

349. Not more than one ton weight of any explosives shall be conveyed at one time in any carriage, except when being conveyed by railway or being otherwise under the control and supervision of the Government; and the carriage used in conveying explosives exceeding one hundred pounds weight shall be specially constructed for that purpose, shall be lined on the bottom and on each side with wood fastened with copper bolts or copper nails, shall have the owner's name and the number of the carriage painted on both sides thereof in letters not less than three inches long, and shall be so constructed that no iron or steel can come in contact with a package containing any explosive; but if such carriage forms part of any railway train, then, any quantity of explosives not exceeding two tons weight may be conveyed therein, and the word "Gunpowder" shall in all cases be painted on every carriage in capital letters not less than six inches long; and every carriage shall have a complete covering of wood or of painted cloth or woollen cloth tilts over all the explosives conveyed therein; and any person who shall, in the conveyance of any explosives fail to comply with the provisions of this section, shall,
shall, for every such offence, be liable to a penalty not exceeding Ten Pounds, and to the forfeiture of the carriage and the animals used therewith (if any) and all the explosives and their packages then being thereon or therein: Provided that explosives carried on the Government railways shall not be so forfeited.

350. No person shall take any explosives exceeding one hundred pounds net weight to any railway station until he has obtained a certificate for transit thereof from the traffic manager that he is prepared to receive it; and any person so offending in any such case shall be liable to a penalty not exceeding Fifty Pounds.

351. No person shall carry any explosive exceeding two pounds in weight in any omnibus, coach, or other public vehicle, used for the conveyance of passengers, nor in any licensed boat, any passenger being therein, under a penalty not exceeding Five Pounds.

Licensing, &c.

352. Explosives shall not be kept at or in any place except as follows, that is to say—

i. Except in a Government magazine either now existing or which may hereafter be proclaimed by the Treasurer as a Government magazine:

ii. Or in a private magazine duly licensed by the Board under the authority and according to the provisions of this Act and the regulations which the Board may from time to time make for the storage of explosives:

iii. Or on any premises duly licensed under the provisions of this Act and the regulations made hereunder:

iv. Or on any premises appointed for the storage of explosives under the provisions of the Municipal Corporations Act, 1880, or any Act or Acts amending or repealing that Act:

Provided always that this section shall not apply to any person keeping explosives for his own use, and not exceeding the amount of twelve pounds weight on the same premises unless duly registered as aforesaid. And whenever any explosive shall be kept in any place other than is above or elsewhere by this Act and the aforesaid regulations authorised, the same may be forthwith seiz'd by the Board or the inspector of magazines appointed by the Board, or inspector of police, and may be declared to be forfeited by any Special Magistrate or two Justices; and the occupier of such place and the owner of the explosive so unlawfully authorising the keeping of the same as aforesaid, shall each be liable to a penalty not exceeding Twenty Shillings for every pound weight of explosive so kept in excess of the authorised quantity.

353. The Board may license as a magazine any suitable building (not being within any city or town, or the suburbs thereof, or within two hundred yards of any building or public road) which shall be certified by an inspector of magazines or an officer duly appointed by
by the Board for the purpose to be suitable with regard to its situation and external and internal construction for the safe custody of gunpowder or any other explosive, as the case may be. And upon any such building being so certified, the Board may issue a licence to the owner or other person intended to have the charge of the said magazine, provided that such owner or person shall be approved by the Board as being duly qualified, and such licence shall be valid only for the person named therein. And in the event of any wilful neglect of any provision of this Act, or of any regulation made under its authority, by the person so being licensed, all or any part of the explosives then in his magazine at the time the offence was committed shall be liable to be declared forfeited by any Special Magistrate or two Justices, and the owner or occupier (being such licensee) shall also be liable to a penalty not exceeding Ten Pounds for every day during which such negligence may continue, and the said licence shall be forfeited.

354. A licence may be granted to any person for a private magazine subject to the provisions of this Act, and of any regulations made by the Board hereunder.

355. All licences and certificates granted under this Act and the regulations made thereunder, shall be issued by the Board, and shall be valid only for the persons named therein, and for the quantities of explosives therein specified. Upon any wilful neglect of any of the provisions of this Act, or of any regulation made under its authority, licences shall be declared forfeited by a Special Magistrate or two Justices, who may also impose a penalty of Ten Pounds for every day during the continuance of any such negligence.

Carrying Explosives.

356. No steamship carrying passengers shall carry any explosives except such reasonable quantity as may be required for the purpose of making signals, and kept in properly-constructed copper magazines, or otherwise protected to the satisfaction of an inspector of magazines appointed by the Board; and the master or owner of any such steamship as aforesaid on board of which any explosives may be found contrary to the provisions of this section, shall, on conviction before a Special Magistrate or two Justices, forfeit and pay for every such offence any sum not exceeding One Hundred Pounds nor less than Ten Pounds.

357. The Board or any officer of Customs, or any inspector of magazines appointed by the Board, may seize without warrant any explosives which may be found on board any steamship contrary to the provisions of the last preceding section, and all explosives so found shall be forfeited, and, when forfeited, shall be disposed of as such Magistrate or Justices direct.

358. If any person sends, or attempts to send by, or, not being the master or owner of the ship, carries, or attempts to carry, in any
any ship, British or foreign, any explosives, without distinctly marking their nature on the outside of the package containing the same, and giving written notice of the nature of such explosives, and of the name and address of the sender or carrier thereof, to the master or owner of the ship at or before the time of sending the same to be shipped or taking the same on board the ship, he shall, for every such offence, incur a penalty not exceeding One Hundred Pounds: Provided that if such person show that he was merely an agent in the shipment of any such explosives as aforesaid, and was not aware and did not suspect and had no reason to suspect that the explosives shipped by him were of a dangerous nature, the penalty which he incurs shall not exceed Ten Pounds.

