

ACT No. I OF 1859.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

Received the assent of the Governor General on the 25th January 1859.

An Act for the amendment of the law relating to Merchant Seamen.

WHEREAS the law for the registry of Seamen and the grant of Register Tickets has been found to be ineffective for the purposes intended; and whereas by Section CCLXXXVIII of an Act of the Imperial Parliament called "The Merchant Shipping Act 1854," it is enacted that, "if the Governor General of India in Council, or the respective Legislative Authorities in any British possession abroad, by any Acts, Ordinances, or other appropriate legal means, apply or adapt any of the provisions in the Third Part of this Act contained to any British ships registered at, trading with, or being at any place within their respective jurisdictions, and to the owners, masters, mates, and crews thereof, such provisions, when so applied and adapted as aforesaid, and as long as they remain in force, shall in respect of the ships and persons to which the same are applied be enforced, and penalties and punishments for the breach thereof shall be recovered and inflicted throughout Her Majesty's dominions, in the same manner as if such provisions had been hereby so adapted and applied, and such penalties and punishments had been hereby expressly imposed." And whereas it is expedient to discontinue the practice of registry and the grant of Register Tickets, and to apply to ships registered at, trading with, or being at any Port or place in India, certain provisions of the Third Part of the said Act with such adaptations and modifications as are required, and for the purposes aforesaid to repeal the laws now in force in India relating to Merchant Seamen: It is enacted as follows:—

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I. Act XXVII of 1850 entitled "An Act for the registry of Merchant Seamen," and Act XXVIII of 1850 entitled "An Act for the encouragement of Merchant Seamen," are hereby repealed, except as to acts done and agreements made before the passing of this Act.

Acts repealed.

SHIPPING OFFICES.

II. A Shipping Office shall be established at each of the Ports of Calcutta, Madras, and Bombay, and at such other Ports as the Governor General of India in Council shall hereafter deem necessary. For every such Office there shall be a Superintendent, to be called a "Shipping Master," with such necessary Deputies, Clerks, and Servants, at such salaries, and subject to such regulations, as the local Government shall from time to time, with the sanction of the Governor General of India in Council, direct and appoint. Every act done by or before any Deputy duly appointed shall have the same effect as if done by or before a Shipping Master.

Shipping Offices.

III. The local Government shall have power to appoint and remove such Shipping Masters and Deputies, who shall respectively be subject to the control of that Government or of any intermediate authority which it may appoint.

Appointment, removal, and control of Shipping Masters and Deputies.

IV. It shall be the general business of Shipping Masters appointed under this Act, to superintend and facilitate the engagement and discharge of seamen in manner hereinafter mentioned, to provide means for securing the presence on board at the proper times of men who are so engaged, and to perform such other duties relating to merchant seamen and merchant ships as are hereby or under the said Merchant Shipping Act 1854, or as may hereafter under the powers herein contained, be committed to them. It shall also be the duty of Shipping Masters to give to all persons desirous of apprenticing boys to the sea-service, and duly authorized so to do by Act XIX of 1850 (*concerning the binding of apprentices*), and also to masters and owners of ships requiring apprentices, such assistance as may be in their power for facilitating the making of such apprenticeships.

Business of Shipping Masters.

V. Such

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V. Such fees, not exceeding the sums specified in the Table marked (A) in the Schedule to this Act, as are from time to time fixed by the local Government, shall be payable upon all engagements and discharges effected before Shipping Masters as hereinafter mentioned. Scales of the fees payable for the time being shall be conspicuously placed in the Shipping Offices ; and all Shipping Masters, their Deputies, Clerks, and Servants may refuse to proceed with any engagement unless the fees payable thereon are first paid.

VI. Every owner or master of a ship engaging or discharging any seaman in a Shipping Office or before a Shipping Master, shall pay to the Shipping Master 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 specified in that behalf in the Table marked (B) in the Schedule hereto. Provided that, if in any cases 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 Shipping Master in addition to such fee.

VII. Any Shipping Master, Deputy Shipping Master, or any Clerk or Servant in any Shipping 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 two hundred Rupees, and shall also be dismissed from his office.

VIII. The local Government may direct that, at any place at which no separate Shipping Office is established, the whole or any part of the business of the Shipping Office shall be conducted at the Custom House, or at the Office of the Master Attendant or Harbour Master, or at such other Office as the Government shall direct, and thereupon the same shall be there conducted accordingly; and in respect of such business such Custom House or Office as aforesaid shall for all purposes be deemed to be a Shipping Office, and the Officer

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Officer of Customs or other Officer there, to whom such business is committed, shall for all purposes be deemed to be a Shipping Master within the meaning of this Act.

EXAMINATIONS AND CERTIFICATES OF MASTERS AND MATES.

IX. Examinations shall be instituted for persons who intend to become masters or mates of Foreign-going ships or of Home-trade ships of a burden exceeding three hundred tons, or who wish to procure certificates of competency hereinafter mentioned.

X. The local Government or any Board or Officer duly authorized by the local Government in that behalf shall from time to time nominate two or more competent persons for the purpose of examining the qualifications of the applicants for examination. The local Government may, with the sanction of the Governor General of India in Council, make rules for the conduct of such examinations and as to the qualifications to be required; and such rules shall be strictly adhered to by all examiners. Fees at the following rates shall be paid by all applicants for examination:—

For a certificate as Master,	10	Rupees.
Ditto ditto as Mate,	5	”

XI. The local Government or such Board or Officer as aforesaid shall deliver to every applicant who is reported by the examiners to have passed the examination satisfactorily, and to have given satisfactory evidence of his sobriety, experience, ability, and general good conduct on boardship, a certificate (hereinafter called a “certificate of competency”) to the effect that he is competent to act as master or mate of a Foreign-going ship or of a Home-trade ship of a burden exceeding three hundred tons, as the case may be.

XII. Certificates of service differing in form from certificates of competency shall be granted as follows, (that is to say)—

1.—Every

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1.—Every person who before the passing of this Act has served as master in the British merchant service or as master of any Foreign-going ship registered under Act X of 1841, or who has attained or shall attain the rank of Lieutenant, Master, passed Mate, or second Mate, or any higher rank, in the service of Her Majesty or of the East India Company, shall be entitled to a certificate of service as master for Foreign-going ships.

2.—Every person who before the passing of this Act has served as mate in the British merchant service or as mate of any such ship as aforesaid shall be entitled to a certificate of service as mate for Foreign-going ships.

3.—Every person who before the passing of this Act has served as master or mate of a Home-trade ship of a burden exceeding three hundred tons, shall be entitled to a certificate of service as master or mate (according to such previous service) for such Home-trade ships.

And each of such certificates of service shall contain particulars of the name and of the length and nature of the previous service of the person to whom it is delivered ; and the local Government or such other authority as aforesaid shall 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.

XIII. No Foreign-going ship or Home-trade ship of a burden exceeding three hundred tons shall go to sea from any Port in India unless the master and one officer besides the master have obtained and possess valid and appropriate certificates either of competency or service under this Act or under the Merchant Shipping Act 1854 ; and whoever, having been engaged to serve as master or mate, goes to sea as aforesaid as such master or mate without being at the time entitled to and possessed of such a certificate as hereinbefore required, and whoever employs any person as such master or mate without ascertaining that he is at the time entitled to and possessed of such certificate, shall for each such offence be liable to a penalty of five hundred Rupees.

