

No. 1.—1871.

28th January.

An ORDINANCE to amend and consolidate the law with regard to the Registration of Droghers and of Sailors.

(L.S.) J. R. LONGDEN, *Governor*.

8th February, 1871.

WHEREAS it is expedient that the law for the registration and government of droghers and of sailors should be amended: Be it enacted by His Excellency the Governor, with the advice and consent of the Legislative Council, as follows:

1. This Ordinance may be cited for all purposes as "The Droghers Ordinance, 1871."

2. Throughout this Ordinance, if not inconsistent with the context, the following words shall have the meanings hereinafter respectively assigned to them—that is to say—

"Ship" shall mean any ship or vessel being within the Gulf of Paria.

"Drogher" shall mean any vessel employed in the lading or unlading of such ship or in the coasting trade of this Island, whether in the conveyance of passengers or of goods:

"Employer" shall mean the consignee, master or mate of any ship or the owner of any drogher:

"Sailor" shall mean any sailor licensed under this Ordinance:

"Work" shall mean the lading or unlading of the whole or any part of the cargo of any ship, and service as a sailor on board of any ship or of any drogher in any voyage or trip from one part to any other part of the Island:

Nouns of the masculine gender shall include the feminine gender, and words of the singular number those of the plural and words of the plural number those of the singular;

But nothing in this Ordinance contained shall extend or apply to any sailor plying on board of any ship of which he shall be an articulated seaman or of the ordinary crew of which he shall at the time form a part.

3. The owner of any drogher before he shall employ the same in the lading or unlading of vessels within the Gulf of Paria, or in the coasting trade of this Island, shall deliver to the Harbour Master of the Island, at his office, in the town of Port of Spain, a return in writing signed by such owner or by any one of the owners, if there shall be more than one, specifying the name of the owner and the name of such drogher; and the Harbour Master of the Island shall thereupon cause the particulars of such return to be entered in a book to be called "The Register of Droghers," which book shall be kept at the office of such Harbour Master in the town of Port of Spain, and shall be open to the inspection of the public at all reasonable times: and the harbour master shall, upon any such drogher being registered, deliver to the owner of such drogher a certificate according to the form A in the schedule to this Ordinance, which certificate shall continue in force until the thirty-first day of December next ensuing the month in which such certificate shall be granted.

4. Every owner of a drogher not duly certified under this Ordinance, who shall employ such drogher or knowingly allow or suffer such drogher to be employed in the coasting trade of this Island, or in the lading or unlading of the whole or any part of the cargo of any ship shall, on conviction thereof, forfeit for every such offence a sum not exceeding ten pounds.

5. The owner of every drogher shall cause the name of such drogher mentioned in the certificate of such drogher, to be painted in a conspicuous manner, in white letters not less than three inches in length on a black ground, on each quarter of such drogher; and shall, from time to time, cause such painting to be renewed, so that the same shall be at all times plain and legible; and every owner of any drogher of which the name shall not be painted or kept painted in the manner hereinbefore directed, so as to be at all times plain and legible, shall on conviction thereof forfeit a sum not

more than one pound nor less than five shillings for every day on which such drogher shall be employed.

6. The Harbour Master of the Island shall keep at his office, in the town of Port of Spain, a book to be called "The Register of Sailors," in which he shall enter from time to time the names of all persons who shall from time to time be licensed to act as sailors under this Ordinance, and shall number every such license with a particular number, beginning with number one, and proceeding in regular arithmetical progression.

7. All licenses under this Ordinance shall and may be granted by the Harbour Master of the Island, or the Harbour Master of San Fernando, and every such harbour master shall, on payment of the fee hereinafter mentioned, deliver to any person requiring the same, a license which shall be on parchment or vellum, and shall be according to the form in the schedule B to this Ordinance, and shall, unless cancelled under the provisions of this Ordinance, continue in force until the thirty-first day of December next ensuing the month in which such license shall be granted.

8. There shall be paid to every such harbour master for every such license the sum of five shillings.

9. The Harbour Master of San Fernando shall transmit a copy or note of every such license granted by him to the Harbour Master of the island who shall thereupon enter the particulars of the same in his register.

10. It shall be lawful for any harbour master, on its being made to appear to his satisfaction that any license granted under this Ordinance has been lost or destroyed, and on the payment to him of a fee of one shilling, to grant to the person to whom such license had been granted a new license, and such new license shall, subject to the provisions hereinafter contained, continue in force until the thirty-first day of December next ensuing the month in which the same shall be granted.

11. If any person applying for a license under this Ordinance shall have been convicted of larceny before any Court or Justice of the Peace, it shall be lawful for any harbour master to withhold the granting a license

to the person so convicted, for any time not exceeding two years from the day of such conviction.