359. If any person knowingly sends or attempts to send by, or carries or attempts to carry in, any ship, British or foreign, any explosives under a false description, or falsely describes the sender or carrier thereof, he shall incur a penalty not exceeding Five Hundred Pounds.

360. The master or owner of any ship, British or foreign, may refuse to take on board any package or parcel which he suspects to contain any explosives, and may require it to be opened to ascertain the fact.

361. Where any explosives have been sent or brought on board any ship, British or foreign, without being marked as aforesaid, or without such notice having been given as aforesaid, the master or owner of the ship may cause such explosives to be thrown overboard, together with any package or receptacle in which they are contained; and neither the master nor the owner of the ship shall, in respect of such throwing overboard, be subject to any liability, civil or criminal, in any court.

362. Where any explosives have been sent or carried, or attempted to be sent or carried, on board any ship, British or foreign, without being marked as aforesaid, or without such notice having been given as aforesaid, and where any such explosives have been sent or carried, or attempted to be sent or carried, under a false description, or the sender or carrier thereof has been falsely described, such explosives, and any package or receptacle in which they are contained, shall be liable to be declared forfeited by a Special Magistrate or two Justices.

The said Magistrate or Justices shall have and may exercise the aforesaid powers of forfeiture and disposal, notwithstanding that the owner of the explosives has not committed any offence under the provisions of this Act relating to explosives, and be not before him or them, and has not notice of the proceedings, and notwithstanding that there be no evidence to show to whom such explosives belong; nevertheless, the Magistrate or Justices may, in his or their discretion, require such notice as he or they may direct to be given to the owner or shipper of the said explosives before the same are forfeited.

Miscellaneous.
PART VIII.

Expression

"explosives" include every substance as defined therein.

Marine Board may define and classify explosives.

Justice, on oath, to issue a search warrant.

363. In the construction, and for the purposes of this Act, the expression "explosives," whenever used, shall be deemed to include the following substances, or either of them, that is to say—nitro-glycerine, dynamite, lithofracteur, gun-cotton, blasting powder, fulminate of mercury or other metals, colored fires, and every other substance, whether similar to those above-mentioned or not, used or manufactured with a view to produce a practical effect by explosion or a pyrotechnic effect—as well as fog-signals, fireworks, fuzes, rockets, percussion caps, detonators, cartridge, ammunition of all descriptions, and every adaptation or preparation of any of the said substances; and also every other material or substance which the Governor may, by Proclamation published in the Government Gazette, direct to be included within the meaning of the expression "explosives" for the purposes of this Act.

364. It shall be lawful for the Board from time to time, with the consent of the Governor, to define, for the purposes of this Act, the composition, quality, and character of any explosive, and to classify explosives.

Where the composition, quality, or character of any explosive has been defined as aforesaid, any article alleged to be such explosive which differs from such definition in composition, quality, or character, whether by reason of deterioration or otherwise, shall not be deemed, for the purposes of this Act, to be the explosive so defined.

365. For the more easy discovery of the keeping and carriage of explosives, contrary to the provisions of this Act, it shall be lawful for any Justice, upon demand made and a reasonable cause assigned, upon oath, by any person or persons, to issue a warrant or warrants under his hand for searching, in the day-time, any house, storehouse, warehouse, shop, cellar, yard, wharf, or other building or place, or ship in which explosives are suspected to be kept, contrary to the provisions of this Act; and all explosives found upon search to be kept contrary to the provisions of this Act, and, also, the barrels and packages in which the same are contained, shall be immediately seized by the searcher or searchers, who shall, with all convenient speed after the seizure, remove the same to such proper places as they, in conformity with the restrictions of this Act, shall think fit, and may detain such explosives, and the barrels and packages containing the same, until it shall be adjudged on a hearing before a Special Magistrate or two Justices, whether the same shall be forfeited; and such searcher or searchers, seizer or seizors, shall not be liable to any suit for such detention, or for any loss or damage which may happen to such explosives, or barrels, or packages, other than by willful acts of neglect of them, or of the persons with whom they shall trust the keeping thereof.

366. The Board may, with the sanction of the Treasurer, appoint Inspectors of Magazines, and may assign to them their duties; and every such appointment shall thereupon be published in the Government Gazette.

367. Nothing...
367. Nothing in the Eighth Part of this Act contained shall be deemed or held to apply—

i. To any explosive or explosive substance the property of Her Majesty on board any of Her Majesty's ships:

ii. Nor to the keeping of explosives or explosive substances in any magazine belonging to Her Majesty or to the carriage thereof to and from any magazine under a special order of the Treasurer or when under the control and management of any officer of Her Majesty's army, navy, or ordnance, or other duly authorised person:

iii. Nor to any gunpowder, rockets, or other explosive or explosive substance on board any ship in pursuance of the provisions of the Merchant Shipping Act, 1854, and the Acts amending the same, or any order or regulation made under any of those Acts: Provided that the conveyance and keeping thereof on board the ship or elsewhere, while the ship is in harbor, shall be subject to the regulations made or to be hereafter made by the Board:

iv. Nor to any explosives or explosive substances supplied to or used by Her Majesty's Volunteer Military Forces.

PART IX.

LEGAL PROCEDURE.