No Foreign-going ship and no Home-trade ship above 300 tons to go to sea without certificated master, &c.

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XIV. Every

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XIV. Every certificate of competency for a Foreign-going ship shall be deemed to be of a higher grade than the corresponding certificate for a Home-trade ship, and shall entitle the lawful holder thereof to go to sea in the corresponding grade in such last mentioned ship; but no certificate for a Home-trade ship shall entitle the holder to go to sea as master or mate of a Foreign-going ship.

Certificates for Foreign-going ships available for Home-trade ships.

XV. All certificates, whether of competency or service, shall be made in duplicate; and one part shall be delivered to the person entitled to the certificate, and the other shall be kept and recorded as the local Government shall direct. A note of all orders made for cancelling, suspending, altering, or otherwise affecting any certificate in pursuance of the powers herein contained, shall be entered in the record of certificates.

Record of grants, cancellations, &c. of certificates.

XVI. Whenever any master or mate proves to the satisfaction of the local Government or such other authority as aforesaid that he has, without fault on his part, lost or been deprived of any certificate already granted to him, a copy of the certificate to which by the record so kept as aforesaid he appears to be entitled, shall be delivered to him, and shall have all the effect of the original.

Loss of certificate.

XVII. The foregoing Sections relating to examinations and certificates of masters and mates shall not apply to ships registered under Act X of 1841, and trading between Ports in India and the Coast of Arabia, when such ships are navigated and manned exclusively by Arabs, lascars, or other Asiatic masters and seamen.

Foregoing provisions not to apply to ships registered under Act X of 1841, navigated by Asiatic seamen and trading between Indian and Arabian Ports.

ENGAGEMENT OF SEAMEN.

XVIII. The local Government, or any Board or Officer duly authorized by the local Government in that behalf, may grant to such persons as may be deemed fit, licenses to engage or supply seamen for merchant ships, to continue for such periods, to be upon such terms, and to be revocable upon such conditions as the Government thinks proper.

Licenses to procure seamen.

XIX. The

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Penalties.

XIX. The following offences shall be punishable as hereinafter mentioned ; (that is to say)—

(1.) If any person not licensed as aforesaid, other than the owner or master or mate of the ship, or some person who is *bond fide* the servant and in the constant employ of the owner, or a Shipping Master duly appointed as aforesaid, engages or supplies any seaman to be entered on board any ship, he shall for each seaman so engaged or supplied incur a penalty not exceeding one hundred Rupees.

(2.) If any person employs any unlicensed person, other than persons so excepted as aforesaid, for the purpose of engaging or supplying any seaman to be entered on board any ship, he shall for each seaman so engaged or supplied incur a penalty not exceeding one hundred Rupees, and, if licensed, shall in addition forfeit his license.

(3.) If any person knowingly receives or accepts to be entered on board any ship any seaman who has been engaged or supplied contrary to the provisions of this Act, he shall for every seaman so engaged or supplied incur a penalty not exceeding one hundred Rupees.

XX. If any person demands or receives, either directly or indirectly, from any seaman, or from any person seeking employment as a seaman, or from any person on his behalf, any remuneration whatever, other than the fees hereby authorized, for providing him with employment, he shall for every such offence incur a penalty not exceeding fifty Rupees, and, if licensed as aforesaid, shall in addition forfeit his license.

XXI. The master of every ship, except ships of a burden not exceeding three hundred tons employed only in the Home-trade, shall enter into an agreement with every seaman whom he carries to sea from any Port in India as one of his crew, in the manner hereinafter mentioned ; and every such agreement shall be in a form sanctioned by the Governor General of India in Council, and shall be dated at the time of the first signature thereof, and shall be signed by the master before any seaman signs

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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.

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

3.—The time at which each seaman is to be on board or to begin work.

4.—The capacity in which each seaman is to serve.

5.—The amount of wages which each seaman is to receive.

6.—A scale of the provisions which are to be furnished to each seaman.

7.—Any regulations as to conduct on board, and as to fines, short allowance of provisions, or other lawful punishments for misconduct, which have been sanctioned by the Government 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 (not being inconsistent with the provisions of this Act), as to advance of wages and supply of warm clothing, 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 place to which such ship belongs or in which her crew were engaged, and engages single seamen in any Port in India, such seaman may sign the agreement so made, and it shall not be necessary for them to sign an agreement under this Act.

Provided also that, in the case of lascars or other native seamen, when it shall be agreed that the service of any such seaman shall end at any Port not in India, the agreement shall contain stipulations for providing for such seaman fit employment on board some other vessel bound to the Port at which he was shipped, or such other Port as may be agreed on, or

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for providing for him a passage to some such Port as aforesaid free of charge, or on such other terms as may be agreed on ; and every such stipulation shall be signed by the owner of the vessel or by the master on his behalf.

For Foreign-going ships such agreements, except in special cases, to be made before and attested by a Shipping Master.

XXII. In the case of all Foreign-going ships, in whatever part of Her Majesty's Dominions the same are registered, the following rules shall be observed with respect to agreements ; (that is to say)—

1. Every agreement made in any Port in India (except in such cases of agreements with substitutes as are hereafter specially provided for) shall be signed by each seaman in the presence of a Shipping Master.

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

3.—When the crew is first engaged the agreement shall be signed in duplicate, and one part shall be retained by the Shipping Master, and the other part shall contain a special place or form for the descriptions and signatures of substitutes or persons engaged subsequently to the first departure of the ship, and shall be delivered to the master.

4.—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 Shipping Master duly appointed in the manner hereinbefore 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.

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XXIII. In the case of Foreign-going ships making voyages averaging less than six months in duration, running agreements with the crew may be made to extend over two or more voyages, so that no such agreement shall extend beyond the next following 30th day of June or 31st day of December, or the first arrival of the ship at her Port of destination in India after such date, 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 ; and every person engaged thereunder, if discharged in any Port in India, shall be discharged in the manner hereby required for the discharge of seamen belonging to other Foreign-going ships.

Foreign-going ships making short voyages may have running agreements.

XXIV. The master of every Foreign-going ship for which such a running agreement as aforesaid is made shall, upon every return to any Port in India before the final termination of the agreement, discharge or engage before the Shipping Master at such Port any seaman whom he is required by law so to discharge or engage ; and shall upon every such return endorse on the agreement a statement (as the case may be) either that no such discharges or engagements have been made or are intended to be made before the ship again leaves Port, or that all such discharges or engagements have been duly made as hereinbefore required ; and shall deliver the agreement so endorsed to the Shipping Master : and any master who wilfully makes a false statement in such endorsement shall incur a penalty not exceeding two hundred Rupees ; and the Shipping Master shall also sign an endorsement on the agreement to the effect that the provisions of this Act relating to such agreement have been complied with, and shall re-deliver the agreement so endorsed to the master.

Engagement and discharge of seamen in the meantime.

XXV. For the purpose of determining the fees to be paid upon the engagement and discharge of seamen belonging to Foreign-going 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.

Fees to be paid on such running agreements.

XXVI. In

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XXVI. In the case of Home-trade ships of a burden exceeding three hundred tons, crews or single seamen may, if the master thinks fit, be engaged before a Shipping Master in the manner hereinbefore directed with respect to Foreign-going 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.

