



ANNO OCTAVO

VICTORIÆ REGINÆ.

*This Act is repealed in accordance with the terms of the 27<sup>th</sup> Section; inasmuch as the Imperial Act of the 12. & 13. Vic. Chap: 29. forbids the Re-registering of British Colonial Vessels - Vide Vol: d. 29. at the close*  
*J. H. P.*

CAP. V.

An Act to secure the right of property in British Plantation Vessels navigating the Inland Waters of this Province, and not registered under the Act of the Imperial Parliament of the United Kingdom, passed in the third and fourth years of the Reign of His late Majesty King William the Fourth, intituled, *An Act for the Registering of British Vessels*, and to facilitate transfers of the same, and to prevent the fraudulent assignment of any property in such Vessels.

[17th March, 1845.]

**W**HEREAS it is expedient to secure the right of property in British Plantation Vessels, navigating the Inland Waters of this Province, and not registered under the Act of the Imperial Parliament, intituled, *An Act for the registering of British Vessels*, passed in the third and fourth years of the reign of His Majesty, William the Fourth, and to facilitate transfers of Vessels, and to prevent the fraudulent assignment of the property in such Vessels: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That this Act shall commence upon the first day of July, one thousand eight hundred and forty five, except when any other commencement is herein particularly directed.

Preamble.

Commencement of Act.

II.

Right of ownership in any such vessels to be registered.

II. And be it enacted, That all persons claiming property in any Ship or Vessel, over fifteen tons, shall cause his or their ownership in the same to be registered in manner hereinafter provided for, and shall obtain a certificate of the registry of such ownership, from the person or persons authorized to make such registry and to grant such certificate, as hereinafter directed ; the form of which certificate shall be as follows, *videlicet* :

Form of certificate of ownership.

“ This is to certify, that in pursuance of an Act, passed in the                      year of the reign of Queen Victoria, intituled, “ *An Act, &c., [here insert the title of this Act, and the names, occupations, and residence of the subscribing owners,]* having made and subscribed the declaration required by the said Act : and having declared that he [or they] together with [names, occupations and residence of non-subscribing owners] is (or are) sole owner (or owners in the proportions specified on the back hereof,) of the ship or vessel called the [ship's name] of [place to which the ship belongs] which is of the burthen of [number of tons] and whereof [master's name] is master ; and that the said ship or vessel was [when and where built, referring to builder's certificate or certificate of last ownership, then delivered up to be cancelled] and [name and employment of surveying officer] having certified to me that the said ship or vessel has [number] decks and [number] masts, that her length from the fore part of the main stem, to the after part of the stern post aloft, is [number of feet and inches] her breadth at the broadest part [stating whether that be above or below the main wales] is [number of feet and inches] her [height between decks if more than one deck, or depth in the hold if only one deck] is [number of feet and inches] [if a steamer propelled by steam with an engine room, state the length and tonnage of the engine room, in feet and inches of length and tons,] that she is [how rigged,] rigged with a standing [or running] bowsprit, is [description of stern] sterned, carvel [or clinker] built, has [whether any or no] head ; and the subscribing owners have consented and agreed to the above description ; and their ownership or property in the said ship or vessel called the [name] has been duly registered at the Port of [name of the port.] Certified under my hand at the Custom House, in the said Port of [name of the port] this [date] day of [name of the month] in the year [words at length.]

[Signed,]

Collector.”

Indorsement of shares, or proportion of ownership.

And on the back of such certificate of ownership there shall be an account of the parts or shares held by each of the owners mentioned and described in such certificate, in the form and manner following :

“ Names

“ Names of the several owners within mentioned : | “ Number of sixty fourth shares held by each owner :

[Name,  
[Name,  
[Name,  
[Name,

Thirty-two,  
Sixteen,  
Eight,  
Eight,]

[Signed,]

Collector.”

III. And be it enacted, That the Collector of Her Majesty's Customs of any Port in this Province, is hereby authorised and required to make such registry and grant such certificate of ownership : Provided always, that no certificate of ownership shall be granted to any ship or vessel not wholly built in this Province, and which shall not wholly belong, and continue to wholly belong to Her Majesty's subjects.

Collectors of Customs required to make registry and grant certificates of ownership.

IV. And be it enacted, That every ship or vessel shall be deemed to belong to some Port, at or near to which some or one of the owners who shall make and subscribe the declaration required by this Act before register of ownership be made, shall reside ; and that no such certificate of ownership shall be granted by any Collector of Customs hereinbefore authorised to grant such certificate, in any port or place other than the port or place to which such ship or vessel shall properly belong ; but that any and every certificate made and granted in any port or place to which any such ship or vessel does not properly belong, shall be utterly null and void to all intents and purposes.

