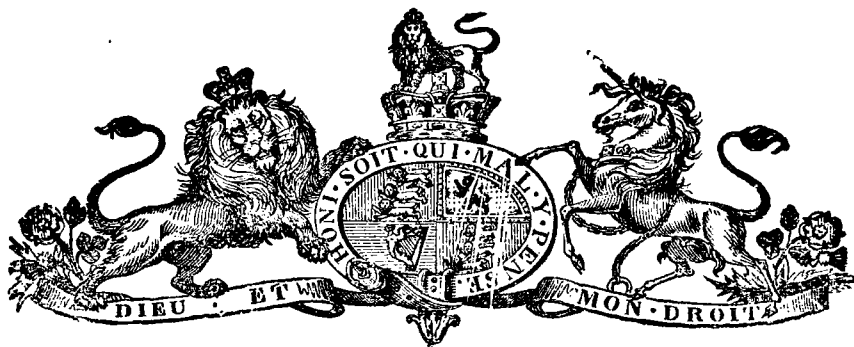




ANNO TRICESIMO & TRICESIMO PRIMO

VICTORIÆ REGINÆ.

C A P. CXXIV.

An Act to amend The Merchant Shipping Act,
1854. [20th August 1867.]

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows :

1. This Act may be cited as The Merchant Shipping Act, 1867, and shall be construed with and as Part of The Merchant Shipping Act, 1854, herein-after termed the Principal Act. Short Title.

2. This Act shall come into operation on the First Day of *January* One thousand eight hundred and sixty-eight, but shall not apply to any Ship which belongs to the United Kingdom and is absent therefrom at the Time when this Act comes into operation until such Ship has returned to the United Kingdom. Commence-
ment of Act.

3. The Two hundred and twenty-fourth, Two hundred and twenty-seventh, and Two hundred and thirty-first Sections of the Principal Act are hereby repealed. Sects. 224,
227, and 231
of 17 & 18
Vict. c. 104.
repealed.

4. The following Rules shall be observed with respect to Medicines, Medical Stores, and Anti-scorbutics ; (that is to say,
(1.) The Board of Trade shall from Time to Time issue and cause to be published Scales of Medicines and Medical Stores
16 K Lime or
Lemon Juice
and other
Anti-scor-
butics to
be provided
suitable

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and kept on
board certain
Ships.

suitable for different Ships and Voyages, and shall also prepare or sanction a Book or Books containing Instructions for dispensing the same :

(2.) The Owners of every Ship navigating between the United Kingdom and any Place out of the same shall provide and cause to be kept on board such Ship a Supply of Medicines and Medical Stores in accordance with the Scale appropriate to the said Ship, and also a Copy of the said Book or of One of the said Books containing Instructions :

(3.) No Lime or Lemon Juice shall be deemed fit and proper to be taken on board any such Ship, for the Use of the Crew or Passengers thereof, unless the same has been obtained from a Bonded Warehouse for and to be shipped as Stores ; and no Lime or Lemon Juice shall be so obtained or delivered from any Warehouse as aforesaid unless the same is shown, by a Certificate under the Hand of an Inspector appointed by the Board of Trade, to be proper for Use on board Ship, such Certificate to be given upon Inspection of a Sample after Deposit of the said Lime or Lemon Juice in the Warehouse ; nor unless the same contains Fifteen *per Centum* of proper and palatable Proof Spirits, to be approved by such Inspector, or by the proper Officer of Customs, and to be added before or immediately after the Inspection thereof ; nor unless the same is packed in such Bottles, at such Time and in such Manner, and is labelled in such Manner as the Commissioners of Customs may direct ; provided that when any such Lime or Lemon Juice is deposited in any Bonded Warehouse, and has been approved as aforesaid by the said Inspector, the said Spirits, or so much of the said Spirits as is necessary to make up Fifteen *per Centum*, may be added in such Warehouse, without Payment of any Duty thereon ; and when any Spirit has been added to any Lime or Lemon Juice, and the same has been labelled as aforesaid, it shall be deposited in the Warehouse for Delivery as Ship's Stores only, upon such Terms and subject to such Regulations of the Commissioners of Customs as are applicable to the Delivery of Ship's Stores from the Warehouse :

(4.) The Master or Owner of every such Foreign-going Ship (except those bound to *European* Ports or to Ports in the *Mediterranean Sea*, and also except such Ships or Classes of Ships bound to Ports on the Eastern Coast of *America* North of the Thirty-fifth Degree of North Latitude, and to any Islands or Places in the *Atlantic Ocean* North of the

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the same Limit, as the Board of Trade may from Time to Time exempt from this Enactment,) shall provide and cause to be kept on board such Ship a sufficient Quantity of Lime or Lemon Juice from the Warehouse duly labelled as aforesaid, such Labels to remain intact until Twenty-four Hours at least after such Ship shall have left her Port of Departure on her Foreign Voyage, or a sufficient Quantity of such other Anti-scorbutics, if any, of such Quality, and composed of such Materials, and packed and kept in such Manner, as Her Majesty by Order in Council may from Time to Time direct :