XXVII. In cases where several Home-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 Home-trade ships shall be applicable to agreements made in pursuance of this Section.

XXVIII. 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 shall for each such offence incur a penalty not exceeding fifty Rupees.

XXIX. The master of every Foreign-going ship, of which the crew has been engaged before a Shipping Master, shall, before finally leaving India, sign and send to the nearest Shipping Master a full and accurate statement, in a form sanctioned by the Governor General of India in Council, of every change which takes place in his crew before finally leaving India, and in default shall for each offence incur a penalty not exceeding fifty Rupees; and such statement shall be admissible in evidence subject to all just exceptions.

XXX. For the purpose of preventing any seamen from being shipped at any Port in India contrary to the provisions of this Act, the Shipping Master by himself or his Deputy may enter at any time on board any ship upon which he shall have

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have reason to believe that seamen have been shipped, and may muster and examine the several seamen employed therein ; and any person who shall obstruct the said Shipping Master or Deputy in such duty shall be liable to a penalty not exceeding one hundred Rupees.

XXXI. The following rules shall be observed with respect to the
Production of agree- production of agreements and certificates of competency
ments and certificates. or service for Foreign-going ships (that is to say)—

1. The master of every Foreign-going ship shall, on signing the agreement with his crew, produce to the Shipping Master before whom the same is signed, the certificates of competency or service which the said master and his mate are hereby required to possess ; and upon such production being duly made, and the agreement being duly executed as hereby required, the Shipping Master shall sign and give to the master a certificate to that effect.

2. In the case of running agreements for Foreign-going ships, the Shipping Master 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 Shipping Master the certificate of competency or service of any mate then first engaged by him, a certificate to that effect.

3. The master of every Foreign-going ship shall, before proceeding to sea, produce the certificate so to be given to him by the Shipping Master as aforesaid to the Collector of Customs, or if there be no Collector of Customs, to the Officer whose duty it is to grant a Port clearance. No Officer of Customs or other Officer 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 as aforesaid is produced.

4. The master of every Foreign-going ship shall, within forty-eight hours after the ship's arrival at her final Port of destination in India or upon the discharge of the crew, whichever first happens, deliver such agreement to a Shipping Master at the place ; and such Shipping Master shall thereupon give to the master a certificate of such delivery ; and no Officer of Customs or other Officer shall clear any Foreign-going ship inwards without the production of such certificate.

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And if the master of any Foreign-going ship fails to deliver the agreement to a Shipping Master at the time and in the manner hereby directed, he shall for every default incur a penalty not exceeding fifty Rupees.

XXXII. The following rules shall be observed with respect to the production of agreements and certificates of competency or service for Home-trade ships of a burden exceeding three hundred tons, (that is to say)—

Rules as to production of agreements and certificates for Home-trade ships.

1. No such agreement shall extend beyond the next following thirtieth day of June or thirty-first day of December, or the first arrival of the ship at her final Port of destination in India after such date, or the discharge of cargo consequent upon such arrival.

2. The master or owner of every such ship shall, within twenty-one days after the thirtieth day of June and the thirty-first day of December in every year, or (if the Ship is not at any Port in India within twenty-one days after either the thirtieth day of June or the thirty-first day of December in any year) within forty-eight hours after her next arrival at any Port in India, transmit or deliver to some Shipping Master in India every agreement made within the six calendar months next preceding such days respectively, and shall also produce to the Shipping Master the certificates of competency or service which the said master and his mate are hereby required to possess.

3. The Shipping Master shall thereupon give to the master or owner a certificate of such delivery and production; and no Officer of Customs or other Officer authorized to grant a Port clearance shall grant a clearance for any such ship without the production of such certificate; and if any such ship attempts to go to sea without such clearance, any such Officer may detain her until the said certificate is produced.

And if the agreement for any Home-trade ship is not delivered or transmitted by the master or owner to a Shipping Master at the time and in the manner hereby directed, such master or owner shall for every default incur a penalty not exceeding fifty Rupees.

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XXXIII. Every

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XXXIII. Every erasure, interlineation, or alteration in any such agreement with seamen as is required by this Act (except additions so made as hereinbefore 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 (if made in Her Majesty's Dominions) of some Shipping Master, Justice, Officer of Customs, or other public functionary, or (if made out of Her Majesty's Dominions) of a British Consular Officer, or where there is no such Officer, of two respectable British Merchants.

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

XXXIV. The master shall, at the commencement of every voyage or engagement, cause a legible copy of the agreement, and if necessary a translation thereof in a language understood by the majority of the crew (omitting the signatures), to be placed or posted up in such part of the ship as to be accessible to the crew, and in default shall for each offence incur a penalty not exceeding fifty Rupees.

Copy of agreement to be made accessible to crew.

XXXV. 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 or Magistrate hearing the case deems satisfactory, of his having been so improperly discharged as aforesaid, recover such compensation as if it were wages duly earned.

Seamen discharged before voyage to have compensation.

REGULATION OF ADVANCES.

XXXVI. No advance of wages shall be made or advance-note given to any person but the seaman himself; and no advance of wages shall be made or advance-note given for any greater sum than the amount of one month's wages, nor unless the agreement contains a stipulation for the same and an accurate statement of the amount thereof.

Regulation of advances and advance-notes.

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of, and no advance-note shall be given to any seaman who signs the agreement before a Shipping Master, unless in the presence of such Shipping Master.

XXXVII. If any advance of wages is made or any advance-note given to any seaman in any such manner as to constitute a breach of any of the above provisions, the wages of such seaman shall be recoverable by him as if no such advance had been made or advance-note given, and in the case of any advance-note so given, no person shall be sued thereon under the provisions hereinafter contained unless he was in person or by his agent a party to the irregular or improper manner of giving the same.

Advances irregularly or improperly made not to be a discharge of wages.

ALLOTMENT OF WAGES.

XXXVIII. 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. All allotment-notes shall be in forms sanctioned by the Local Government, and shall be made for the benefit only of a relative of the seaman or some Member of his family to be named in the note, and shall be payable to the Shipping Master on account of such relative of the seaman or member of his family. Such allotment shall not in any case exceed one-third of the wages of the seaman.

Stipulations for allotment to be inserted in the agreement.

Allotment-notes.

XXXIX. The Owner or any Agent who has authorized the drawing of an allotment-note shall pay to the Shipping Master on demand the sums allotted by the note, when and as the same are made payable, 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 in the event of such sums not being paid to the Shipping Master on demand, the Shipping Master may sue for and recover them with costs. The seaman shall be presumed to be duly earning his wages, unless the contrary is shown to the satisfaction of the Court or Magistrate, either by 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 died or left the ship, or by a credible letter from the Master of the ship to the

Owner &c. to pay to Shipping Master the sums allotted.

Suits on allotment-notes.

Evidence.

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the same effect, or by such other evidence, of whatever description, as the Court or Magistrate trying the case considers sufficient to show satisfactorily that the seaman has ceased to be entitled to the wages out of which the allotment is to be paid.

XL. The Shipping Master, on receiving any such sum as aforesaid, shall pay it over to the person named in the allotment-note. Receipts and payments by Shipping Master on account of allotment-notes. All such receipts and payments shall be entered in a book, and all entries in the said book shall be authenticated by the signature of the Shipping Master or his Deputy ; and the said book shall be at all times open to the inspection of the parties concerned.