12. If any sailor shall, whilst employed as such sailor, be found drunk, or shall assault or threaten to assault, or use any violent or obscene language to any person on board of any ship or drogher in which he shall be so employed, it shall be lawful for any harbour master, on the complaint of the employer of such sailor, or of the master or person having the command of such ship or drogher, to make order for the suspension, for a limited time, or the cancelling of the license of such sailor, whether the license of such sailor shall have been granted by the same or by some other harbour master.

13. Every harbour master making any order for the suspension or the cancelling of any license shall thereupon write on the face of such license the words suspended until (*specifying the day unto which such license is to be suspended*) or cancelled, and shall sign his name at the foot thereof; and the harbour master shall thereupon enter a note of such suspension or cancelling in the register opposite the name of the person whose license shall be so suspended or cancelled, for which purpose the Harbour Master of San Fernando, where any such order of suspension or cancelling shall have been made by him, shall forthwith notify the same to the Harbour Master of the Island, and any sailor who being required by any harbour master so to do, shall refuse or fail to deliver up his license to such harbour master to be so cancelled, or in order that a note of such suspension may be made on the same, or shall work as a sailor after his license shall be cancelled, or during the time that such license shall be suspended shall, on conviction thereof before any Stipendiary Justice of the Peace, be imprisoned with hard labour for any term not exceeding fourteen days.

14. Every employer who shall retain or employ in or for any work any person not duly licensed as a sailor, and every sailor who, having contracted with any employer for the performance of any work, shall employ in such work any person not duly licensed as a sailor; and every person who, not being duly licensed as a sailor, shall undertake or be employed in any work, shall on

conviction thereof forfeit for every such offence any sum not exceeding ten pounds.

15. Every person offering to work or working as a sailor who, on being required so to do, shall refuse or fail to produce or exhibit a license under this Ordinance authorising him to work as a sailor to any harbour master or police constable, or to the person to whom he shall so offer or by whom he shall be employed shall, on conviction of such offence, forfeit for every offence a sum not exceeding five pounds.

16. Every sailor who having entered into any written contract with any employer for the performance of any work shall afterwards refuse or fail, without sufficient cause, to enter upon the performance of, or to complete such work at or within the time appointed by such contract, or if no such time be limited then within a reasonable time, shall, on the complaint of such employer, forfeit and pay to such employer such sum not exceeding ten pounds in addition to the whole or such part of the moneys or wages payable to such sailor under such contract as the harbour master before whom such complaint shall be heard shall see fit.

17. If on the complaint of any employer it shall be made to appear to the satisfaction of the harbour master before whom such complaint shall be heard, that any property of such employer, or the whole or any part of the cargo entrusted to the care of any sailor on any voyage or trip from one part to any other part of this Island, or for the lading or unlading whereof such sailor shall have entered into a written contract has not been accounted for, or has been destroyed, lost, or damaged by the wilful act, default or negligence of such sailor, or of any person employed by him, it shall be lawful for such harbour master, on the complaint of the employer, to make order that such sailor do forfeit and pay to such employer such sum, not exceeding ten pounds, as such harbour master may allow as the value of such property or cargo not duly accounted for, or so destroyed or lost, or as the amount of the damage done, and the amount so allowed may be deducted by such employer from any moneys due by him to such sailor.

18. If any sailor, having contracted for the performance of any work within the meaning of this Ordinance and having received the amount payable on such contract, shall afterwards refuse to pay to any sailor whom he may have employed under him in the performance of such contract what shall be justly due to such sailor so employed by him, and whether what shall be so due shall be in the nature of wages or a share of the moneys payable under such contract, it shall be lawful for any harbour master, on the complaint of the sailor so employed, to make order for the suspension for a limited time or the cancelling of the license of such sailor, whether the license of such sailor shall have been granted by the same or some other harbour master.

19. Every sailor who shall enter into an agreement, whether in writing or not, to aid and assist any other sailor in any work, for the performance whereof such last-mentioned sailor shall have entered into a written contract, and shall afterwards refuse or fail without sufficient cause to commence or to perform such work shall, on conviction thereof, forfeit and pay to the sailor with whom he shall have entered into such agreement such sum not exceeding five pounds, nor less than five shillings, in addition to the moneys, if any, which may have been advanced to him on such agreement as the harbour master shall see fit; and every sailor employed under any other sailor in the performance of any work who shall by his wilful act, negligence or default, destroy, lose or damage any property of the employer, or any part of the cargo in the lading or unlading whereof he shall be employed, shall, on the complaint of the sailor under whom he shall have been so employed, forfeit and pay to such last-mentioned sailor such sum as such last-mentioned sailor may have paid or become liable to pay to his employer as the value of the property or cargo so destroyed or lost, or the amount of such damage.