Certificates of ownership to be granted to vessels at the ports to which they belong.

V. And be it enacted, That at every port where registry of ownership shall be made in pursuance of this Act, a book shall be kept by the Collector, in which all the particulars contained in the form of the certificate of ownership hereinbefore directed to be used, shall be duly entered ; and every registry of such ownership shall be numbered in progression, beginning such progressive numeration at the commencement of each and every year ; and such Collector shall forthwith transmit to the Inspector General, or such other officer as the Governor shall appoint for that purpose, a true and exact copy, together with the number of every certificate, which shall be by him so granted.

Books of registry of ownership to be kept by the Collector.

VI. And be it enacted, That no certificate of ownership shall be granted until the following declaration be made and subscribed, before the Collector of Customs to

Declaration to be made and subscribed be-

fore certificate  
of ownership  
be granted.

to whom application may be at any time made to grant a certificate of ownership, by the owner of such ship or vessel, if such ship or vessel is owned by or belongs to one person only, or in case there shall be two joint owners, then by both of such joint owners, if both shall be resident within twenty miles of the port or place where such registry is required, or by one of such owners, if one or both of them shall be resident at a greater distance from such port or place; or if the number of such owners or proprietors shall exceed two, then by the greater part of the number of such owners or proprietors, if the greater number of them shall be resident within twenty miles of such port or place as aforesaid, (not in any case exceeding three of such owners or proprietors, unless a greater number shall be desirous to join in making and subscribing the said declaration) or by one of such owners if all or all except one, shall be resident at a greater distance.

Form of de-  
claration to be  
made and sub-  
scribed by  
owner of a ship  
or vessel before  
receiving a  
certificate of  
ownership.

“ I, A. B. of [*place of residence and occupation,*] do truly declare, that the ship or vessel [*name*] of [*port or place*] whereof [*master's name*] is at present master, being [*kind of build, burthen, &c., as described in the certificate of the surveying officer*] was [*when and where built,*] and that I, the said A. B., [*and the other owners' names and occupations, if any, and where they respectively reside, videlicet, town, place, or parish or county,*] am (or are) sole owner or owners of the said vessel, and that no other person or persons whatever hath or have any right, title, interest, share, or property therein or thereto: and that I, the said A. B., [*and the said other owners, if any,*] am (or are) truly and *bonâ fide* a subject (or subjects) of Great Britain, and that I, the said A. B., have not, nor have any of the other owners, to the best of my knowledge and belief, taken the oath of allegiance to any foreign state whatever: (or, he or they hath (or have) become a denizen or denizens (or naturalized subject or subjects) (*as the case may be*) of the United Kingdom of Great Britain and Ireland, by Her Majesty's letters patent, (or by any Act of Parliament,) [*naming the times when such letters of denization have been granted respectively, or the year or years in which such Act or Acts for naturalization have passed respectively:*] and that no foreigner, directly or indirectly, hath any share or part interest in the said ship or vessel.”

VII. And, in order to enable the Collector of Her Majesty's Customs to grant a certificate of ownership, truly and accurately describing every ship or vessel to which a certificate may be granted, in pursuance of this Act, and also to enable all other officers of Her Majesty's Customs, on due examination, to discover whether any such ship or vessel is the same with that for which a certificate of ownership is alleged to have been granted: Be it enacted, That previous to the granting of any certificate of ownership as aforesaid, some one or more person or persons appointed by the Governor General, taking to his or their assistance, if he or they shall judge it necessary, one or more person or persons skilled in the building

Vessels to be  
surveyed pre-  
vious to certifi-  
cate of owner-  
ship being  
granted.

building and admeasurement of ships, shall go on board of every such ship or vessel to which such certificate of ownership may be granted, and shall strictly and accurately examine and admeasure every such ship or vessel, as to all and every particular contained in the form of the certificate of ownership hereinbefore directed, in the presence of the master, or of any other person who shall be appointed for that purpose on the part of the owner or owners, or, in his or their absence, by the said master, and shall deliver a true and just account, in writing, of all such particulars of the build, description, and admeasurement of every such ship or vessel, as are specified in the form of the certificate of ownership above recited, to the Collector authorized as aforesaid to grant such certificate of ownership: and the said master or other person attending on the part of the owner or owners, is hereby required to sign his name also to the certificate of such surveying or examining officer, in testimony of the truth thereof, provided such master or other person shall consent and agree to the several particulars set forth and described therein.