DISCHARGE AND PAYMENT OF WAGES.

XLI. All seamen discharged from any Foreign-going ship at any Port in India in whatever part of Her Majesty's Dominions the ship is registered, shall be discharged and receive their wages in the presence of a Shipping Master 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 in any other manner, shall incur a penalty not exceeding one hundred Rupees ; and in the case of Home-trade ships of a burden exceeding three hundred tons, seamen may, if the owner or master so desires, be discharged and receive their wages in like manner. Discharge from Foreign-going ships to be made before Shipping Master.

XLII. Every Master shall, not less than twenty-four hours before paying off or discharging any seaman, deliver to him, or, if he is to be discharged before a Shipping Master, to such Shipping Master, a full and true account, in a form sanctioned by the local Government, 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 fifty Rupees ; and no deduction from the wages of any seamen (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. Master to deliver account of wages.

XLIII. Upon

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XLIII. 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 form sanctioned by the local Government, 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 one hundred Rupees ; and the master shall also upon the discharge of every certificated mate 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 two hundred Rupees.

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

XLIV. Every Shipping Master 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 him ; and every award so made by him shall be binding on both parties, and shall in any legal proceeding which may be taken in the matter before any Court or Magistrate, be deemed to be conclusive as to the rights of the parties ; and any document purporting to be such submission or award shall be *prima facie* evidence thereof. An award made by a Shipping Master under this Section may be enforced by a Magistrate in the same manner as an order for the payment of wages made by such Magistrate under the provision of Section LV.

Shipping Master may decide questions which parties refer to him.

How award may be enforced.

XLV. In any proceeding relating to the wages, claims, or discharge of any seaman carried on before any Shipping Master under the provisions of this Act, such Shipping Master may call upon the owner or his agent, or upon the master or any mate 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 him and examine any of such persons being then at or near the place on any such matter ; and every owner, agent, master, mate, or other member of the crew who, when called upon by the Shipping Master, 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 fifty Rupees.

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

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Settlement of wages.

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

1.—Upon the completion before a Shipping Master of any discharge and settlement, the master or owner and each seaman shall respectively, in the presence of the Shipping Master, sign, in a form sanctioned by the local Government, a mutual release of all claims in respect of the past voyage or engagement, and the Shipping Master shall also sign and attest the release and shall retain the same.

Release to be signed before and attested by the Shipping Master.

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

To be a discharge.

3.—A copy of such release, certified under the hand of such Shipping Master 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.

And to be evidence.

4.—In cases in which discharge and settlement before a Shipping Master 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.

No other receipt to be a discharge.

5. Upon any payment being made by a master before a Shipping Master, the Shipping Master 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.

Voucher to be given to master and to be evidence.

LEGAL RIGHTS TO WAGES.

XLVII. 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.

Right to wages and provisions when to begin.

XLVIII. No

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XLVIII. No seaman shall by any agreement forfeit his lien upon the ship or be deprived of any remedy for the recovery of his wages to which he would otherwise have been entitled ; and every stipulation in any agreement inconsistent with any provision of this Act, and every stipulation by which any seaman consents to abandon his rights 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.

XLIX. No right to wages shall 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.

L. If any seaman or apprentice to whom wages are due under the last preceding Section 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.

LI. In cases where the service of any 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 of his unfitness or inability to proceed on the voyage granted under the provisions of the Merchant Shipping Act 1854, such seaman shall be entitled to wages for the time of service prior to such termination as aforesaid, but not for any further period.

LII. 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 or Magistrate hearing the case otherwise directs, for any period during which he is lawfully imprisoned for any offence committed by him.

LIII. The

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LIII. The master or owner of every ship shall pay to every seaman his wages within three days after the cargo has been delivered or within five days after the seaman's discharge, whichever first happens ; and 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.

LIV. When any monies are payable in India to any seaman or apprentice for wages or otherwise under any agreement wherein such monies are expressed to be payable in some denomination of coin other than the current coin of the Port or place wherein the same have become payable, the seaman or apprentice shall be entitled to demand and recover, in the current coin of such Port or place, the amount due to him estimated according to the established par value of the coin wherein the same is so expressed to be payable.

MODE OF RECOVERING WAGES.

LV. Any seaman or apprentice or any person duly authorized on his behalf may sue, in a summary manner, before any Magistrate 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 five hundred Rupees. Every order made by such Magistrate in the matter shall be final.

LVI. When an order for the payment of wages is made by a Magistrate under the last preceding Section and the wages are not paid at the time and in the manner prescribed, the sum mentioned in the order, with such further sum as may be thereby awarded for costs, shall be levied by distress and sale of the goods and chattels of the person directed to pay the same under a warrant to be issued for that purpose by the Magistrate.

LVII. No

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LVII. No suit or proceeding for the recovery of wages under the sum of five hundred Rupees shall be instituted by or on behalf of any seaman or apprentice in any Court of Admiralty or Vice-Admiralty or in any Court of Civil Judicature other than the Court of Small Causes, where such Court exists, 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, or unless the Magistrate, acting under the authority of this Act, refers the case to be adjudged by such Court.

LVIII. Every master of a ship shall, so 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 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 out-standing 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.

LIX. Whenever a seaman or apprentice, on a voyage which is to terminate at any Port in India, dies during such voyage, the master shall take charge of all money, clothes, and effects which he leaves on board, and shall enter in the official log-book a statement of the amount of money and a description of the effects left by the deceased, and in case of a sale of such effects, the sum received for each article sold.

LX. The master shall, within forty-eight hours after his arrival at his Port of destination in India, deliver any such effects as aforesaid, and pay any money which he has taken charge of or received, and also the wages due to deceased, to the Shipping Master at such Port, and shall give to such Shipping Master an account 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 an official log-book, by the entry therein hereinbefore required, and also by such other vouchers

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vouchers (if any) as may be reasonably required by the Shipping Master to whom the account is rendered.

LXI. If the master fails to take such 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 make such payment or delivery, or to give such account as hereinbefore respectively directed, he shall be accountable for the money, wages, and effects of the seaman or apprentice to the Shipping Master as aforesaid, and shall pay and deliver the same accordingly : and such master shall in addition incur a penalty not exceeding treble the value of the money or effects, or if such value is not ascertained, not exceeding five hundred Rupees. 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.

LXII. When money or effects left by or due to any deceased seaman or apprentice, are paid or delivered to a Shipping Master, then, subject to such deductions for expenses incurred in respect of the seaman or apprentice or of his said money and effects as the Shipping Master thinks proper to allow, the Shipping Master may pay and deliver the said money and effects to any claimants who can prove themselves to the satisfaction of the said Shipping Master to be entitled thereto, and the said Shipping Master shall be thereby discharged from all further liability in respect of the money and effects so paid and delivered ; or if he think fit so to do the Shipping Master may require probate or letters of administration or a certificate under Act XX of 1841 (*for facilitating the collection of debts on successions, and for the security of parties paying debts to the representatives of deceased persons*) to be taken out, and thereupon pay and deliver the said money and effects to the legal representative of the deceased.