368. This Act shall be and be construed as an Act relating to the Customs, trade, and navigation, and all rights, remedies, enactments, and provisions of the law for the time being in force within the said province, relating to the Customs, trade, and navigation, shall, so far as applicable and not inconsistent herewith, apply to all persons and things, and to all forfeitures, penalties, seizures, and other proceedings under this Act, as if the same were expressly herein inserted.

369. The offences hereinafter mentioned shall be punished, and penalties recovered in manner following, that is to say—

i. Every offence by this Act declared to be a misdemeanor, shall be punishable by fine or imprisonment, with or without hard labor, and the Court before which such offence is tried may make such allowances, and order such payment of costs and expenses (if any) as are payable or allowable upon the trial of a misdemeanor under any law for the time being in force:

ii. Every offence declared by this Act to be a misdemeanor shall also be deemed to be an offence hereby made punishable by imprisonment for any period not exceeding six months, with or without hard labor, or by a penalty not
not exceeding One Hundred Pounds, and may be pro-
scribed accordingly in a summary manner under the pro-
visions of the Ordinance No. 6 of 1850 instead of being
prosecuted as a misdemeanor:

iii. Every offence hereby made punishable by imprisonment for
any period not exceeding six months, with or without hard
labor, or by any penalty not exceeding One Hundred
Pounds, shall be prosecuted summarily before any two or
more Justices:

iv. In all cases of summary conviction where the sum adjudged
to be paid exceeds Five Pounds, or the period of impris-
onment adjudged exceeds one month, any person who
thinks himself aggrieved by such conviction may appeal to
the Local Court, Adelaide, of Full Jurisdiction; and the
proceedings on such appeal shall be conducted in manner
appointed by the Ordinance No. 6 of 1850 for appeals
to Local Courts:

v. All offences under this Act not otherwise provided for shall
be punishable in a summary manner under the provisions
of the Ordinance No. 6 of 1850, and the penalty in
respect thereof recoverable:

vi. No conviction or order under this Act shall be quashed or
removed by certiorari or otherwise into the Supreme Court
for want of form.

370. For the purpose of giving jurisdiction under this Act every
offence shall be deemed to have been committed, and every cause
of complaint to have arisen, either in the place in which the same
actually was committed or arose, or in any place in which the
offender or person complained against may be.

371. In all cases where any district within which any Court, or
Justice or other Magistrate, has jurisdiction, either under this
Act or under any other Act, or otherwise howsoever, for any
purpose whatever, is situate on the coast of any sea, or abutting in
or projecting into any bay, channel, lake, river, or other navigable
water, every such Court, Justice, or Magistrate, shall have juris-
diction over any ship or boat being on, or lying, or passing
off, such coast, and within the limits of the said province, or being
in or near such bay, channel, lake, river, or navigable water as
aforesaid, and over all persons on board such ship or boat, or for the
time being belonging thereto, in the same manner as if such ship,
boat, or persons were within the limits of the original jurisdiction
of such Court, Justice, or Magistrate.

372. In all cases where any Court, Justice, or other Magistrate,
has power to make an order directing payment to be made of any
seaman's wages, penalties, or other sums of money, then, if the party
so directed to pay the same is the master or owner of a ship, and the
same is not paid at the time and in manner prescribed in the order,
the Court, Justice, or other Magistrate who made the order, may, in addition to any other powers they or he may have for the purpose of compelling payment, direct the amount remaining unpaid to be levied by distress or pounding and the sale of such ship and her tackle.

373. Any Court, Justice, or Magistrate, imposing any penalty under this Act for which no specific application is herein provided, may, if it or he think fit, direct the whole, or any part thereof, to be applied in compensating any person for any wrong or damage which he may have sustained by the act or default in respect of which such penalty is imposed, or to be applied in or towards payment of the expenses of the proceedings; and subject to such directions or specific application as aforesaid, all penalties recoverd in the said province under this Act shall go and be distributed, one moiety to the person who shall inform or sue for the same, and the other moiety to the Treasurer for the public uses of the said province and the support of the Government thereof.

374. The time for instituting summary proceedings under this Act shall be limited as follows, that is to say—

1. No conviction for any offence shall be made under this Act, in any summary proceeding instituted in the said province, unless such proceeding is commenced within six months after the commission of the offence, or if both or either of the parties to such proceeding happen during such time to be out of the said province unless the same is commenced within two months after they both first happen to arrive or to be at one time within the same:

11. No order for the payment of money shall be made under this Act, in any summary proceeding instituted in the said province, unless such proceeding is commenced within six months after the cause of complaint arises, or if both or either of the parties happen during such time to be out of the said province, unless the same is commenced within six months after they both first happen to arrive or to be at one time within the same:

And no provision contained in any other Act or Ordinance for limiting the time within which summary proceedings may be instituted shall affect any summary proceeding under this Act.

375. Any document required by this Act to be executed in the presence of, or to be attested by, any witness, may be proved by the evidence of any person who is able to bear witness to the requisite facts, without calling the attesting witnesses or any of them.

376. Where any order, notice, statement, or document requires, for the purpose of any provisions of this Act, to be served on the master of a ship, the same shall be served, where there is no master and the ship is in the province, on the managing owner of the ship;
or if there is no managing owner, on some agent of the owner residing in the province; or where no such agent is known or can be found, by affixing a copy thereof to the mast of the ship.

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 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 such ship.

377. Any person who obstructs the service of any order, notice, statement, or document, on the master of a ship shall incur a penalty not exceeding Ten Pounds, and if the owner or master of the ship is party or privy to such obstruction, he shall be guilty of a misdemeanor.