Owner or master to sign, if he concur in the description.

VIII. And be it enacted, That for the purpose of ascertaining the tonnage of ships or vessels, the rule for admeasurement shall be the same as that contained in the Acts of the Imperial Parliament severally passed in the fifth and sixth years of the reign of His late Majesty King William the Fourth, intituled, *An Act to regulate the admeasurement of the tonnage and burthen of the merchant shipping of the United Kingdom*, and in the sixth and seventh years of the reign of Her present Majesty, intituled, *An Act to amend the laws relating to the Customs*, that is to say: the tonnage of every ship or vessel shall be measured and ascertained while her hold is clear, and according to the following rule, that is to say—divide the length of the upper deck between the afterpart of the stem and the forepart of the sternpost into six equal parts. *Depths*:—at the foremost, the middle and the aftermost of those points of division, measure in feet and decimal parts of a foot the depths from the under side of the upper deck to the ceiling at the limber strake: in the case of a break in the upper deck, the depths are to be measured from a line stretched in a continuation of the deck. *Breadths*:—divide each of those three depths into five equal parts, and measure the inside breadths at the following points,—*videlicet*, at one-fifth and at four-fifths from the upper deck of the foremost and aftermost depths, and at two-fifths and four-fifths from the upper deck of the midship depth. *Length*:—at half the midship depth, measure the length of the vessel from the afterpart of the stem to the forepart of the sternpost; then to twice the midship depth add the foremost and the aftermost depths for the sum of the depths: add together the upper and lower breadths at the foremost division, three-times the upper breadth and the lower breadth at the midship division, and the upper and twice the lower breadth at the after division for the

Rule of admeasurement.

5 & 6 W. 4. c. 56.

6 & 7 Vict. c. 84.

sum

sum of the breadths, then multiply the sum of the depths by the sum of the breadths and this product by the length, and divide the final product by three thousand five hundred, which will give the number of tons for register; if the vessel have a poop or half deck, or a break in the upper deck, measure the inside mean length, breadth, and height of such part thereof as may be included within the bulk head: multiply these three measurements together, and dividing the product by 92.4, the quotient will be the number of tons to be added to the result as above found: in order to ascertain the tonnage of open vessels, the depths are to be measured from the upper edge of the upper strake; and for the purpose of ascertaining the tonnage of all such ships or vessels as there shall be occasion to measure, while their cargoes are on board the following rule shall be observed, that is to say: measure first the length on the upper deck between the after part of the stem and the forepart of the sternpost; secondly, the inside breadth on the under side of the upper deck, at the middle point of the length; and thirdly, the depth from the under side of the upper deck down the pumpwell to the skin; multiply these three dimensions together, and divide the product by one hundred and thirty, and the quotient will be the amount of the register tonnage of such ship or vessel: if the vessel have a poop or half deck or a break in the upper deck, measure the inside mean length, breadth, and height of such part thereof as may be included within the bulkhead, multiply these three measurements together, and dividing the product by ninety-two and four-tenths, the quotient will be the number of tons to be added to the result above found: Provided always, that in each of the several rules hereinbefore prescribed, when applied for the purpose of ascertaining the tonnage of any ship or vessel propelled by steam, the tonnage due to the cubical contents of the engine room shall be deducted from the total tonnage of the vessel as determined by either of the rules aforesaid, and the remainder shall be deemed the true register tonnage of the said ship or vessel; the tonnage due to the cubical contents of the engine room shall be determined in the following manner, that is to say: measure the inside length of the engine room in feet and decimal parts of a foot from the foremost to the aftermost bulkhead, then multiply the said length by the depth of the ship or vessel at the midship division as aforesaid, and the product by the inside breadth at the same division at two-fifths of the depth from the deck taken as aforesaid, and divide the last product by 92.4, and the quotient shall be deemed the tonnage due to the cubical contents of the engine room: Provided always, that the tonnage due to the cubical contents of the engine room, and also the length of the engine room shall be set forth in the certificate of ownership as part of the description of the ship or vessel, and that any alteration of such tonnage due to the cubical contents of the engine room, or of such length of the engine room after the granting of such certificate, shall be deemed to be an alteration requiring a certificate

certificate *de novo* within the meaning of this Act ; and provided also, that the true amount of the tonnage of every ship or vessel to be ascertained under this Act, shall be deeply carved or cut in figures of at least three inches in length on the main-beam of every such ship or vessel, prior to the issue of the certificate of ownership.

