

CHAPTER 145.

SHIPPING CASUALTIES, WRECKS AND SALVAGE.

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CHAPTER 145.

SHIPPING CASUALTIES, WRECKS AND SALVAGE.

15 of 1907.
5 of 1908.
15 of 1909.
19 of 1935.
12 of 1950.
20 of 1952.

An Ordinance to make better Provisions for the holding of Inquiries in respect of Shipping Casualties, for dealing with Wrecks, and as to Salvage.

[14TH MAY, 1907.]

PART I.—PRELIMINARY.

Short title.

1. This Ordinance may be cited as the Shipping Casualties, Wrecks and Salvage Ordinance.

Application.

2. This Ordinance shall, save where the context authorises a wider application, extend to the Colony and Protectorate and the waters thereof.

Interpretation.

3. In this Ordinance, unless the context otherwise requires—

“ Court ” means the Supreme Court;

“ district ” means a district as constituted by any Ordinance in force;

“ master ” includes every person (except a pilot) having command or charge of any ship;

“ salvage ” includes all expenses properly incurred by the salvor in the performance of the salvage services;

“ ship ” includes every description of vessel used in navigation not propelled by oars or paddles worked by hand;

“ vessel ” includes any ship or boat, or any other description of vessel used in navigation;

“ wreck ” includes jetsam, flotsam, lagan and derelict found in, or on the shores of, the sea or any tidal water;

“ Harbour-master ” means the Harbour-master of Free-town Harbour.

4. This Ordinance other than Part V hereof shall apply to ships in the service of the Government but shall in no way apply to other ships belonging to Her Majesty.

Exception.
12 of 1950.

PART II.—CASES WHERE INQUIRIES MAY BE HELD.

5. (1) Inquiries as to casualties affecting ships shall only be authorised in the case of casualties occurring to a British ship on or near the coasts of the Colony or Protectorate, or in the course of a voyage to a port within the Colony or Protectorate, or occurring in any part of the world to a British ship registered in the Colony, or when some of the crew of a British ship to which a casualty has occurred, who are competent witnesses to the facts, are found within the Colony.

Shipping
casualty.

(2) Subject to the provisions of the preceding sub-section, a casualty shall be deemed to occur when—

- (a) a ship is lost, abandoned, damaged, or stranded; or
- (b) causes loss or material damage to any other ship; or
- (c) any loss of life occurs by means of any casualty.

6. Inquiries under this Ordinance as to the conduct of the masters, mates, or engineers of ships, shall only be authorised when the charge against any master, mate, or engineer is that he is incompetent, or has been guilty of any gross act of misconduct, drunkenness, tyranny, or that in a case of collision he has failed to render such assistance, or give such information as is required under the fifth part of the Imperial Statute called the Merchant Shipping Act, 1894, and that such incompetency, misconduct, drunkenness, tyranny, or failure to render assistance or give information has occurred on board a British ship on or near the coasts of the Colony or Protectorate, or on board a British ship in the course of a voyage to a port within the Colony or Protectorate, or on board a British ship registered in the Colony, or when the master, mate, or engineer of a British ship charged with incompetency, misconduct, drunkenness, tyranny, or failure to render such assistance or give such information on board that British ship is found in the Colony.

Incompetency
and mis-
conduct.

57 & 58 Vict.,
c. 60.

7. Subject to the provisions of the two preceding sections, inquiries may be made in the manner prescribed by this Ordinance as to shipping casualties or as to the conduct of masters, mates, or engineers.

Inquiries to
be as
prescribed.

PART III.—PRELIMINARY INQUIRY.

Preliminary
inquiry.

8. (1) Whenever an inquiry may be made pursuant to the authority conferred by the last preceding section into a shipping casualty, a preliminary inquiry may be made by the Harbour-master, or by such other person as the Governor may authorise to make such inquiry.

(2) The Harbour-master, or other person authorised as aforesaid, shall, as soon as practicable, forward a report of his inquiry to the Governor.

Powers of
officer at
preliminary
inquiry.