378. Whenever any injury has, in any part of the world, been caused to any property belonging to Her Majesty, or to any of Her Majesty's subjects, by any foreign ship, if at any time thereafter such ship is found in any port or river of the said province, or within three miles of the said coast thereof, it shall be lawful for any Judge of the Supreme Court or of the Court of Vice-Admiralty of the said province, upon its being shown by any person applying summarily that such injury was probably caused by the misconduct or want of skill of the master or seamen of such ship, to issue an order directed to any officer of Customs, or other officer, requiring him to detain such ship until such time as the owner, master, or consignee thereof hath made satisfaction in respect of such injury, or has given security, to be approved by the Judge making the order, to abide the event of any action, suit, or other legal proceedings that may be instituted in respect of such injury, and to pay all costs and damages that may be awarded therein, and any officer of Customs, or other officer to whom such order is directed, shall detain such ship accordingly.

379. In any case where it appears that before any application can be made under the foregoing section such foreign ship will have departed beyond the limits therein mentioned, it shall be lawful for the Board to detain such ship until such time as will allow such application to be made and the result thereof to be communicated to such Judge; and the Board shall not be liable for any costs or damages in respect of such detention, unless the same is proved to have been made without reasonable grounds.

380. In any action, suit, or other proceeding in relation to such injury, the person so giving security, as aforesaid, shall be made defendant or defender, and shall be stated to be the owner of the ship that has occasioned such damage, and the production of the order of the Judge, made in relation to such security, shall be conclusive evidence of the liability of such defendant or defender to such action, suit, or other proceeding.
PART X.

MISCELLANEOUS.

Misconduct by Passengers in Steamships.

381. The following offenders, that is to say—

i. Any person who, being drunk or disorderly, has been on that account refused admission into any duly-surveyed steamship by the owner, or any person in his employ, and who, after having had the amount of his fare (if he has paid the same) returned or tendered to him, nevertheless persists in attempting to enter such steamship:

ii. Any person who, being drunken or disorderly on board any such steamship, is requested by the owner, or any person in his employ, to leave the same at any place in the province at which he can conveniently so do, and who, having had the amount of his fare (if he has paid the same) returned or tendered to him, refuses to comply with such request:

iii. Any person on board any such steamship, who, after warning by the master or any other officer of the steamship, molests or continues to molest any passenger:

iv. Any person who, after having been refused admission into any such steamship by the owner, or any person in his employ, on account of such steamship being full, and who after having had the full amount of his fare (if he has paid the same) returned or tendered to him, nevertheless persists in attempting to enter the same:

v. Any person having got on board any such steamship, who upon being requested on the like account by the owner, or any person in his employ to leave such steamship before the same has quitted the place at which such person got on board, and who upon having the full amount of his fare (if he has paid the same) returned or tendered to him, refuses to comply with such request:

vi. Any person who travels or attempts to travel in any steamship without having previously paid his fare, and with intent to avoid payment thereof:

vii. Any person who, having paid his fare for a certain distance, knowingly and wilfully proceeds in any such steamship beyond such distance, without previously paying the additional fare for the additional distance, and with intent to avoid payment thereof:

viii. Any person who knowingly and wilfully refuses or neglects, on arriving at the point to which he has paid his fare, to quit any such steamship: and,

ix. Any
IX. Any person on board any such steamship who does not, when required by the master or other officer of such steamship, either pay his fare or exhibit such ticket or other receipt (if any) showing the payment of his fare as is usually given to persons travelling by and paying their fare for such steamship:

Shall, for every such offence, be liable to a penalty not exceeding Five Pounds; but such liability shall not prejudice the recovery of any fare payable by him.

382. Any person on board any such steamship who wilfully does or causes to be done anything in such a manner as to obstruct or injure any part of the machinery or tackle of such steamship, or to obstruct, impede, or molest, the crew or any of them in the navigation or management of such steamship or otherwise in the execution of their duty upon or about such steamship, shall, for every such offence, be liable to a penalty not exceeding Twenty Pounds.

383. It shall be lawful for the master or other officer of any duly surveyed steamship, and for all persons called by him to his assistance, to detain any person who has committed any offence against any of the provisions of the two last preceding sections of this Act, and whose name and address are unknown to such officer, and to convey such offender, with all convenient dispatch, before some Justice, without any warrant or other authority than this Act; and such Justice shall have jurisdiction to try the case, and shall proceed, with all convenient dispatch, to the hearing and determining of the complaint against such offender.

384. Every person who, having committed any of the offences mentioned in sections 381 and 382, or either of them, refuses, on application of the master of the ship, or of any other person in the employ of the owner thereof, to give his name and address, or who on such application gives a false name or address, shall incur a penalty not exceeding Twenty Pounds, to be paid to the said owner.

385. The master of any coast-trade steamship may refuse to receive on board thereof any person who, by reason of drunkenness or otherwise, is in such a state, or misconducts himself in such a manner, as to cause annoyance to other passengers on board, or, if such person is on board, may put him on shore at any convenient place; and no person so refused admittance or put on shore shall be entitled to the return of any fare he may have paid.

Miscellaneous.

386. If any person commits any of the following offences so as, in the opinion of the Board, to be or tend to the injury of navigation, that is to say—

1. Casts or causes to be cast, or suffers to fall, either from on board
board ship or from land, any ballast, rock, stone, slate, shingle, gravel, sand, earth, cinders, rubbish, or other substance or thing, on any tidal land, or into any port or tidal water, or into the sea below low watermark within two nautical leagues thereof: or,

ii. Casts or causes to be cast, or suffers to fall, any such substance or thing on land in a position where the same may be liable to fall or descend or be carried or washed down by ordinary or high tides, or by any stream or flow of water, or by any storm or flood, or otherwise, into any port or tidal water, or into the sea: or,

iii. Casts or places, or leaves or causes to be cast, placed, or left, any ship or boat laid by or neglected as unfit for sea service, any floating or other timber, or any other thing, on any tidal lands, or in any port or tidal water, or in the sea:

He shall for each offence incur a penalty not exceeding Fifty Pounds, and shall also be liable to pay the expenses incurred by the Board in the removal of any such substance or thing.