20. All complaints for any offence against this Ordinance, other than the offences against the provisions of the 13th section of this Ordinance, and all disputes and matters of difference between employers and sailors touching any moneys due or claimed to be due to any

sailor for work done by him on board of any ship or drogher, or touching any other matter cognizable under this Ordinance, and between sailor and sailor in respect of moneys due or claimed to be due in respect of work done by the one on the retainer or the request of the other of such sailors, and whether such moneys shall be of the nature of wages or a share of the gross amount payable on any contract for work under this Ordinance may be heard and determined by any harbour master.

21. All such complaints and disputes may be heard and determined by any harbour master in a summary manner, and, if he shall see fit, without issuing any summons or warrant to the party complained of, so always that the statement of the party complaining shall be taken on oath, and that such harbour master, before making any final order on such complaint, shall give to the party complained against an opportunity of answering the same, and if he shall see fit, or if required by the person complained against, shall take the evidence on oath of such party, and shall also examine on oath such witnesses as either party may produce, and which oaths such harbour master is hereby authorised to administer.

22. Every harbour master shall in a book to be kept by him for that purpose, and called the "Harbour Master's Book of Complaints," enter from time to time a note of every complaint made before him under this Ordinance, specifying the date of such complaint being laid, the names of the party complaining and of the party complained against, the nature of the complaint, and the evidence taken before him, and the mode in which such complaint shall have been disposed of.

23. Every penalty imposed under this Ordinance shall be paid to the harbour master by whom the same shall be imposed, for the use of Her Majesty the Queen, and in every case where the amount imposed as a penalty under this Ordinance shall not be paid to the harbour master, or where any sum of money ordered to be paid to any complainant shall not be paid to such complainant, either immediately or within such time as the harbour master shall at the time of conviction or of making such order appoint, it shall be lawful for the harbour master, by warrant under his hand, to commit the offender to

the Royal gaol, there to be imprisoned, with or without hard labour, according to the discretion of the harbour master, for any term not exceeding two calendar months, unless the amount of such penalty or the sum mentioned in such order be sooner paid.

24. Every harbour master shall from time to time pay over to the Receiver General all moneys received by him for licenses issued and penalties recovered under the authority of this Ordinance.

25. The Ordinance No. 21 of 1863, entitled "An Ordinance for the Registration of Masters of Droghers and of Sailors," is hereby repealed, except so far as regards the licenses granted under the said Ordinance, which licenses shall be deemed and taken for all purposes to be licenses under this Ordinance, and shall, subject to the provisions herein contained, remain and continue in force until the day to which the said licenses shall have been respectively granted, and all penalties to be enforced in respect of all such licenses shall be enforced and recovered under this Ordinance.

Passed in Council this twenty-eighth day of January, in the year of our Lord one thousand eight hundred and seventy-one.

WILLIAM BUDGE,
Acting Clerk of the Council.

SCHEDULE A.
CERTIFICATE OF DROGHER.

TRINIDAD.

I certify that a return of the undermentioned Drogher has been made this day to me.

<i>Name of Owner.</i>	<i>Name of Drogher.</i>

This Certificate to continue in force until the thirty-first day of December next.

Port of Spain (*or* San Fernando) this day of
187 .

R. H. S.
Harbour Master.

SCHEDULE B.

LICENSE OF SAILOR.

TRINIDAD.

No. —187 .

A. B. is hereby Licensed to act as a sailor under "The Droghers' Ordinance, 1871."

This License to continue in force until the thirty-first day of December next.

Port of Spain (or San Fernando) this day of
187 .

R. H. S.
Harbour Master.

No. 4.—1871.

19th April.

AN ORDINANCE for extending the time for the Re-
payment by the Borough Council of Port of Spain of
Moneys advanced from the Colonial Treasury under
the "Public Health Ordinance, 1869."

(L S.) J. R. LONGDEN, *Governor.*

April 21st, 1871.

WHEREAS during the year one thousand eight
hundred and seventy, divers sums of money,
amounting in the whole to the sum of two thousand
four hundred and ninety-eight pounds twelve shillings
and sixpence, were advanced to the Superintendent of
Public Works from the Colonial Treasury of this Island,
under the provisions of the "Public Health Ordinance,
1869," No. 16, for expenses incurred in the performance
of certain work within the borough of Port-of-Spain,
and by virtue of such Ordinance the said sum of two
thousand four hundred and ninety-eight pounds twelve