9. Every such officer or person as aforesaid shall have the following powers, that is to say—

(a) He may go on board any ship and inspect the same, or any part thereof, or any of the machinery, boats, equipments, or articles on board thereof, not unnecessarily detaining or delaying her from proceeding on any voyage;

(b) He may enter and inspect any premises, the entry or inspection of which appears to be requisite for the purpose of the inquiry;

(c) He may, by summons under his hand, require the attendance of all such persons as he thinks fit to call before him and examine for the purpose of the inquiry, and may require answers or returns to any inquiries which he thinks fit to make;

(d) He may require and enforce the production of all books, papers, or documents which he considers important for the purpose of the inquiry; and

(e) He may administer oaths or may, in lieu of requiring or administering an oath, require every person examined by him to make and subscribe a declaration of the truth of the statements made by him in his examination.

Every witness so summoned as aforesaid shall be allowed such expenses as would be allowed to any witness attending on *subpœna* to give evidence before the Court, and in case of any dispute as to the amount of such expenses, the same shall be referred to a Judge of the Supreme Court, who shall, on a request made to him for the purpose under the hand of such officer or person as aforesaid, ascertain and certify the proper amount of such expenses; and every person who, without sufficient cause, refuses to attend as a witness before any such officer or person as aforesaid, after having been required so to do in the manner hereby directed, or who, without sufficient cause, refuses or neglects to make any answer, or to give any

return, or to produce any document in his possession, or to make or subscribe any declaration which any such officer or person as aforesaid is hereby empowered to require, shall for each such offence incur a penalty not exceeding ten pounds.

10. Any person who wilfully impedes any such officer or person as aforesaid in the execution of his duty, whether on board any ship or elsewhere, shall incur a penalty not exceeding ten pounds, and may be seized and detained by such officer or other person, or by any person whom that officer or person may call to his assistance, until such offender can be conveniently taken before a Magistrate.

Obstruction of officer at inquiry.

PART IV.—FORMAL INQUIRIES.

11. Where a preliminary inquiry has been held, or without such preliminary inquiry having been held, where it appears to the Governor that a formal inquiry should be held, he shall issue an order, in writing, to the Court to hold such formal inquiry, and the Court shall thereupon hold the formal inquiry.

Formal inquiry.

12. (1) Where a formal inquiry into a shipping casualty has been ordered, the Governor shall transmit to the Court the report of the officer or person by whom the preliminary inquiry has been held, and such report shall be the report upon which the formal inquiry has been ordered.

Transmission of report or statement of case.

(2) Where no preliminary inquiry is held, the Governor shall transmit to the Court a statement of the case upon which the formal inquiry has been ordered.

13. (1) In any such formal inquiry as aforesaid, the Court shall have the same jurisdiction over the matter in question as if it had occurred within its ordinary jurisdiction, but subject to all provisions, restrictions, and conditions which would have been applicable if it had so occurred.

Jurisdiction of Court at inquiry.

(2) No such formal inquiry shall be held into any matter which has once been the subject of an investigation or inquiry, and has been reported on by a competent Court or tribunal in any part of Her Majesty's dominions, or in respect of which the certificate of a master, mate, or engineer has been cancelled or suspended by a Naval Court.

(3) Where an investigation or inquiry has been commenced in the United Kingdom with reference to any matter, no formal inquiry with reference to the matter shall be held in the Colony.

(4) Every Court holding a formal inquiry under this Ordinance shall have the same powers of cancelling and suspending certificates, and shall exercise those powers in the same manner as a Court holding a similar investigation or inquiry in the United Kingdom.

(5) The Board of Trade may order the re-hearing of any formal inquiry under this Ordinance in like manner as they may order the re-hearing of a similar investigation or inquiry in the United Kingdom, but if an application for re-hearing either is not made or is refused, an appeal shall lie from any order or finding of the Court holding the formal inquiry to the High Court in England:

Provided that an appeal shall not lie—

(a) from any order or finding on an inquiry into a casualty affecting a ship registered in any British Possession; or

(b) from a decision affecting the certificate of a master, mate, or engineer, if that certificate has not been granted either in the United Kingdom or in a British Possession, under the authority of the Merchant Shipping Act, 1894.

57 & 58 Vict.,
c. 60.

Judge may
sit with
assessors.