387. It shall be the duty of the master, officer, or person, in charge of any ship registered in the province, if and so far as he can do so without danger to his own ship, crew and passengers (if any), to proceed to the assistance of any other ship in distress, or that may be flying any of the usual signals of distress, and to save or endeavor to save or assist in saving the life or lives of any person or persons on board any such ship, or on any boat, or on any wreckage belonging or near to any such ship or boat; and if any such master or officer shall knowingly or wilfully commit a breach of this provision he shall be deemed to be guilty of an offence within the meaning of section 136 of this Act, and may be proceeded against and dealt with accordingly.

388. The municipal corporation of any town, being a seaport in the colony, and any body corporate, association, or trustees in any such seaport, existing or constituted for any public purposes relating to the government or benefit of persons engaged in the merchant service, or to the management of docks and harbors, or for any other public purposes connected with shipping or navigation, may, with the consent of the Governor, appropriate any lands vested in them, or in trustees for them, as a site or sites for a sailors' home or sailors' homes, and may for that purpose either retain and apply the same accordingly, or convey the same to trustees, with such powers for appointing new trustees and continuing the trust as they think fit.

389. The name and address of the managing owner for the time being of every ship registered at any port or place in the province shall be registered at the Custom House of the ship's port or registry.
PART X.

Where there is not a managing owner there shall be so registered the name of the ship's agent or other person to whom the management of the ship is intrusted by or on behalf of the owner; and any person whose name is so registered shall, for the purposes of this Act and of "The Merchant Shipping Act, 1854," and any amendment thereof, be under the same obligations and subject to the same liabilities as if he were the managing owner.

If default is made in complying with this section the owner shall be liable, or, if there be more owners than one, each owner shall be liable, in proportion to his interest in the ship, to a penalty not exceeding in the whole One Hundred Pounds each time the ship leaves any port in the province.

390. Where any ship has been registered at a port in the United Kingdom or any British possession, the amount of tonnage specified in the certificate of such registry shall, for the purposes of this Act, be deemed to be the tonnage of such ship.

391. In the case of ships belonging to any foreign country which has adopted the provisions of "The Merchant Shipping Act, 1854," in respect of the measurement of tonnage, such ships shall be deemed to be of the tonnage denoted in their certificates of registry or other national papers.

In order to ascertain the tonnage of any ship not registered as aforesaid, as to which any question arises, it shall be lawful for any officer of Customs, or other person appointed in that behalf by the Collector of Customs, at the port in which such ship may then be, to measure such ship, and such officer or person in measuring such ship shall follow the regulations contained in the law regulating the measurement of shipping for the time being in force in the said province.

392. The Board shall be the department, after the commencement of this Act, for carrying out the provisions of "The Passengers Act, 1855," or of any Act amending the same, and all powers, functions, and duties, which may be exercised by the Emigration Officer or his assistant, or, in their absence, the chief officer of Customs, by virtue of such Act, shall, after the commencement of this Act, be transferred to and vested in the Board, and the said Board, with the consent of the Treasurer, may, from time to time, appoint such officers as they think fit or necessary for carrying out the said provisions or any of them.

393. Every person or persons making, constructing, altering, or extending any work on, in, over, through, or across tidal lands or a tidal water, or the sea-shore below high watermark, shall, on or near the work, during the whole time of the making, constructing, altering, or extending thereof, exhibit and keep burning at his or their own expense every night from sunset to sunrise such lights (if any) as the Board from time to time require or approve; and shall
shall also on or near such work, when completed, always maintain, exhibit, and keep burning every night from sunset to sunrise such lights (if any) for the guidance of ships as the Board from time to time require or approve.

If any person fails to comply in any respect with the provisions of this section, he shall, for each night on which he so fails, incur a penalty not exceeding Twenty Pounds.

394. In any case in which any damage shall be done to any wharf, crane, truck, landing-steps, warehouse, shed, ship, boat, building, or other work belonging to the Board or to Her Majesty, through the misconduct, negligence, or default of the master of any ship, or any other person on board of any ship, the amount of such damage may be recovered from such master, or the owner of such ship, in a summary way, and in the same manner as any other penalty under this Act; or, at the option of the Board, such ship may be detained until such damage shall have been paid for, or a deposit shall have been made by the master or owner of such ship equal in amount to the claim or demand made by the Board for the estimated amount of damage so done by such ship, which deposit the Board are authorised to receive and retain until the entire amount of such damage shall have been ascertained by the Board and paid to them by the master or owner of such ship, when the said deposit shall be returned to such master or owner. Every such deposit shall be considered to have been made in payment and satisfaction of the claim or demand for damage in respect of which such deposit shall have been made, unless notice that the claim is disputed be given to the Board within seven days after such deposit shall have been made; and after the expiration of seven days next after such deposit shall have been made (unless in the meantime notice be given to the Board that the claim is disputed) the Board may, unless the amount of damage done by such ship shall have been sooner paid, apply such deposit or a sufficient part thereof, in making good such damage, and shall return the residue of such deposit to the said master or owner.