- (5.) The Master of every such Ship as last aforesaid shall serve or cause to be served out the Lime or Lemon Juice with Sugar (such Sugar to be in addition to any Sugar required by the Articles) or other such Anti-scorbutics as aforesaid to the Crew so soon as they have been at Sea for Ten Days, and during the Remainder of the Voyage, except during such Time as they are in Harbour and are there supplied with fresh Provisions ; the Lime or Lemon Juice and Sugar to be served out daily at the Rate of an Ounce each *per* Day to each Member of the Crew, and to be mixed with a due Proportion of Water before being served out, or the other Anti-scorbutics, if any, at such Times and in such Quantities as Her Majesty by Order in Council may from Time to Time direct :

- (6.) If at any Time when such Lime or Lemon Juice or Anti-scorbutics is or are so served out as aforesaid any Seaman or Apprentice refuses or neglects to take the same, such Neglect or Refusal shall be entered in the Official Log Book in the Manner provided by the Two hundred and eighty-first Section of the Principal Act, and shall be signed by the Master and by the Mate or some other of the Crew, and also by the Surgeon or Medical Practitioner on board, if any :

And if in any such Ship as aforesaid such Medicines, Medical Stores, Book of Instructions, Lime or Lemon Juice, Sugar, or Anti-scorbutics as are herein-before required are not provided, packed, and kept on board as herein-before required, the Owner or Master shall be deemed to be in fault, and shall for each Default incur a Penalty not exceeding Twenty Pounds, unless he can prove that the Non-compliance with the above Provisions, or any of them, was not caused through any Inattention, Neglect, or wilful Default on his Part ; and if the Lime or Lemon Juice and Sugar or other Anti-scorbutics are not served out in the Case and Manner herein-before directed, or if Entry is not made in the Official Log

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Log in the Case and Manner herein-before required, the Master shall be deemed to be in fault, and shall for each Default incur a Penalty not exceeding Five Pounds, unless he can prove that the Non-compliance with the above Provisions, or any of them, did not arise through any Neglect, Omission, or wilful Default on his Part; and if in any Case it is proved that some Person other than the Master or Owner is in default in any Case under this Section, then such other Person shall be liable to a Penalty not exceeding Twenty Pounds.

Penalty for
selling, &c.
Medicines,
&c. of bad
Quality.

5. Any Person who manufactures, sells, or keeps or offers for Sale any such Medicines or Medical Stores as aforesaid which are of bad Quality, shall for each such Offence incur a Penalty not exceeding Twenty Pounds.

Power to
Governors,
&c. to make
Regulations
as to Supply
of Lime or
Lemon Juice,
&c.

6. In any *British* Possession out of the United Kingdom the Governor or Officer administering the Government for the Time being shall, subject to the Laws of such Possession, have Power to make Regulations concerning the Supply within such Possession of Lime or Lemon Juice and Anti-scorbutics for the Use of Ships; and any Lime or Lemon Juice or Anti-scorbutics duly supplied in accordance with any such Regulations shall be deemed to be fit and proper for the Use of Ships.

Seaman's
Expenses in
Case of Ill-
ness through
Neglect of
Owner or
Master to be
paid by them.

7. Whenever it is shown that any Seaman or Apprentice who is ill has, through the Neglect of the Master or Owner, not been provided with proper Food and Water according to his Agreement, or with such Accommodation, Medicines, Medical Stores, or Anti-scorbutics as are required by the Principal Act or by this Act, then, unless it can be shown that the Illness has been produced by other Causes, the Owner or Master shall be liable to pay all Expenses properly and necessarily incurred by reason of such Illness (not exceeding in the whole Three Months Wages), either by such Seaman himself, or by Her Majesty's Government, or any Officer of Her Majesty's Government, or by any Parochial or other Local Authority on his Behalf, and such Expenses may be recovered in the same Way as if they were Wages duly earned: Provided that this Enactment shall not operate so as to affect any further Liability of any such Owner or Master for such Neglect, or any Remedy which any Seaman already possesses.

Forfeiture of
Wages, &c.
of Seaman
when Illness
caused by his
own Default.

8. Where a Seaman is by reason of Illness incapable of performing his Duty, and it is proved that such Illness has been caused by his own wilful Act or Default, he shall not be entitled to

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to Wages for the Time during which he is by reason of such Illness incapable of performing his Duty.

9. The following Rules shall be observed with respect to Accommodation on board *British Ships*; (that is to say,) Place appropriated to Seamen to have a certain Space for each Man, and to be properly constructed and kept clear.

