

CHAPTER 18. No. 8.

DROGHERS.

AN ORDINANCE RELATING TO THE REGISTRATION OF
DROGHERS.

Ordinance
Ch.18. No.8-
1940.

[1st January, 1915.]

Commence-
ment.

1. This Ordinance may be cited as the Droghers Ordinance. Short title.

2. In this Ordinance—

Interpre-
tation.

“ cargo ” means every description of goods, even if for use as stores;

“ Chief Harbour Master ” means the Harbour Master of the Colony;

“ contract ” means any agreement, whether by parole or in writing, and “ contracted ” has a corresponding meaning;

“ drogher ” means any vessel employed in the lading or unloading of a ship, or in the coasting trade of the Colony, whether in the conveyance of passengers or cargo;

“ employer ” means the agent, master, mate, or owner of any ship, or the owner of any drogher;

“ Harbour Master ” means the Harbour Master of any port in the Colony;

“ port ” means any place in the Colony declared to be a port by the Governor under the Customs Ordinance;

“ sailor ” means any person licensed under this Ordinance;

“ ship ” includes every description of vessel being within the territorial waters of the Colony used in navigation which is not registered as a drogher, and also includes a hulk used for the purpose of storing goods and stores;

“ work ” means the lading or unlading of the whole or any part of the cargo of any ship or drogher, and service in any capacity on board any ship or drogher in any voyage or trip from one part to any other part of the Colony; but does not include tallying or labour employed in the construction or repair of any part of such vessel, or lading or unlading the cargo of any ship or drogher in any place not being a port, or carrying coal to or from the shore from or into any ship or drogher lying alongside any wharf, quay, or jetty.

Application
of Ordinance.

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

Returns and
certificates.
1st and 2nd
Schedules.

4. The owner of any drogher, before he shall employ the same as a drogher, shall deliver to the Chief Harbour Master at his office in Port-of-Spain a return in writing according to the form in the First Schedule hereto, signed by such owner, or by any one of the owners if there shall be more than one, specifying the name of the owner or owners and the name and registered tonnage of such drogher, and the Chief Harbour Master 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 the Chief Harbour Master and shall be open to the inspection of the public at all reasonable times; and the Chief Harbour Master shall, upon such drogher being registered, deliver to the owner of such drogher a certificate according to the form in the Second Schedule hereto, which certificate shall continue in force until the 31st of December of the year in which such certificate shall be granted.

5. Every owner of a vessel not duly certified under this Ordinance who shall employ such vessel or allow or suffer such vessel to be employed as a drogher shall be liable to a fine of forty-eight dollars: Provided that a drogher's boat or a ship's boat may be employed in the lading or unloading of the cargo of that drogher or ship, or in the conveyance of passengers to and from that drogher or ship, without first obtaining a certificate as mentioned in the last preceding section.

Employing
uncertified
drogher.

6. The owner of every drogher shall cause the name mentioned in the certificate of such drogher to be painted in a conspicuous manner, in white letters of not less than six inches in height and of proportionate width on a dark ground, or on a light ground in black letters, 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 be liable to a fine not exceeding five dollars nor less than one dollar and twenty cents for every day on which such drogher shall be employed.

Name to be
painted on
quarter.
See Ch. 32,
No. 2, s. 170.

7. The Chief Harbour Master shall keep at his office in 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 licence with a particular number.

Register of
Sailors.

8. Licences under this Ordinance shall and may be granted by any Harbour Master, and every such Harbour Master shall, on payment of the fee hereinafter mentioned, deliver to any person requiring the same a licence, which shall be on parchment or vellum, and shall be according to the form in the Third Schedule hereto, and shall, unless cancelled under the provisions of this Ordinance, expire on the 31st of December of the year in which such licence shall be granted.

Sailor's
licence.
3rd Schedule.

Fee. 9. There shall be paid to the Harbour Master for every such licence the sum of sixty cents.

Licences at out-ports. 10. The Harbour Master of every port shall transmit a copy or note of every such licence granted by him to the Chief Harbour Master, who shall thereupon enter the particulars of the same in his Register.

Licence lost or destroyed. 11. It shall be lawful for any Harbour Master, on its being made to appear to his satisfaction that any licence granted under this Ordinance has been lost or destroyed, and on the payment to him of a fee of twenty-four cents, to grant to the person to whom such licence had been granted a new licence, and such new licence shall, subject to the provisions hereinafter contained, expire on the 31st of December of the year in which such new licence shall be granted.

Conviction for larceny. 12. If any sailor shall have been convicted of larceny, it shall be lawful for any Harbour Master to make order for the cancelling of the licence of such sailor, and to withhold the granting of a licence to such sailor so convicted for any term not exceeding two years from the date of such conviction.