395. If any person shall erect, build, or make any wharf, embankment, or any building, or work, or drive any pile or beacon, or lay down or place any chain, mooring, or buoy within the jurisdiction of the Board without the permission in writing of the said Board, every such person shall, on conviction, be liable to forfeit and pay a penalty not exceeding Fifty Pounds; and any such person who neglects or fails to remove any such wharf, embankment, building, work, pile, beacon, chain, mooring, or buoy so placed, after notice in writing to remove the same has been served on such person by the said Board, he shall for every such offence be liable to forfeit and pay a further penalty not exceeding Five Pounds for every day that he fails or neglects to remove such wharf, embankment, building, work, pile, beacon, chain, mooring, or buoy.

396. If
SCHEDULES REFERRED TO.

SCHEDULE A.

The Board of Trade may suspend or cancel the certificate (whether of competency or service) of any master or mate in the following cases (that is to say)—

(1.) If, upon any investigation made in pursuance of the last preceding section, he is reported to be incompetent, or to have been guilty of any gross act of misconduct, drunkenness, or tyranny:

(2.) If, upon any investigation conducted under the provisions contained in the Eighth Part of this Act, or upon any investigation made in a Naval Court constituted as hereafter mentioned, it is reported 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:

(3.) If he is superseded by the order of any Admiralty Court or of any Naval Court as hereinafter mentioned:

(4.) If he is shown to have been convicted of any offence:

(5.) If, upon any investigation made by any Court or tribunal authorised, or hereafter to be authorised, by the legislative authority in any British possession to make inquiry into charges of incompetency or misconduct on the part of masters or mates of ships, or as to shipwrecks or other casualties affecting ships, a report is made by such Court or tribunal to the effect that he 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, and such report is confirmed by the Governor or person administering the government of such possession:

And every master or mate whose certificate is cancelled or suspended, shall deliver it to the Board of Trade or as it directs; and in default shall, for each offence, incur a penalty not exceeding Fifty Pounds; and the Board of Trade may at any subsequent time grant to any person whose certificate has been cancelled a new certificate of the same or of any lower grade.

The following rules shall be observed with respect to the cancellation and suspension of certificates, that is to say—

(1.) The power of cancelling or suspending the certificate of a master or mate by the two hundred and forty-second section of the principal Act conferred on the Board of Trade shall (except in the case provided for by the fourth paragraph of the said section) vest in and be exercised by the local Marine Board, Magistrates, Naval Court, Admiralty Court, or other court or tribunal by which the case is investigated or tried, and shall not in future vest in or be exercised by the Board of Trade.

(2.) Such power shall extend to cancelling or suspending the certificate of engineers in the same manner as if “certificated engineer,” or “certificated engineers,” were inserted throughout such section after “master” or “masters.”

(3.) Every such board, court, or tribunal shall, at the conclusion of the case, or as soon afterwards as possible, state in open Court the decision to which they may have come with respect to cancelling or suspending certificates, and shall in all cases send a full report upon the case, with the evidence, to the Board of Trade, and shall also, if they determine to cancel or suspend any certificate, forward such certificate to the Board of Trade with their report.

(4.) It shall be lawful for the Board of Trade, if they think the justice of the case require it, to issue and return any certificate which has been cancelled or
or suspended, or shorten the time for which it is suspended, or grant a new certificate of the same or any lower grade in place of any certificate which has been cancelled or suspended.

(5.) The four hundred and thirty-fourth and four hundred and thirty-seventh sections of the principal Act shall be read as if for the word "nautical" were substituted the words "nautical or engineering," and as if for the words "person" and "assessor" respectively were substituted the words "person or persons" and "assessor or assessors" respectively.

(6.) No certificate shall be cancelled or suspended under this section unless a copy of the report or a statement of the case upon which the investigation is ordered has been furnished to the owner of the certificate before the commencement of the investigation, nor in the case of investigations conducted by Justices or a Stipendiary Magistrate unless one assessor at least expresses his concurrence in the report.

**SCHEDULE B.**

**Regulations for Preventing Collisions at Sea.**

**Preliminary.**

**Art. 1.** In the following rules every steamship which is under sail and not under steam is to be considered a sailing ship; and every steamship which is under steam, whether under sail or not, is to be considered a ship under steam.

**Rules Concerning Lights.**

**Art. 2.** The lights mentioned in the following articles, numbered 3, 4, 5, 6, 7, 8, 9, 10, and 11, and no others, shall be carried in all weathers, from sunset to sunrise.

**Art. 3.** A sea-going steamship when under way shall carry:

(a.) On or in front of the foremost, at a height above the hull of not less than twenty feet, and if the breadth of the ship exceeds twenty then at the height above the hull not less than such breadth, a bright white light, so constructed as to show an uniform and unbroken light over an arc of the horizon of twenty points of the compass; so fixed as to throw the light ten points on each side of the ship, viz., from right ahead to two points abaft the beam on either side; and of such a character as to be visible on a dark night, with a clear atmosphere, at a distance of at least five miles:

(b.) On the starboard side, a green light so constructed as to show an uniform and unbroken light over an arc of the horizon of ten points of the compass; so fixed as to throw the light from right ahead to two points abaft the beam on the starboard side; and of such a character as to be visible on a dark night, with a clear atmosphere, at a distance of at least two miles:

(c.) On the port side, a red light, so constructed as to show an uniform and unbroken light over an arc of the horizon of ten points of the compass; so fixed as to throw the light from right ahead to two points abaft the beam on the port side; and of such a character as to be visible on a dark night, with a clear atmosphere, at a distance of at least two miles:

(d.) The said green and red side lights shall be fitted with inboard screens projecting at least three feet forward from the light, so as to prevent these lights from being seen across the bow.