(1.) Every Place in any Ship occupied by Seamen or Apprentices, and appropriated to their Use, shall have for every such Seaman or Apprentice a Space of not less than Seventy-two Cubic Feet, and of not less than Twelve Superficial Feet, measured on the Deck or Floor of such Place:

(2.) Every such Place shall be such as to make the Space aforesaid available for the proper Accommodation of the Men who are to occupy it, shall be securely constructed, properly lighted and ventilated, properly protected from Weather and Sea, and as far as practicable properly shut off and protected from Effluvia which may be caused by Cargo or Bilge Water:

(3.) No such Place as aforesaid shall be deemed to be such as to authorize a Deduction from Registered Tonnage, under the Provisions herein-after contained, unless there is or are in the Ship One or more properly constructed Privy or Privies for the Use of the Crew; such Privy or Privies to be of such Number and of such Construction as may be approved by the Surveyor herein-after mentioned:

(4.) Every such Place shall, whenever the Ship is registered or re-registered, be inspected by One of the Surveyors appointed by the Board of Trade under Part IV. of the Principal Act, who shall, if satisfied that the same is in all respects such as is required by this Act, give to the Collector of Customs a Certificate to that Effect, and thereupon such Space shall be deducted from the Register Tonnage:

(5.) No such Deduction from Tonnage as aforesaid shall be authorized unless there is permanently cut in a Beam, and cut in or painted on or over the Doorway or Hatchway of every such Place, the Number of Men which it is constructed to accommodate, with the Words "Certified to accommodate Seamen":

(6.) Every such Place shall be kept free from Stores or Goods of any kind, not being the personal Property of the Crew in use during the Voyage:

(7.) Upon any Complaint concerning any such Place as aforesaid, One of the Surveyors appointed by the Board of Trade may inspect such Place, and if he finds that any of the Pro-

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visions of this Act with respect to the same are not complied with he shall report the same to the Collector of Customs at the Port where the Ship is registered, and thereupon the registered Tonnage shall be altered, and the Deduction aforesaid in respect of Space disallowed, unless and until it shall be certified by such Surveyor, or by some other Surveyor appointed by the Board of Trade, that the Provisions of the Act in respect of such Place are fully complied with :

- (8.) If any such Place in any Ship is not kept free from Goods and Stores as aforesaid, the Master shall be deemed to be in fault, and shall for every such Failure to comply with the Provisions of this Section forfeit and pay to each Seaman lodged in such Place the Sum of One Shilling a Day for each Day after Complaint made to him by any Two or more of such Seamen during which any Goods or Stores, not being the personal Property of the Crew, are stored or kept therein :
- (9.) If in any other respect the Provisions of this Section are not observed with respect to any such Place in any Ship the Owner shall be deemed to be in fault, and shall for every Failure to comply with the Provisions of this Section incur a Penalty not exceeding Twenty Pounds.

Rules for
Medical
Inspection
of Seamen.

10. The following Rules shall be observed with respect to the Medical Inspection of Seamen ; that is to say,

- (1.) At any Port where there is a Local Marine Board the Local Marine Board, and at other Ports in the United Kingdom the Board of Trade, may appoint a Medical Inspector of Seamen :
- (2.) Such Medical Inspector of Seamen shall, on Application by the Owner or Master of any Ship, examine any Seaman applying for Employment in such Ship, and shall give to the Superintendent of the Mercantile Marine Office a Report under his Hand stating whether such Seaman is in a fit State for Duty at Sea, and a Copy of such Report shall be given to the Master or Owner of the Ship :
- (3.) The Master or Owner applying for such Inspection shall pay to the Superintendent such Fees as the Board of Trade direct, and such Fees shall be paid into and form Part of the Mercantile Marine Fund :
- (4.) The said Medical Inspectors shall be remunerated for their Services as the Board of Trade may direct, and such Remuneration shall be paid out of the Mercantile Marine Fund :

(5.) In

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- (5.) In *British* Possessions out of the United Kingdom the Governor or other Officer administering the Government for the Time being shall have the Power of appointing Medical Inspectors of Seamen, of charging Fees for Inspections, when applied for, and of determining the Remuneration to be paid to such Inspectors.

11. If any *British* Subject commits any Crime or Offence on board any *British* Ship, or on board any Foreign Ship to which he does not belong, any Court of Justice in Her Majesty's Dominions, which would have had Cognizance of such Crime or Offence if committed on board a *British* Ship within the Limits of the ordinary Jurisdiction of such Court, shall have Jurisdiction to hear and determine the Case as if the said Crime or Offence had been committed as last aforesaid.

Offences by
British
Subjects on
board
Ships.

12. The Harbour Master for the Time being of the Harbour of *Holyhead*, in the event of its seeming meet to Her Majesty to assign to him Her Majesty's Commission to act as a Justice of the Peace within the Limits within which he is empowered to act in Harbour Matters, shall, during the Continuance of such Assignment and of his Tenure of the Office of Harbour Master, execute within such Limits the Duties of a Justice of the Peace, notwithstanding he may not be qualified by Estate to be a Justice of the Peace for a County, and shall have within such Limits the same Power and Jurisdiction as a Stipendiary Magistrate has by Act of Parliament when sitting at a Police Court or other Place appointed in that Behalf.

Harbour
Master at
Holyhead
may be com-
missioned
as Justice.

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