IX. And be it enacted, That when and so often as the master, or other person having or taking the charge or command of any ship or vessel to which a certificate of ownership has been granted in manner hereinbefore directed, shall be changed, the master or owner of such ship or vessel shall deliver the certificate of ownership belonging to such ship or vessel, to the person or persons hereinbefore authorised to grant such certificate of ownership, at the port where such change shall take place, who shall thereupon indorse and subscribe a memorandum of such change, and shall forthwith give notice of the same to the proper officer of the port or place where such ship or vessel received its certificate of ownership pursuant to this Act, who shall likewise make a memorandum of the same in the book of register of ownerships, which is hereby directed and required to be kept.

When master is changed, his name to be indorsed on certificate of ownership.

X. And be it enacted, That it shall not be lawful for any owner or owners of any ship or vessel to give any name to such ship or vessel other than that by which she was called when first granted a certificate of ownership, in pursuance of this Act : And that the owner or owners of all and every ship or vessel to which certificate of ownership has been granted, shall, before such ship or vessel, after having received certificate of ownership, shall begin to take in any cargo, paint or cause to be painted in white or yellow letters of a length of not less than four inches, upon a black ground, on some conspicuous part of the stern, the name by which such ship or vessel shall have been granted certificate of ownership, pursuant to this Act, and the port to which she belongs, in a distinct and legible manner, and shall so keep and preserve the same : And that if such owner or owners, or master or other person having or taking the charge or command of such ship or vessel, shall permit such ship or vessel to begin to take in any cargo before the name of such ship or vessel has been so painted as aforesaid, or shall wilfully alter, erase, obliterate, or in any wise hide or conceal, or cause or procure or permit the same to be done, or shall, in any written or printed paper or other document, describe such ship or vessel by any name other than that by which she was first named in her certificate of ownership, pursuant to this Act, or shall verbally describe, or cause or procure or permit such ship or vessel to be described by any other name, to any officer or officers of Her Majesty's revenue, in the

Name of vessel for which certificate of ownership has been granted never after to be changed, and to be painted on the stern.

Penalty for contravention.

the due execution of his or their duty, then, and in every such case, such owner or owners, or master, or other person having or taking the charge or command of such ship or vessel, shall forfeit the sum of twenty pounds, currency.

Builder's certificate of particulars of ship or vessel.

XI. And be it enacted, That all and every person or persons who shall apply for a certificate of ownership for any ship or vessel, shall, and they are hereby required to produce to the person or persons authorized to grant such certificate, a true and full account, under the hand of the builder of such ship or vessel, of the proper denomination, and of the time when, and the place where, such ship or vessel was built, and also an exact account of the tonnage of such ship or vessel, together with the name of the first purchaser or purchasers thereof, (which account such builder is hereby directed and required to give under his hand, on the same being demanded by such person or persons so applying for a certificate of ownership as aforesaid,) and shall also make and subscribe a declaration before the person or persons hereinbefore authorized to grant such certificate, that the ship or vessel for which such certificate is required, is the same with that which is so described by the builder as aforesaid: Provided always, that if, by reason of the death or absence of the builder of any ship, or other cause, it shall not be possible for the owner of any ship or vessel to procure a builder's certificate, then in that case it shall be competent for the Governor General, on an application being made to him to that effect, and on being satisfied of the justice of the same, to cause the Collector of Her Majesty's Customs at any port, to grant a certificate of ownership, notwithstanding that the builder's certificate be not produced to him.

Declaration to be made there-to.

Proviso.

When vessels are altered to a certain extent, certificates of ownership to be granted *de novo*.

XII. And be it enacted, That if any ship or vessel, after a certificate of ownership shall have been granted, pursuant to the directions of this Act, shall in any manner whatever be altered so as not to correspond with all the particulars contained in the certificate of ownership, in such case it shall be incumbent on the owners of such ship or vessel to return the said certificate of ownership to the Collector of the port where the same was granted, and the Collector of the port shall grant a certificate of ownership *de novo*, in manner hereinbefore required, and on failure whereof the owner of such ship or vessel shall forfeit the sum of twenty pounds, currency.

Property in vessels to be transferred by bill of sale.

XIII. And be it enacted, That when and so often as the property in any ship or vessel or any part thereof, belonging to any of Her Majesty's subjects shall, after being granted certificate of ownership, be sold to any other or others of Her Majesty's subjects, the same shall be transferred by bill of sale or other instrument in writing, containing a recital of the certificate of ownership of such ship or vessel, or the principal contents thereof, otherwise such transfer shall not be valid or effectual



effectual for any purpose whatever either in law or equity : Provided always, that no bill of sale shall be deemed void by reason of any error in such recital, or by the recital of any former certificate of ownership instead of the existing certificate, provided the identity of the ship or vessel intended in the recital be effectually proved thereby.