LXIII. In cases of wages or effects of deceased seamen or apprentices received by any Shipping Master to which no claim is substantiated within one year from the receipt thereof by such Shipping Master, it shall be the duty of the Shipping Master to cause such effects to be sold and to pay the proceeds of the sale and the unclaimed wages into the Public Treasury. If any subsequent claim is made to such money and is established to

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to the satisfaction of the Shipping Master, the amount or so much as shall appear to be due to the claimant, shall be paid out of the Public Treasury. If the claim is not established to the satisfaction of the Shipping Master, the claimant may apply by petition in a summary way to the Supreme Court of Judicature of the Presidency, or in any Station of the Settlement of Prince of Wales Island, Singapore, and Malacca, to the Court of Judicature there, and such Court, after taking evidence either orally or on affidavit, shall make such order on the petition as shall seem just. Provided that, after the expiration of six years from the receipt of such wages or effects by the Shipping Master, no such claim shall be entertained without the sanction of the local Government.

Proviso.

PROVISIONS, HEALTH, AND ACCOMMODATION.

LXIV. Any three or more of the crew of any ship registered at, trading with, or being at any Port or place in India, may complain to any Shipping Master or other Officer duly appointed in this behalf by the local Government 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 have 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 two hundred Rupees; and upon every such examination as aforesaid, the Officers making or directing the same shall enter a statement of the result of the examination in the official log, and shall send a report thereof to the Shipping Master, and such report, if produced out of the custody of such Shipping Master, shall be received in evidence in any legal proceeding.

LXV. 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

Forfeiture for frivolous complaint.

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so complaining shall be liable to forfeit to the owner out of his wages a sum not exceeding one week's wages.

Allowance for short or
bad provisions.

LXVI. 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 three annas in the case of a European seaman or other person shipped on the same footing as a European seaman, or one anna in the case of a lascar or native seaman.
- (2.) If his allowance is reduced by more than one-third of such quantity, six annas in the case of a European seaman or other person shipped on the same footing as a European seaman, or two annas in the case of a lascar or native seaman.
- (3.) In respect of such bad quality as aforesaid, a sum not exceeding eight annas in the case of a European seaman or other person shipped on the same footing as a European seaman, or three annas in the case of a lascar or native seaman.

But if it is shown to the satisfaction of the Court or Magistrate trying the case, that any provisions, the allowance of which has been reduced, could not
be

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be procured, or supplied in proper quantities, and that proper and equivalent substitutes were supplied in lieu thereof, such Court or Magistrate shall take such circumstances into consideration and shall modify or refuse compensation as the justice of the case may require.

LXVII. All Foreign-going ships and all Home-trade ships of a burden exceeding three hundred tons shall have always on board a sufficient supply of medicines and appliances, suitable for diseases and accidents likely to happen on sea voyages, according to such scale as shall be from time to time issued by the local Government with the approval of the Governor General of India in Council, and published at Calcutta, Madras, and Bombay in the Government Gazettes, and in the Straits Settlement in such manner as the Governor shall notify, and in default thereof, the owner or master of every such ship shall be liable to a penalty not exceeding two hundred Rupees. Provided, however, that this Section shall not apply to ships navigating from the United Kingdom and coming within the provisions of Section CCXXIV of the Merchant Shipping Act 1854.

Medicines &c. to be provided and kept on board certain ships.

Proviso.

LXVIII. Every master shall keep on board proper weights and measures for the purposes 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 one hundred Rupees.

Masters to keep weights and measures on board.

LXIX. Whenever the master or any seaman of any ship registered at any place in India shall receive any hurt or injury in the service of the vessel, the expense of providing the necessary surgical and medical advice and attendance with medicines, and of his subsistence, until he shall be cured or shall be brought back to the Port from which he was shipped or other Port agreed upon, shall be defrayed, with the cost of his conveyance to such Port, by the owner of the vessel without any deduction on that account from the wages of such master, officer, or seaman ; and if paid by himself, may be recovered as part of his wages ; and if paid or allowed out of any monies forming part of the Revenues of India, shall be a charge

Expense of medical attendance and subsistence in case of illness how to be defrayed.

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charge upon the ship, and may be recovered with full costs of suit by the Secretary of State in Council.

LXX. A place or places of shelter shall be provided below a well caulk-
Place to be appropri- ed and substantial deck for the men engaged under this
ated. Act ; such place or places shall be so arranged as to allow
for the men the following spaces :—

1.—For each European seaman or apprentice or other person shipped on
To European seamen. the same footing as a European seaman, nine superficial
feet if the place be not less than six feet in height from
deck to deck ; or fifty-four cubic feet if the height from deck to deck be less
than six feet.

2.—For each lascar or native seaman or other person shipped on the
To lascars or native sea- same footing as a lascar, four superficial feet ; and if the
men. place allotted be under the top-gallant fore-castle, such
fore-castle deck shall be not less than four feet six inches above the one below it.

Every such place shall be kept free from stores or goods of any kind, not
Place to be kept clear. being the personal property of the crew in use during the
voyage ; and if any such place in any ship is not in the
whole sufficiently large to give such space for each seaman and apprentice as
Penalty if place be not hereinbefore required, or is not properly caulked and in all
properly constructed. other respects securely and properly constructed and well
ventilated, the owner shall, for every such failure to comply with the provisions
of this Section, incur a penalty not exceeding two hundred Rupees ; and if any
Penalty for not keeping such space as aforesaid is not kept free from goods and
space clear. stores as aforesaid, the master shall, for every such failure
to comply with the provisions of this Section, incur a penalty not exceeding
one hundred Rupees.

LXXI. The Shipping Master at any Port in India, by himself or his De-
Shipping Master &c. puty, may enter at any time on board of any ship upon
may enter on board any which seamen have been shipped at such Port, and in-
ship and inspect provi- spect the provisions and water provided for the use of
sions, &c. the crew, and the medicines and appliances and the accommodation for seamen
prescribed

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prescribed by this Act or by the Merchant Shipping Act 1854. If on inspection the provisions or water are found to be of bad quality and unfit for use or to be deficient in quantity, the Shipping Master shall proceed as provided in Section LXIV of this Act, and the penalty prescribed in the said Section shall be incurred by any default of the master of the ship in respect of such provisions or water.

Procedure if provisions &c. are found to be of a bad quality.

the provisions or water are found to be of bad quality and unfit for use or to be deficient in quantity, the Shipping Master shall proceed as provided in Section LXIV of this

POWER OF MAKING COMPLAINTS.

LXXII. If any seaman or apprentice, whilst on board any ship, states to the master that he desires to make complaint to a Magistrate against the master or any of the crew, the said master shall, if the ship is then at a place where there is a Magistrate, 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 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 one hundred Rupees.

Seamen to be allowed to go ashore to make complaint to a Justice.

the master that he desires to make complaint to a Magistrate against the master or any of the crew, the said master shall, if the ship is then at a place where there is a Magis-

PROTECTION OF SEAMEN FROM IMPOSITION.

LXXIII. No wages due or accruing to any seamen or apprentice shall be subject to attachment from any Court; and every payment of wages to a seaman shall be valid in law, notwithstanding any previous sale or assignment of such wages or of any incumbrance 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.

Sale of and charge upon wages to be invalid.

be subject to attachment from any Court; and every payment of wages to a seaman shall be valid in law,

No debt exceeding three Rupees recoverable till end of voyage.