14. (1) The Court holding a formal inquiry under this Ordinance shall hold the same with the assistance of one or more assessors of nautical, engineering, or other special skill or knowledge. Every such person who attends or assists the Court throughout any such formal investigation shall receive such remuneration for his service not exceeding five pounds *per diem* as the Court shall allow.

(2) Where a formal inquiry involves, or appears likely to involve, any question as to the cancelling or suspension of the certificate of a master, mate, or engineer, the Court shall hold the investigation with the assistance of not less than two assessors having experience in the Merchant Service, and it shall be lawful for the Governor to appoint one or more persons having experience in Her Majesty's Navy to sit as additional assessors.

(3) If any assessor shall dissent from any decision of the Court, the Judge shall record on the minutes the dissent and the grounds thereof, but the decision of the Court shall in all cases rest with the Judge alone.

(4) The Court shall make a report to the Governor containing a full statement of the case and of the opinion of the Court thereon. Each assessor shall either sign the report or state in writing to the Governor his dissent therefrom, and the reasons for that dissent.



15. (1) The certificate of a master, mate, or engineer may be cancelled or suspended by the Court at a formal inquiry under this Ordinance—

Power of Court as to certificate.

(a) if the formal inquiry be into a shipping casualty and the Court finds that the loss or abandonment or serious damage to any ship, or loss of life has been caused by his wrongful act or default; or

(b) after a formal inquiry authorised under section 6 of this Ordinance:

Provided that the Court shall not cancel or suspend a certificate unless one at least of the assessors concurs in the finding of the Court.

(2) Where any such formal inquiry involves a question as to the cancelling or suspending of a certificate, the Court shall, at the conclusion of the case, or as soon afterwards as possible, state in open Court the decision to which it has come with respect to the cancelling or suspending thereof.

(3) The Court shall in all cases send a full report on the case, with the evidence, to the Governor for transmission by him to the Board of Trade, and shall also, if it determines to cancel or suspend any certificate, send to the authority by whom the certificate was granted a full report upon the case together with a copy of the evidence taken therein, and also the certificate which has been cancelled or suspended.

(4) A certificate shall not be cancelled or suspended by the Court unless a copy of the report or the statement of the case on which the formal inquiry has been ordered has been furnished, before the commencement of the formal inquiry, to the holder of the certificate.

16. Every formal inquiry held under this Ordinance shall be conducted in such a manner that, if a charge is made against any person, that person shall have an opportunity of making a defence.

Person charged may make defence.

17. (1) A master, mate, or engineer, whose certificate is cancelled or suspended by the Court, shall deliver his certificate to the Court on demand.

Delivery of certificate cancelled or suspended.

(2) If a master, mate, or engineer fail to comply with this section, he shall for each offence be liable to a penalty not exceeding fifty pounds:

Provided that this provision shall not apply, if the Court is satisfied that such certificate has been lost with the ship.

Costs of formal inquiry.

Cap. 7.

18. In any formal inquiry held under this Ordinance the Court may make such order as it thinks fit respecting the costs of such formal inquiry, and such order shall be enforced as an order for costs under the Courts Ordinance, or any Ordinance amending the same. If, notwithstanding such order, any costs remain unpaid, it shall be lawful for the Court, in its discretion, to order that such unpaid costs, or any part thereof, be paid out of the revenue of the Colony.

Procedure at formal inquiry.

Cap. 7.

19. All the powers, authorities, and provisions in the Courts Ordinance, and the practice and procedure of the Supreme Court shall extend and apply to a formal inquiry held under this Ordinance, so far as the same are applicable and not inconsistent with the provisions of this Ordinance or any rule made thereunder.

PART V.—REMOVAL OF MASTER.

Removal by Court of master within jurisdiction.

20. (1) The Court may remove the master of any ship within the jurisdiction of the Court, if that removal is shown to the satisfaction of the Court, by evidence on oath, to be necessary.

(2) The removal may be made upon the application of any owner of the ship or his agent, or of the consignee of the ship, or of any certificated mate, or of one-third or more of the crew of the ship.

(3) The Court may appoint a new master instead of the one removed; but when the owner, agent or consignee of the ship is within the jurisdiction of the Court, such an appointment shall not be made without the consent of that owner, agent or consignee.