Proviso : Bill of sale not void by unimportant error in recital, &c.

XIV. And be it enacted, That the property in every ship or vessel of which there are more than one owner, shall be taken and considered to be divided into sixty-four equal parts or shares, and the proportion held by each owner shall be described in the certificate of ownership as being a certain number of sixty-fourth parts or shares ; and that no person shall be entitled to be registered as an owner of any ship or vessel, in respect of any proportion of such ship or vessel which shall not be an integral sixty-fourth part or share of the same ; and upon the first application for a certificate of ownership of any ship or vessel, the owner or owners who shall take and subscribe the declaration required by this Act before a certificate of ownership be granted, shall also declare the number of such parts or shares then held by each owner, and the same shall be so registered accordingly : Provided always, that if it shall at any time happen, that the property of any owner or owners in any ship or vessel cannot be reduced by division into any number of integral sixty-fourth parts or shares, the right of any owner or owners to any such fractional parts shall not be affected by reason of the same not having been registered : Provided also, that it shall be lawful for any number of such owners named and described in such certificate of ownership, being partners in any house or co-partnership actually carrying on trade in any part of Her Majesty's Dominions, to hold any ship or vessel, or any share or shares of any ship or vessel, in the name of such house or co-partnership as joint owners thereof, without distinguishing the proportionate interest of each of such owners ; and that such ship or vessel or the share or shares thereof so held in co-partnership, shall be deemed and taken to be partnership property to all intents and purposes, and shall be governed by the same rules, both in law and equity, as relate to and govern all other partnership property in any other goods, chattels and effects, whatsoever.

Property in vessels to be divided into sixty-four parts or shares.

Declaration upon first registry to state the number of such shares held by each owner.

Proviso.

Proviso.

Partners may hold vessels or shares without distinguishing the proportionate interest of each partners.

XV. And be it enacted, That no greater number than thirty-two persons shall be entitled to be legal owners at one and the same time of any ship or vessel, as tenants in common, or to be registered as such : Provided always, that nothing herein contained shall affect the equitable title of minors, heirs, legatees, creditors, or others, exceeding that number, duly represented by or holding from any of the persons within the said number, registered as legal owners of any share or shares of such ship or vessel : Provided also, that if it shall be proved to the satisfaction of the Governor in Council, that any number of persons have associated themselves as a joint stock company, for the purpose of owning any ship or vessel, or any  
number

Not more than thirty-two persons to be owners of any ship or vessel at one time.

Proviso, as to equitable title of heirs, &c.

Proviso.

Joint stock companies.

number of ships or vessels, as the joint property of such company, and that such company have duly elected or appointed any number, not less than three, of the members of the same, to be trustees of the property in such ship or vessel, or ships or vessels, so owned by such company, it shall be lawful for such trustees, or any three of them, with the permission of the Governor in Council, to make and subscribe the declaration required by this Act before certificate of ownership be granted, except that instead of stating therein the names and description of the other owners, they shall state the name and description of the company to which such ship or vessel, or ships or vessels, shall in such manner belong.

Trustees may apply for registry.

Bills of sale not to be effectual until produced to the Collector and entered in the book of registry of ownership.

XVI. And be it enacted, That no bill of sale or other instrument in writing, shall be valid and effectual to pass the property in any ship or vessel, or in any share thereof, after a certificate of ownership as hereby provided shall have been granted to such ship or vessel, or of any share thereof, or for any other purpose, until such bill of sale or other instrument in writing shall have been produced to the Collector of the port at which such ship or vessel had been granted certificate of ownership, or to the Collector of any other port at which she is about to receive certificate of ownership *de novo*, as the case may be, nor until such Collector shall have entered in the books of such last registry of ownership, in the one case, or in the book of such registry of ownership *de novo*, after all the requisites of law for such register *de novo* shall have been duly complied with, in the other case, (and which such Collector is hereby required to do upon the production of the bill of sale or other instrument for that purpose), the name, residence, and description of the vendor or mortgagor, or of each vendor or mortgagor, if more than one, the number of shares transferred, the name, residence, and description of the purchaser or mortgagee, or of each purchaser or mortgagee, if more than one, and the date of the bill of sale or other instrument, and of the production of it; and further, if such ship or vessel is not about to receive a certificate of ownership *de novo*, the Collector of the port where such ship is registered shall, and he is hereby required to indorse the aforesaid particulars of such bill of sale or other instrument, on the certificate of ownership of the said ship or vessel, when the same shall be produced to him for that purpose in manner and to the effect following, *videlicet*:

Form of Indorsement.