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

LXXV. If any person demands or receives from any seaman or apprentice payment in respect of his board or lodging in the house of such person for a longer period than such seaman or apprentice

Penalty for overcharges by lodging-house keepers.

apprentice

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apprentice has actually resided or boarded therein, he shall incur a penalty not exceeding one hundred Rupees.

LXXVI. If any person receives or takes into his possession or under his control any monies, documents, or effects of any seaman or apprentice, 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 or lodging or otherwise, or absconds therewith, he shall incur a penalty not exceeding one hundred Rupees ; and any Magistrate may, besides inflicting such penalty by summary order, direct the amount or value of such monies, documents, or effects, subject to such deduction as aforesaid, to be forthwith paid to such seaman or apprentice.

LXXVII. Every person who, not being in the service of Her Majesty and not being duly authorized by law for the purpose, goes on board any ship about to arrive at the place of her destination before her actual arrival at the place of her discharge, without the permission of the master, shall for every such offence incur a penalty not exceeding two hundred Rupees ; and the master or person in charge of such ship may take any such person so going on board as aforesaid into custody, and deliver him up forthwith to any Police Officer, to be by him taken before a Magistrate to be dealt with according to the provisions of this Act.

LXXVIII. If, within twenty-four hours after the arrival of any ship at any Port in India, any person then being on board such ship solicits any seaman to become a lodger 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 fifty Rupees.

DISCIPLINE.

LXXIX. Any master of, or any seaman or apprentice belonging to any ship registered at, trading with, or being at any Port or place in India, who by wilful breach of duty, or by neglect of duty, or by reason of drunkenness, does any act tending

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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 who by wilful breach of duty, or by neglect of duty, or by reason of drunkenness, refuses or omits to do any lawful act proper and requisite to be done by him for preserving such ship from immediate loss, destruction, or serious damage, or for preserving any person belonging to or on board of such ship from immediate danger to life or limb, shall for every such offence be liable to imprisonment, with or without hard labor, for a term not exceeding two years.

LXXX. Any Court having Admiralty Jurisdiction in India may, upon application by the owner of any ship being within the jurisdiction of such Court, or by the part owner or consignee, or by the agent of the owner, or by any certificated mate, or by one-third or more of the crew of such ship, and upon proof on oath to the satisfaction of such Court that the removal of the master of such ship is necessary, remove him accordingly; and may also, with the consent of the owner or his agent, or the consignee of the ship, or if there is no owner or agent of the owner or consignee of the ship within the jurisdiction of the Court, then without such consent, appoint a new master in his stead, and may also make such order and may require such security in respect of costs in the matter as it thinks fit.

LXXXI. If the local Government, on the information of any Shipping Master or on any other ground, has reason to believe that any master or mate who has obtained a certificate of competency or service from such Government, is from incompetency or misconduct unfit to discharge his duties, it may direct any Board or Officer at or near to the place at which it may be convenient for the parties and witnesses to attend, to institute an investigation; and thereupon such Board or Officer shall conduct the investigation, and may summon the master or mate to appear, and shall give him full opportunity of making a defence either in person or otherwise, and shall for the purpose of such investigation, have all the powers vested in Magistrates of summoning and examining witnesses, and may make such order with respect to the costs of such investigation as they may deem just, and shall on the conclusion of the investigation make a report upon the case to the local Government.

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LXXXII. The local Government may suspend or cancel the certificate (whether of competency or service) granted under this Act to any master or mate in the following cases ; (that is to say)—

Local Government may cancel or suspend certificates in certain cases.

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 of Sections C, CI, and CII of this Act, 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 upon any investigation conducted under the provisions of the Merchant Shipping Act 1854, or upon any investigation made by a Naval Court constituted as is provided by the said Act or any other law for the time being in force, or upon any investigation made by any Court or tribunal authorized or hereafter to be authorized by the Legislative Authority in any British possession to make enquiry into charges of incompetency or misconduct on the part of masters or mates of ships or as to ship-wreck or other casualties affecting ships 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 ; or that he has been guilty of any gross act of misconduct, drunkenness, or tyranny. Provided always that, in the case of any report by any such last mentioned Court or tribunal, the report shall have been confirmed by the Governor or person administering the Government of such possession.

4. If he is superseded by the order of any Admiralty Court or of any Naval Court constituted as provided by the Merchant Shipping Act 1854 or any other law for the time being in force.

5. If he is shown to have been convicted of any offence.

And every master or mate whose certificate is cancelled or suspended shall deliver it to the Shipping Master or to such other person as the local Government shall direct, and in default shall for each offence incur a penalty not exceeding

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ceeding five hundred Rupees ; and the local Government 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.

LXXXIII. 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)—

Offences of seamen and apprentices, and their punishments.

1. For desertion he shall be liable to imprisonment for any period not exceeding twelve weeks, with or without hard labor, and also 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 at any Port or place not in India, 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 any Port or place in India, and to satisfy any excess of wages paid by the master or owner of the ship from which he deserts, to any substitute engaged in his place at a higher rate of wages than the rate stipulated to be paid to him.

2. 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 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 imprisonment for any period not exceeding ten weeks, with or without hard labor, and also, at the discretion of the Court, 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.

3. 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.

4. For

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4. 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 discretion of the Court, to forfeit out of his wages a sum not exceeding two days' pay.

5. 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' continuance of such disobedience or neglect, either a sum not exceeding six days' pay, or any expenses which have been properly incurred in hiring a substitute.

6. For assaulting any master or mate he shall be liable to imprisonment for any period not exceeding twelve weeks, with or without hard labor.

7. 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 weeks, with or without hard labor.

8. 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 weeks, with or without hard labor.

9. 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 proportionate part of his wages may be retained in satisfaction or on account of such liability, without prejudice to any further remedy.

LXXXIV. Upon

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LXXXIV. Upon the commission of any of the offences enumerated in the last preceding Section, 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 hereinbefore required shall, if practicable, be produced or proved, and in default of such production or proof, the Court hearing the case may, at its discretion, refuse to receive evidence of the offence.

LXXXV. Every seafaring person whom the master of any ship is, under the authority of this Act or any law, 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.

LXXXVI. 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 who are hereby directed to give the same if required, apprehend him without first procuring a warrant ; and thereupon in any case, and shall, in case he so requires and it is practicable, convey him before some Court capable of taking cognizance of the matter, to be dealt with according to law ; and may, for the purpose of conveying him before such Court, detain him in custody for a period

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period not exceeding twenty-four hours or such shorter time as may be necessary, or may, if he does not so require, or if there is no such Court at or near the place, at once convey him on board ; and if any such apprehension appears to the Court before which the case is brought, to have been made on improper or on insufficient grounds, the master, mate, owner, ship's husband, or consignee, who makes the same or causes the same to be made, shall incur a penalty not exceeding two hundred Rupees ; but such penalty, if inflicted, shall be a bar to any action for false imprisonment in respect of such apprehension.

LXXXVII. 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, instead of committing the offender to prison, 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.

LXXXVIII. If any seaman or apprentice is imprisoned on the ground of his having neglected or refused to join or to proceed to sea in any ship in which he is engaged to serve, or of having deserted or otherwise absented himself therefrom without leave, or of his having committed any other breach of discipline, and if during such imprisonment and before his engagement is at an end his services are required on board his ship, any Magistrate may, at the request of the master or of the owner or his agent, cause such seaman or apprentice to be conveyed on board his said ship for the purpose of proceeding on the voyage, or to be delivered to the master or any mate of the ship or to the owner or his agent, to be by them so conveyed, notwithstanding that the termination of the period for which he was sentenced to imprisonment has not arrived.