**Art. 4.** A steamship, when towing another ship, shall, in addition to her side lights, carry two bright white lights in a vertical line one over the other, not less than three feet apart, so as to distinguish her from other steamships. Each of these lights shall be of the same construction and character, and shall be carried in the same position as the white light which other steamships are required to carry.

**Art. 5.** A ship, whether a steamship or a sailing ship, when employed either in laying or in picking up a telegraph cable, or which from any accident is not under command, shall at night carry in the same position as the white light which steamships are required to carry, and, if a steamship, in place of that light, three red lights in globular lanterns, each not less than ten inches in diameter, in a vertical line.
line one over the other, not less than three feet apart; and shall by day carry in a vertical line one over the other, not less than three feet apart, in front of but not lower than her fore mast-head, three black balls or shapes, each two feet in diameter.

These shapes and lights are to be taken by approaching ships as signals that the ship using them is not under command, and cannot therefore get out of the way.

The above ships, when not making any way through the water, shall not carry the side lights, but when making way shall carry them.

Art. 6. A sailing ship under way, or being towed, shall carry the same lights as are provided by Article 3 for a steamship under way, with the exception of the white light, which she shall never carry.

Art. 7. Whenever, as in the case of small vessels during bad weather, the green and red side lights cannot be fixed, these lights shall be kept on deck, on their respective sides of the vessel, ready for use; and shall, on the approach of or to other vessels, be exhibited on their respective sides in sufficient time to prevent collisions, in such manner as to make them most visible, and so that the green light shall not be seen on the port side, nor the red light on the starboard side.

To make the use of these portable lights more certain and easy, the lanterns containing them shall each be painted outside with the color of the light they respectively contain, and shall be provided with proper screens.

Art. 8. A ship, whether a steamship or a sailing ship, when at anchor, shall carry, where it can best be seen, but at a height not exceeding twenty feet above the hull, a white light, in a globular lantern of not less than eight inches in diameter, and so constructed as to show a clear uniform and unbroken light visible all round the horizon, at a distance of at least one mile.

Art. 9. A pilot vessel, when engaged on her station on pilotage duty, shall not carry the lights required for other vessels, but shall carry a white light at the masthead, visible all round the horizon, and shall also exhibit a flare-up light or flare-up lights at short intervals, which shall never exceed fifteen minutes.

A pilot vessel, when not engaged on her station on pilotage duty, shall carry lights similar to those of other ships.

Art. 10. (a.) Open fishing boats and other open boats when under way shall not be obliged to carry the side lights required for other vessels; but every such boat shall in lieu thereof have ready at hand a lantern with a green glass on the one side, and a red glass on the other side; and on the approach of or to other vessels, such lantern shall be exhibited in sufficient time to prevent collision, so that the green light shall not be seen on the port side, nor the red light on the starboard side.

(b.) A fishing vessel, and an open boat, when at anchor, shall exhibit a bright white light.

(c.) A fishing vessel, when employed in drift net fishing, shall carry on one of her masts two red lights in a vertical line one over the other, not less than three feet apart.

(d.) A trawler at work shall carry on one of her masts two lights in a vertical line one over the other, not less than three feet apart, the upper light red and the lower green, and shall also either carry the side lights required for other vessels, or, if the side lights cannot be carried, have ready at hand the colored lights as provided in Article 7, or a lantern with a red and a green glass as described in paragraph (a) of this Article.

(e.) Fishing vessels and open boats shall not be prevented from using a flare-up in addition, if they desire to do so.

(f.) The lights mentioned in this article are substituted for those mentioned in the 12th, 13th, and 14th Articles of the Convention between France and England scheduled to the British Sea Fisheries Act, 1868.

(g.) All lights required by this Article, except side lights, shall be in globular lanterns, so constructed as to show all round the horizon.

Art. 11. A ship which is being overtaken by another shall show from her stern to such last-mentioned ship a white light or a flare-up light.

Sound-Signals for Fog, &c.

Art. 12. A steamship shall be provided with a steam whistle or other efficient steam sound-signal, so placed that the sound may not be intercepted by any obstructions, and with an efficient foghorn to be sounded by a bellows or other mechanical means, and also with an efficient bell. A sailing ship shall be provided with a similar foghorn and bell.
In fog, mist, or falling snow, whether by day or night, the signals described in this article shall be used as follows; that is to say,

(a.) A steamship under way shall make with her steam whistle, or other steam sound-signal, at intervals of not more than two minutes, a prolonged blast.

(b.) A sailing ship under way shall make with her foghorn, at intervals of not more than two minutes when on the starboard tack one blast, when on the port tack two blasts in succession, and when with the wind abaft the beam three blasts in succession.

(c.) A steamship and a sailing ship when not under way shall, at intervals of not more than two minutes, ring the bell.

**Speed of Ships to be moderate in Fog, &c.**

Art. 13. Every ship, whether a sailing ship or steamship, shall, in a fog, mist, or falling snow, go at a moderate speed.

**Steering and Sailing Rules.**

Art. 14. When two sailing ships are approaching one another so as to involve risk of collision, one of them shall keep out of the way of the other as follows, viz.:

(a.) A ship which is running free shall keep out of the way of a ship which is close-hauled.

(b.) A ship which is close-hauled on the port tack shall keep out of the way of a ship which is close-hauled on the starboard tack.

(c.) When both are running free with the wind on different sides, the ship which has the wind on the port side shall keep out of the way of the other.