Idem. 13. If any person applying for a licence under this Ordinance shall have been convicted of larceny, it shall be lawful for any Harbour Master to withhold the granting of a licence to the person so convicted, for any term not exceeding two years from the date of such conviction.

Suspension of sailor's licence. 14. If any sailor shall, whilst employed as such sailor, whether on board of any ship or drogher, or at any wharf or quay, be found drunk, or shall assault or threaten to assault, or use any violent or obscene language to, any person connected with any work in which such sailor 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 the ship or drogher on which or in connection with which such sailor is employed, to make order for the suspension for a limited time or the

cancelling of the licence of such sailor, whether the licence of such sailor shall have been granted by the same or some other Harbour Master; and he may, if he sees fit, in lieu of suspending or cancelling such licence, impose on such sailor a fine of ten dollars.

15. Every Harbour Master making an order for the suspension or the cancelling of any licence shall thereupon write on the face of such licence the words "suspended until" (*specifying the day unto which such licence is to be suspended*) or "cancelled," and shall sign his name at the foot thereof; and the Chief Harbour Master shall thereupon enter a note of such suspension or cancelling in the Register opposite the name of the person whose licence shall be so suspended or cancelled, for which purpose the Harbour Master of any port, where any such order of suspension or cancelling shall have been made by him, shall forthwith notify the same to the Chief Harbour Master; and any sailor who, being required by any Harbour Master so to do, shall refuse or fail to deliver up his licence 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 licence shall be cancelled, or during the time such licence shall be suspended, shall, on summary conviction, be imprisoned with hard labour for fourteen days.

Procedure on
suspension
of licence.

16. Every person 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 be liable, for every such offence, to a fine of forty-eight dollars.

Unlicensed
sailors.

17. 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 licence under this Ordinance authorising him to work as a sailor, to any Harbour Master or officer of his department or member of the Police Force, or to the person to whom he shall so offer or by whom he shall be employed, shall be liable to a fine of ten dollars.

Refusing to
exhibit
licence.

Sailor failing
to complete
contract.

18. Every sailor who, having entered into any 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 \$9.60 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.

Property
lost,
damaged or
not account-
ed for by
sailor.

19. 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 the Colony, or for the lading or unlading whereof such sailor shall have entered into a 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 \$48 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.

Contractor
not paying
sailor.

20. If any sailor, having contracted for the performance of any work 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 licence of such sailor, whether the licence of such sailor shall have been granted by the same or some other Harbour Master.

21. Every sailor who shall enter into a contract to aid and assist any other sailor in any work and shall afterwards refuse or fail, without sufficient cause, to commence or to perform such work shall forfeit and pay to the sailor with whom he shall have entered into such contract such sum not exceeding \$9.60, 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.

Breach of agreement.

Damage to property.

22. (1) All complaints for any offence against this Ordinance other than offences against the provisions of section 15 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 cognisable 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 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.

Harbour Master's jurisdiction.

(2) 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,

Procedure.

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.

Book of
complaints.

23. 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, the evidence taken before him, and the mode in which such complaint shall have been disposed of; and such book shall be signed by the Harbour Master at the conclusion of each day's proceedings.

Recovery of
penalties.

24. Every penalty imposed under this Ordinance shall be paid to the Harbour Master by whom the same shall be imposed, for the use of the Colony, 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 one month, unless the amount of such penalty or the sum mentioned in such order be sooner paid.

Appropriation.

25. Every Harbour Master shall pay over to the Accountant General all moneys received by him for licences issued and penalties recovered under the authority of this Ordinance.

SCHEDULES.

FIRST SCHEDULE.

Declaration of Ownership.

(Section 4.)

HARBOUR MASTER'S OFFICE,
PORT-OF-SPAIN,

, 19 .

the undersigned, do hereby declare that the sole owner
of the vessel specified on the back hereof which intend to
navigate as a Drogher under the Droghers Ordinance.

Owner:

Witness:

TO THE HARBOUR MASTER,

Name.	Tonnage (in figures).	Amount payable. \$ c.
	Total ...	

The tonnage shown above is correct.

Measuring Officer.

Date

Received the sum of

Comptroller.

Date . . . No.

SECOND SCHEDULE.

Certificate of Drogher.

(Section 4.)

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

Name of Owner.	Name of Drogher.

This Certificate shall continue in force until the 31st of December next.
Port-of-Spain, this day of , 19 .

Harbour Master.

THIRD SCHEDULE.

(Section 8.)

Licence.

No.

TRINIDAD AND TOBAGO.

A.B. of _____ is hereby licensed to act as a Sailor under the Droghers Ordinance.

This Licence shall continue in force until the 31st of December, 19 .

Port-of-Spain, this _____ day of _____, 19 .

Harbour Master.