LXXXIX. In

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LXXXIX. In all cases of desertion from any ship registered at a Port or place in India while such ship is at any place out of India, 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 to endorse on the agreement a certificate of such desertion ; and such person or persons shall thereupon make and certify a copy of such entry and also a copy of the said certificate of desertion ; the master shall forthwith transmit such copies to the Shipping Master at the Port where such seaman was engaged, who shall, if required, cause the same to be produced in any legal proceeding ; and such copies, if purporting to be so made and certified as aforesaid, shall in any legal proceeding relating to such desertion be received as evidence of the entries therein appearing.

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

XC. 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 at any Port or place in India, 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 his ship.

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

XCI. 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 rightfully punished therefor by imprisonment or otherwise, the Court hearing the case may direct a part of the wages due to such seaman, not exceeding thirty Rupees, to be applied in reimbursing any costs properly incurred by the master in procuring such conviction and punishment.

Costs of procuring imprisonment may, to the extent of thirty Rupees, be deducted from wages.

XCII. Whenever

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XCII. 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 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.

Amount of forfeiture how to be ascertained when seamen contract for the voyage.

XCIII. 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 reimbursement, the same shall be paid into the Public Treasury and carried to the account of Government; and in all other cases of forfeiture of wages under the provisions hereinbefore contained, the forfeiture shall, in the absence of any specific directions to the contrary, be for the benefit of the master or owner by whom the wages are payable.

Application of forfeitures.

XCIV. Any question concerning the forfeiture of or deductions from the wages of any seaman or apprentice, may be determined in any proceeding lawfully instituted with respect to such wages, notwithstanding that the offence in respect of which such question arises, though hereby made punishable by imprisonment as well as forfeiture, has not been made the subject of any Criminal proceeding.

Questions of forfeitures may be decided in suits for wages.

XCV. If any seaman, on or before being engaged, wilfully and fraudulently makes a false statement of the name of his last ship, of last alleged ship, or wilfully and fraudulently makes a false statement of his own name, he shall incur a penalty not exceeding fifty Rupees, and such penalty may be deducted from any wages he

Penalty for false statement as to last ship or name.

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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.

XCVI. 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 at any Port or place in India, and the offence, and such entries in respect thereof as aforesaid, are proved, in the case of a Foreign-going ship to the satisfaction of the Shipping Master before whom the offender is discharged, and in the case of a Home-trade ship to the satisfaction of the Shipping Master 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 Shipping Master; and if before the final discharge of the crew in India, any such offender as aforesaid enters into any of Her Majesty's ships or is discharged at any place not in India, and the offence and such entries as aforesaid are proved to the satisfaction of the Officer in command of the ship into which he so enters or of the Consular Officer, Officer of Customs, or other person by whose sanction he is so discharged, the fine shall thereupon be deducted as aforesaid, and an entry of such deduction shall then be made in the official log-book (if any) and signed by such Officer or other person; and on the return of the ship to India, the master or owner shall pay over such fine, in the case of Foreign-going ships to the Shipping Master before whom the crew is discharged, and in the case of Home-trade ships to the Shipping Master 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 for which any such fine as aforesaid has been inflicted and paid shall be otherwise punished under the provisions of this Act.

Shipping Master.

XCVII. Every

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XCVII. 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 one hundred Rupees; and every person who wilfully harbours 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 harboured or secreted, incur a penalty not exceeding one hundred Rupees.

XCVIII. 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 two hundred Rupees, or be liable to imprisonment, with or without hard labor, for any period not exceeding four weeks.

XCIX. If during the progress of a voyage the master of any ship registered at any Port or place in India, 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 thousand Rupees; and such successor shall, immediately on assuming the command of the ship, enter in the official log a list of the documents so delivered to him.

ENQUIRIES INTO WRECKS.

Enquiry may be instituted in cases of wreck and casualty.

C. In any of the cases following (that is to say)—

Whenever any ship is lost, abandoned, or materially damaged on or near the coasts of India;

Whenever

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Whenever any ship causes loss or material damage to any other ship on or near such coasts ;

Whenever, by reason of any casualty happening to or on board of any ship on or near such coasts, loss of life ensues ;

Whenever any such loss, abandonment, damage, or casualty happens elsewhere to or on board any ship registered at any Port or place in India, under the Merchant Shipping Act 1854 or under Act X of 1841—

It shall be the duty of any European Civil Officer of Government residing at or near the place where such loss, abandonment, damage, or casualty occurred if the same occurred in India, but if elsewhere, at or near the place where such witnesses as aforesaid arrive or are found, to give notice of the same to the local Government. It shall be lawful for the local Government, whether such notice be given or not, if a formal investigation appears to it to be requisite or expedient, to appoint two persons to make the same. The investigation shall be held at such place as the local Government shall deem best for the convenient examination of the witnesses. One of the persons to be so appointed shall be a Magistrate acting in or near the place where the investigation is held : the other may be any person conversant with maritime affairs.

CI. The persons appointed shall proceed to make the investigation and shall for that purpose, so far as relates to compelling the attendance of witnesses, and the regulation of the proceedings, have the same powers as if the same were a proceeding relating to an offence or cause of complaint upon which such Magistrate has power to convict summarily, or as near thereto as circumstances admit.

Investigation.

CII. Upon the conclusion of the case the persons appointed to investigate shall send a report to the local Government, containing a full statement of the case and of their opinion thereon, accompanied by such report of or extracts from the evidence and such observations (if any) as they may think fit.

Report.

OFFICIAL LOGS.

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OFFICIAL LOGS.

CIII. An official log-book of every ship registered at any Port or place in India, except Home-trade ships of a burden not exceeding three hundred tons, shall be kept in a form sanctioned by the local Government; and such official log may, at the discretion of the master or owner, either be kept distinct from the ordinary ship's log or united therewith, so that in all cases all the blanks in the official log be duly filled up.

Official logs to be kept in forms sanctioned by local Government.

CIV. Every entry in every official log 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.

Entries to be made in due time.

CV. 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)—

Entries required in official log.

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

Convictions.

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

Offences.

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

Punishments.

4. 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:

Conduct &c. of crew.

5. Every

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5. Every case of illness or injury happening to any member of the crew with the nature thereof, and the medical treatment adopted (if any):
Illness and injuries.
6. Every case of death happening on board, and of the cause thereof:
Deaths.
7. Every birth happening on board with the sex of the infant and the names of the parents:
Births.
8. Every marriage taking place on board with the names and ages of the parties:
Marriages.
9. The name of every seaman or apprentice who ceases to be a member of the crew otherwise than by death, with the place, time, manner, and cause thereof:
Quitting ship.
10. The amount of wages due to any seaman who enters Her Majesty's service during the voyage:
Wages of men entering Navy.
11. 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.
12. 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.
13. Every collision with any other ship and the circumstances under which the same occurred.
Collisions.
- CVI. 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, death, or birth 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

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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 authorized to receive the seaman into such service.

Penalties in respect of official logs. CVII. 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 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 fifty Rupees.

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

3. 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 liable to imprisonment, with or without hard labor, for a term not exceeding one year.