“ Custom House [*Port and date; name, residence, and description of vendor or mortgagor,*] has transferred by [*bill of sale or other instrument,*] dated [*date, number of shares,*] to [*name, residence, and description of purchaser or mortgagee*].

A. B. Collector.”

And

And forthwith to give notice thereof to the Inspector General or other officer to whom the copies of certificates are to be transmitted: and in case the Collector shall be desired so to do, and the bill of sale or other instrument shall be produced to him for that purpose, then the said Collector is hereby required to certify by indorsement upon the bill of sale or other instrument, that the particulars before mentioned have been so entered in the book of registry of certificates of ownership, and indorsed upon the certificate of ownership as aforesaid.

Notice to Inspector General, &c.

XVII. And be it enacted, That when and so soon as the particulars of any bill of sale or other instrument by which any ship or vessel or any share or shares thereof, shall be transferred, shall have been so entered in the book of registry of certificates of ownership as aforesaid, the said bill of sale or other instrument shall be valid and effectual to pass the property thereby intended to be transferred, as against all and every person and persons whatsoever, and to all intents and purposes, except as against such subsequent purchasers and mortgagees who shall first procure the indorsement to be made upon the certificate of ownership of such ship or vessel, in manner hereinafter mentioned.

Entry of bill of sale to be valid, except in certain cases.

XVIII. And be it further enacted, That when and after the particulars of any bill of sale or other instrument, by which any ship or vessel, or any share or shares thereof shall be transferred, shall have been so entered in the book of registry of certificates of ownership as aforesaid, the Collector shall not enter in the book of registry of certificates of ownership the particulars of any other bill of sale or instrument, purporting to be a transfer by the same vendor or mortgagor, or vendors or mortgagors, of the same ship or vessel, share or shares thereof, to any other person or persons, unless thirty days shall elapse from the day on which the particulars of the former bill of sale or other instrument were entered in the book of registry, or, in case the ship or vessel was absent from the port to which she belonged, at the time when the particulars of such former bill of sale or other instrument were entered in the book of registry, then, unless thirty days shall have elapsed from the day on which the ship or vessel arrived at the port to which the same belonged: And in case the particulars of two or more such bills of sale or other instruments as aforesaid, shall at any time have been entered in the book of registry of the said ship or vessel, the Collector shall not enter in the book of registry the particulars of any other bill of sale or other instrument as aforesaid, unless thirty days shall in like manner have elapsed from the day on which the particulars of the last of such bills of sale or other instruments were entered in the book of registry, or from the day on which the ship or vessel arrived at the port to which she belonged, in case of her absence as aforesaid; and in every case where there shall at any time happen to be two or more transfers by the

When a bill of sale has been entered for any shares, thirty days shall be allowed for indorsing the certificate of ownership, before any other bill of sale for the same shall be entered.

the same owner or owners of the same property in any ship or vessel entered in the book of registry as aforesaid, the Collector is hereby required to indorse upon the certificate of ownership of such ship or vessel, the particulars of that bill of sale or other instrument, under which the person or persons claims or claim property, who shall produce the certificate of ownership for that purpose, within thirty days next after the entry of his said bill of sale or other instrument in the book of registry as aforesaid, or within thirty days next after the return of the said ship or vessel to the port to which she belongs, in case of her absence at the time of such entry as aforesaid; and in case no person or persons shall produce the certificate of ownership within either of the said spaces of thirty days, then it shall be lawful for the Collector, and he is hereby required, to indorse upon the certificate of ownership, the particulars of the bill of sale or other instrument, to such person or persons as shall first produce the certificate of ownership for that purpose; it being the true intent and meaning of this Act, that the several purchasers and mortgagees of such ship or vessel, share or shares thereof, when more than one appears to claim the same property or to claim security on the same property, in the same rank and degree, shall have priority one over the other, not according to the respective times when the particulars of the bill of sale or other instrument by which such property was transferred to them, were entered in the book of registry as aforesaid, but according to the time when the indorsement is made upon the certificate of ownership as aforesaid: Provided always, that if the certificate of ownership shall be lost or mislaid, or shall be detained by any person whatever, so that the indorsement cannot in due time be made thereon, and proof thereof shall be made by the purchaser or mortgagee, or his known agent, to the satisfaction of the Inspector General or other officer to whom the copies of certificates of ownership are to be transmitted, it shall be lawful for the Inspector General or such other officer, to grant such further time as to him shall appear necessary for the recovery of the certificate of ownership, or for the registry of ownership *de novo*, of the said ship or vessel under the provisions of this Act; and thereupon the Collector shall make a memorandum in the book of registry of certificates of ownership of the further time so granted, and during such time no other bill of sale shall be entered for the transfer of the same ship or vessel, or the same share or shares thereof, or for giving the same security thereon.