(d.) When both are running free with the wind on the same side the ship which is to windward shall keep out of the way of the ship which is to leeward.

(e.) A ship which has the wind aft shall keep out of the way of the other ship.

Art. 15. If two ships under steam are meeting end on, or nearly end on, so as to involve risk of collision, each shall alter her course to starboard, so that each may pass on the port side of the other.

This article only applies to cases where ships are meeting end on, or nearly end on, in such a manner as to involve risk of collision, and does not apply to two ships which must, if both keep on their respective courses, pass clear of each other.

The only cases to which it does apply are, when each of the two ships is end on, or nearly end on, to the other; in other words, to cases in which, by day, each ship sees the mast of the other in a line, or nearly in a line, with her own; and by night, to cases in which each ship is in such a position as to see both the side lights of the other.

It does not apply by day, to cases in which a ship sees another ahead crossing her own course; or by night, to cases where the red light of the one ship is opposed to the red light of the other, or where the green light of one ship is opposed to the green light of the other, or where a red light without a green light, or a green light without a red light, is seen ahead, or where both green and red lights are seen anywhere but ahead.

Art. 16. If two ships under steam are crossing, so as to involve risk of collision, the ship which has the other on her starboard side shall keep out of the way of the other.

Art. 17. If two ships, one of which is a sailing ship and the other a steamship, are proceeding in such direction as to involve risk of collision, the steamship shall keep out of the way of the sailing ship.

Art. 18. Every steamship when approaching another ship, so as to involve risk of collision, shall slacken her speed or stop and reverse if necessary.

Art. 19. In taking any course authorised or required by these regulations, a steamship under way may indicate that course to any other ship which she has in sight by the following signals on her steam whistle, viz.:

One short blast to mean "I am directing my course to starboard";

Two short blasts to mean "I am directing my course to port";

Three short blasts to mean "I am going full speed astern."

The use of these signals is optional; but if they are used, the course of the ship must be in accordance with the signal made.

Art. 20. Notwithstanding anything contained in any preceding Article, every ship, whether a sailing ship or a steamship, overtaking any other, shall keep out of the way of the overtaken ship.

Art. 21.
ART. 21. In narrow channels every steamship shall, when it is safe and practicable, keep to that side of the fairway or mid-channel which lies on the starboard side of such ship.

ART. 22. Where by the above rules one of two ships is to keep out of the way, the other shall keep her course.

ART. 23. In obeying and construing these rules due regard shall be had to all dangers of navigation, and to any special circumstances which may render a departure from the above rules necessary in order to avoid immediate danger.

No Ship, under any circumstances, to neglect proper precautions.

ART. 24. Nothing in these rules shall exonerate any ship, or the owner, or master, or crew thereof, from the consequences of any neglect to carry lights or signals, or of any neglect to keep a proper look-out, or of the neglect of any precaution which may be required by the ordinary practice of seamen, or by the special circumstances of the case.

Reservation of Rules for Harbors and Inland Navigation.

ART. 25. Nothing in these rules shall interfere with the operation of a special rule, duly made by local authority, relative to the navigation of any harbor, river, or inland navigation.

Special Lights for Squadrons and Convoys.

ART. 25. Nothing in these rules shall interfere with the operation of any special rules made by the Government of any nation with respect to additional station and signal lights for two or more ships of war, or for ships sailing under convoy.

Note.—The above regulations will apply to ships of the following countries, whether within British jurisdiction or not, viz.:

Austro-Hungary
Belgium
Chili
Denmark
France
Germany
Great Britain
Greece

Italy
Netherlands
Norway
Portugal
Russia
Spain
Sweden
United States.

SCHEDULE C.

Signals of Distress.

In the Daytime.

The following signals, numbered 1, 2, and 3, when used or displayed, together or separately, shall be deemed to be signals of distress in the daytime:

1. A gun fired at intervals of about a minute:
2. The international code of signal of distress indicated by N. C.:
3. The distant signal, consisting of a square flag, having either above or below it a ball, or anything resembling a ball.

At Night.

The following signals, numbered 1, 2, and 3, when used or displayed, together or separately, shall be deemed to be signals of distress at night:

1. A gun fired at intervals of about a minute:
2. Flames on the ship (as from a burning tar barrel, oil barrel, &c.):
3. Rockets or shells of any color or description, fired one at a time at short intervals.

SCHEDULE D.

Rules for Measurement of Space occupied by Deck Cargo.

If there be a break, a poop, or any other permanent closed-in space on the upper deck available for cargo or stores, or for the berthing or accommodation of passengers or crew, the tonnage of such space shall be ascertained as follows:—Measure the internal mean length of such space in feet, and divide it into two equal parts; measure at the middle of its height three inside breadths, namely—one at each end and the other at the middle of the length; then to the sum of the end breadths add four
four times the middle breadth, and multiply the whole sum by one-third of the common interval between the breadths, the product will give the mean horizontal area of such space; then measure the mean height, and multiply by it the mean horizontal area; divide the product by one hundred, and the quotient shall be deemed to be the tonnage of such space, and shall be added to the tonnage under the tonnage deck, ascertained as aforesaid, subject to the following provisions: First, that nothing shall be added for a closed-in space solely appropriated to the berthing of the crew, and in case of such excess the excess only shall be added; and secondly, that nothing shall be added in respect of any building erected for the shelter of deck passengers, and approved by the Board.

SCHEDULE E.

Act No. 17 of 1860...............
Act No. 6 of 1873.............
Act No. 50 of 1876.............
Act No. 130 of 1878...........
Act No. 155 of 1879...........

The whole.