Entries in official logs to be received in evidence. CVIII. 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.

Official logs to be delivered to Shipping Master on ship's arrival at Port of destination in India. CIX. The master of every Foreign-going ship shall, within forty-eight hours after the ship's arrival at her final Port of destination in India, or upon the discharge of the crew, whichever first happens, deliver to the Shipping Master before whom the crew

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crew is discharged, the official log-book of the voyage ; and the master or owner of every Home-trade ship of a burden exceeding three hundred tons shall, within twenty-one days after the thirtieth day of June and the thirty-first day of December in every year, transmit or deliver to some Shipping Master in India the official log-book for the preceding half year ; and every master or owner who refuses or neglects to deliver his official log-book, as hereby required, shall be subject to a penalty not exceeding two hundred Rupees.

CX. If any ship ceases, by reason of transfer of ownership or change of employment, to fall within the operation of Section CIII of this Act, the master or owner thereof shall, if such ship is then in any Port in India, within one month, and if she is elsewhere, within six months, deliver or transmit to the Shipping Master at the Port to which the ship belonged, the official log-book duly made-out to the time at which she ceased to be within such operation, and in default shall for each offence incur a penalty not exceeding one hundred Rupees ; 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 Shipping Master at the Port to which the ship belonged, 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 one hundred Rupees.

PROCEDURE &c.

CXI. Whenever, in the course of any legal proceedings instituted at any Port or place in India before any Judge or Magistrate or before any person authorized by law or by consent of parties to receive evidence, the testimony of any witness is required in relation to the subject matter of such proceeding, any deposition that such witness may have previously made in relation to the same subject matter before any Justice or Magistrate in Her Majesty's Dominions (including all parts of India other than those subject to the same local Government as the Port or place where such proceedings are instituted), or any British Consular Officer elsewhere, shall, if authenticated by the signature of the Justice, Magistrate, or Consular Officer, be admissible in evidence on due proof that such witness cannot be found within the jurisdiction of the Court in which such proceedings

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proceedings are instituted. Provided that, if the proceeding is Criminal, such deposition shall not be admissible unless it was made in the presence of the person accused and the fact that it was so made is certified by the Justice, Magistrate, or Consular Officer. It shall not be necessary in any case to prove the signature or official character of the person appearing to have signed any such deposition ; and in any Criminal proceeding, such certificate as aforesaid shall, unless the contrary is proved, be sufficient evidence of the accused having been present in manner thereby certified.

CXII. All offences under this Act, made punishable by any penalty, may be prosecuted summarily before a Magistrate or any person exercising the powers of a Magistrate. The provisions of Act XIII of 1856, relating to the adjudication of fines and penalties and the enforcing payment thereof, shall apply to penalties imposed under this Act in the Towns of Calcutta, Madras, and Bombay, and the Settlement of Prince of Wales' Island, Singapore, and Malacca.

CXIII. In all cases where any Court or 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 or Magistrate who made the order may, in addition to any other powers which such Court or Magistrate may have for the purpose of compelling payment, direct the amount remaining unpaid to be levied by distress and sale of the said ship, her tackle, furniture, and apparel.

MISCELLANEOUS.

Act not to extend to ships belonging to Her Majesty or to any Foreign Prince or State.

Or (except certain Sections) to ships belonging to the subjects of any Foreign Prince or State.

CXIV. Nothing in this Act shall extend to any ship belonging to or in the service of Her Majesty or to any ship belonging to any Foreign Prince or State ; and nothing in this Act, except as otherwise hereinafter provided, shall extend to any ship belonging to the subjects of any Foreign Prince or State.

CXV. When

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CXV. When the master of a Foreign ship being at any Port in India engages any lascar or other native seaman to proceed to any Port out of India, he shall enter into an agreement with such seaman, and the agreement shall be made before a Shipping Master in the manner hereinbefore provided for the making of agreements in the case of Foreign-going ships, and all the provisions of Sections XXI and XXII of this Act respecting the form of such agreements and the stipulations to be contained in them and the making and signing of the same, shall be applicable to the engagement of such seaman; and the master of such Foreign ship shall give to the Shipping Master a bond with the security of some approved person resident in India for an amount calculated at the rate of one hundred Rupees for every such seaman and conditioned for the due performance of the said agreement and stipulations.

CXVI. The fees prescribed in Section VI of this Act shall be payable in respect of every such engagement, and deductions from the wages of seamen so engaged may be made to the extent and in the manner allowed by the said Section.

CXVII. If any lascar or other native seaman is engaged by the master of any Foreign ship otherwise than is allowed in the two last preceding Sections, such master shall be liable to a penalty of one hundred Rupees for every such seaman so engaged. It shall be lawful for the Shipping Master, by himself or his deputy, to enter on board any Foreign ship upon which he shall have reason to believe that any such seaman has been shipped, and the provisions of Section XXX of this Act shall be applicable in respect of every such ship.

CXVIII. The following words and expressions in this Act shall have the meanings hereby assigned to them unless there be some thing in the subject or context repugnant to such construction, (that is say); the word "India" shall mean the Territories which are or may become vested in Her Majesty by the Statute 21 and 22 Vic. c. 106 entitled "An Act for the better Government

Interpretation.

"India."

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Government of India" ; the expression "Local Government" shall mean the person or persons for the time being immediately administering the Executive Government of any portion of the said territories. The expression "Home-trade ship" shall include every ship employed in trading between any Ports of the said territories : or between any Port of the said territories and any Port or place on the Continent of India or in the Island of Ceylon. The expression "Foreign-going ship" shall include every ship employed in trading between any Port of the said territories and any Port or place not in the said territories nor on the Continent of India nor in the Island of Ceylon. The word "master" shall include every person (except a Pilot) having command or charge of any ship. The word "seaman" shall include every person (except masters, pilots, and apprentices) employed or engaged in any capacity on board any ship. Words importing the singular number shall include the plural number, and words importing the plural number shall include the singular number. Words importing the masculine gender shall include females. The word "person" shall include a corporation.

"Local Government."

"Home-trade ship."

"Foreign-going ship."

"Master."

"Seaman."

Number.

Gender.

"Person."

TABLE A. (See Section V.)

Fees to be charged for matters transacted at Shipping Offices.

1. Engagement or discharge of crews.

	Rs.	As.	P.
In Ships under 100 Tons	3	0	0
From 100 to 200 "	7	0	0
200 to 300 "	10	0	0
300 to 400 "	12	8	0
400 to 500 "	15	0	0
500 to 600 "	17	8	0
600 to 700 "	20	0	0
700 to 800 "	22	8	0
800 to 900 "	25	0	0
900 to 1000 "	27	8	0
above 1000 "	30	0	0

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and so on for ships of larger tonnage, adding for every one hundred tons above one thousand, two Rupees and eight annas.

2. Engagement or discharge of seamen separately, one Rupee for each seaman.

TABLE B. (See Section VI.)

Sums to be deducted from wages by way of partial repayment of fees in Table A.

1. In respect of engagements and discharges of crews, upon each engagement and each discharge.

	Rs.	As.	P.
From wages of any Mate, Purser, Engineer, Surgeon, Carpenter, or Steward	0	12	0
From wages of all others except apprentices	0	8	0

2. In respect of engagements and discharges of seamen, separately, upon each engagement and each discharge