Nature of the priority intended in this Act.

Proviso, in case the certificate be mislaid.

Bill of sale may be produced after entry at other ports than those to which vessels belong, and transfer indorsed on certificate of ownership.

XIX. And be it enacted, That if the certificate of ownership of such ship or vessel, shall be produced to the Collector of any port where she may then be, after any such bill of sale shall have been recorded at the port to which she belongs, together with such bill of sale containing a notification of such record, signed by the Collector of such port as before directed, it shall be lawful for the Collector of such other port to endorse on such certificate of ownership, being required so

to

to do, the transfer mentioned in such bill of sale ; and such Collector shall give notice thereof to the Collector of the port to which such ship or vessel belongs, who shall record the same in like manner as if he had made such indorsement himself, but inserting the name of the port at which such indorsement was made : Provided always, that the Collector of such other port shall first give notice to the Collector of the port to which such ship or vessel belongs, of such requisition made to him to indorse the certificate of ownership, and the Collector of the port to which such ship or vessel belongs shall thereupon send information to the Collector of such other port, whether any and what other bill or bills of sale have been recorded in the book of the registry of such ship or vessel, and the Collector of such other port, having such information, shall proceed in manner directed by this Act in all respects, to the indorsing of the certificate of ownership, as he would do if such port were the port to which such vessel belonged.

Proviso.

XX. And be it enacted, That if it shall become necessary to grant a certificate of ownership to any ship or vessel *de novo*, and any share or shares of such ship or vessel shall have been sold since she had last received certificate of ownership, and the transfer of such share or shares shall not have been recorded and indorsed in manner hereinbefore directed, the bill of sale thereof shall be produced to the Collector of Her Majesty's Customs who is to make registry of such ship or vessel, otherwise such sale shall not be noticed in the certificate of ownership *de novo* except as hereinafter excepted : Provided always, that upon the future production of such bill of sale, and of the existing certificate of ownership, such transfer shall and may be recorded and indorsed, as well after such certificate of ownership *de novo* being granted as before.

If upon granting certificate of ownership *de novo*, any bill of sale shall not have been recorded, the same shall then be produced.

Proviso.

XXI. And be it enacted, That if upon any change of property in any ship or vessel the owner or owners shall desire to have a certificate of ownership *de novo*, although not required by this Act, and the owner or proper number of owners shall attend at the Custom House at the port to which such ship or vessel belongs, for that purpose, it shall be lawful for the Collector of Her Majesty's Customs at such port to grant a certificate of ownership *de novo*, of such ship or vessel at the same port, and to record the same in the book of registry of certificates of ownership, the several requisites hereinbefore in this Act mentioned and directed, being first duly observed and complied with.

Upon change of property, certificates of ownership *de novo*, may be granted, if desired, although not required by this Act.

XXII. And whereas great inconvenience may arise from the registering officers being served with *subpœnas* requiring them to bring with them and produce on trials in Courts of Law, relative to the ownery of vessels or otherwise, the oaths

or

Copies of declarations, &c. and of extracts from books of registry admitted in evidence.

or declarations required to be taken by the owners thereof, prior to the certificate of ownership being granted, and the books of registry, or copies, or extracts therefrom ; And whereas it would tend much to the dispatch of business if the attendance of such registering officers with the same upon such trials were dispensed with : Be it therefore enacted, That the Collector of Her Majesty's Customs at any Port or place, and the person or persons acting for them respectively, shall upon every reasonable request by any person or persons whomsoever, produce and exhibit for his, her, or their inspection and examination, any oath or declaration sworn or made by any such owner or owners, proprietor or proprietors, and also any register or entry in any book or books of registry required by this Act to be made or kept, relative to any ship or vessel, and shall upon every reasonable request by any person or persons whomsoever, permit him, her, or them to take a copy or copies, or an extract or extracts thereof respectively : And that the copy and copies of any such oath or declaration, register, or entry, shall upon being proved to be a true copy or copies thereof respectively, be allowed and received as evidence upon every trial at law, without the production of the original or originals, and without the testimony or attendance of the Collector, or other person or persons acting for him respectively, in all cases, as fully and to all intents and purposes, as such original or originals if produced by any Collector or other person or persons acting for them, could or might legally be admitted or received in evidence.

Transfers by way of mortgage.

XXIII. And be it further enacted, That when any transfer of any ship or vessel, or of any share or shares thereof, shall be made only as a security for the payment of a debt or debts, either by way of mortgage or of assignment to a trustee or trustees for the purpose of selling the same for the payment of any debt or debts, then, and in every such case, the Collector of the port where the ship or vessel is registered, shall, in the entry in the book of registry, and also in the indorsement on the certificate of ownership in manner hereinbefore directed, state and express that such transfer was made only as a security for the payment of a debt or debts, or by way of mortgage, or to that effect ; and the person or persons to whom such transfer shall be made, or any person or persons claiming under him or them as a mortgagee or mortgagees, or as a trustee or trustees only, shall not by reason thereof be deemed to be the owner or owners of such ship or vessel, share or shares thereof, nor shall the person or persons making such transfer, be deemed by reason thereof to have ceased to be an owner or owners of such ship or vessel any more than if no such transfer had been made, except so far as may be necessary for the purpose of rendering the ship or vessel, share or shares so transferred, available by sale or otherwise, for the payment of the debt or debts, for securing the payment of which such transfer shall have been made.

Mortgagee not to be deemed an owner.

XXIV.

XXIV. And be it enacted, That when any transfer of any ship or vessel, or of any share or shares thereof, shall have been made as a security for the payment of any debt or debts, either by way of mortgage or of assignment as aforesaid, and such transfer shall have been duly registered according to the provisions of this Act, the right or interest of the mortgagee or other assignee as aforesaid, shall not be in any manner affected by any act or acts of bankruptcy committed by such mortgagor or assignor, mortgagors or assignors, after the time when such mortgage or assignment shall have been so registered as aforesaid, notwithstanding such mortgagor or assignor, mortgagors or assignors, at the time he or they shall so become bankrupt as aforesaid, shall have in his or their possession, order and disposition, and shall be the reputed owner or owners of the said ship or vessel, or the share or shares thereof, so by him or them mortgaged or assigned as aforesaid; but that such mortgage or assignment shall take place of and be preferred to any right, claim or interest which may belong to the assignee or assignees of such bankrupt or bankrupts in such ship or vessel, share or shares thereof; any law or statute to the contrary thereof notwithstanding.

Transfers of ships for security of debts being registered, rights of mortgagee not affected by any act of bankruptcy of mortgagor, &c.

XXV. And be it enacted, That if any person or persons shall falsely make declaration to any of the matters hereinbefore required to be verified by declaration, or if any person or persons shall counterfeit, erase, alter, or falsify any certificate or other instrument in writing, required or directed to be obtained, granted, or produced by this Act, or shall knowingly or wilfully make use of any certificate or other instrument, so counterfeited, erased, altered or falsified, or shall wilfully grant such certificate or other instrument in writing knowing it to be false, such person or persons shall, for every such offence, forfeit the sum of one hundred pounds, sterling.

Penalty on persons making false declaration or falsifying any document.

XXVI. And be it enacted, That all the penalties and forfeitures inflicted and incurred by this Act, shall and may be sued for, prosecuted, recovered and disposed of in such manner, and by such ways, means and methods as any penalties or forfeitures inflicted or which may be incurred for any offences committed against any law relating to the Customs, may now legally be sued for, prosecuted, recovered and disposed of; and that the officer or officers concerned in seizures or prosecutions under this Act, shall be entitled to, and receive the same share of the produce arising from such seizures, as in the case of seizures for unlawful importation, and to such share of the produce arising from any pecuniary fine or penalty for any offence against this Act, as any officer or officers is or are now, by any law or regulation, entitled to upon prosecutions for pecuniary penalties.

How penalties are to be recovered.

XXVII. Provided always, and be it enacted, That this Act shall cease and determine as to any further registration under it, if at any time the Act of the Imperial

This act to cease when Imperial Statutes regulat-

ing registration  
of British ves-  
sels are extend-  
ed to the inland  
waters.

Imperial Parliament first above cited, and intituled, *An Act for the Registering of British Vessels*, shall be extended to vessels navigating the inland waters of this Province, and not proceeding to sea ; but all things done under the provisions hereof, and all rights acquired by virtue of such provisions, shall remain good and valid, and all penalties and forfeitures incurred, shall and may be sued for and enforced ; and all prosecutions for any such penalty or forfeiture incurred, may be continued and completed as if this Act had not so ceased.

Act may be al-  
tered this ses-  
sion.

XXVIII. And be it enacted, That this Act may be altered, varied or repealed by any Act or Acts to be passed in this Session of the Provincial Parliament.

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