(4) The Court may also make such order and require such security in respect of the costs of the matter as the Court thinks fit.

PART VI.—RULES.

Rules as to preliminary and formal inquiries.

21. The Chief Justice, with the approval of the House of Representatives, may from time to time make rules for carrying into effect the provisions relating to preliminary and formal inquiries held under this Ordinance, and, in particular, with respect to the appointment and summoning of assessors, the procedure, the parties, the persons allowed to appear, the notice to those parties or persons or to persons affected, the amount and application of fees, and the places in which preliminary inquiries are to be held.

PART VII.—RECEIVERS OF WRECK.

22. (1) The Governor shall have the general superintendence of all matters relating to wreck, and the Comptroller of Customs shall be *ex officio* a Receiver of Wreck for the Freetown District, and the Governor may appoint any officer of Customs or any other person to be a Receiver of Wreck in any district, and to perform such duties as are hereinafter mentioned, and shall give due notice in the *Gazette* of every such appointment, and during the absence of any Receiver from, or where no Receiver has been appointed to, any district, the District Commissioner for the district shall be Receiver for such district.

Superintendence of matters relating to wreck.

(2) Subject to the provisions of the preceding sub-section, it shall be lawful for the Comptroller of Customs to act as Receiver of Wreck in any district, whether a Receiver has been appointed for the district or not, and he may depute any officer of Customs, not being below the rank of Supervisor, to perform any of his duties under this Ordinance, and all Receivers of Wreck appointed or constituted under the provisions of this section shall, subject to the general superintendence of the Governor, be under the control and direction of the Comptroller of Customs, and shall report to the Comptroller of Customs as soon as possible any matter requiring the exercise of the powers of a Receiver of Wreck, and all things done or suffered by them in pursuance of this Ordinance, and shall, if circumstances permit, await the directions of the Comptroller of Customs before acting under the provisions thereof.

PART VIII.—VESSELS IN DISTRESS.

23. Whenever any vessel is wrecked, stranded, or in distress, at any place on or near the coast of the Colony, or any tidal water within the limits to which this Ordinance extends, the Receiver of the district in which such place is situate shall, upon being made acquainted with the circumstances, forthwith proceed there, and upon his arrival shall take the command of all persons present, and shall assign such duties and give such directions to each person as he thinks fit for the preservation of the vessel, and the lives of the persons belonging to the vessel (hereinafter referred to as shipwrecked persons), and the cargo and apparel of the vessel. If any person wilfully disobeys the direction of the Receiver he shall for each offence be liable to a fine not exceeding fifty pounds; but the Receiver shall not

Duty of Receiver when ship stranded or in distress.

* By Governor's Order of 14th June, 1907 (*Gazette* No. 1,005 of 1907), the Supervisor of Customs, Sherbro, and the Customs Officer in charge, Mano Salija, and the Customs Officer in charge, Sulima are appointed Receivers of Wrecks within the meaning of this Ordinance.

interfere between the master and the crew of the vessel in reference to the management thereof, unless he is requested so to do by the master.

Powers of Receiver.

24. (1) The Receiver may, with a view to such preservation as aforesaid of shipwrecked persons, or of the vessel, cargo or apparel—

(a) require such persons as he thinks necessary to assist him;

(b) require the master or other person having the charge of any vessel near at hand to give such aid with his men or vessel as may be in his power;

(c) demand the use of any wagon, cart, or horses that may be near at hand.

(2) Any person refusing, without reasonable cause, to comply with such requisition or demand shall, for each refusal, incur a penalty not exceeding one hundred pounds.

Power to pass over adjoining lands.

25. (1) Whenever a vessel is wrecked, stranded, or in distress as aforesaid, all persons may, for the purpose of rendering assistance to the vessel, or of saving the lives of the shipwrecked persons, or of saving the cargo or apparel of the vessel, unless there is some public road equally convenient, pass and repass, either with or without carriages or horses, over any adjoining lands without being subject to interruption by the owner or occupier, so that they do as little damage as possible, and may also on the like condition deposit on those lands any cargo or other article recovered from the vessel.

(2) Any damage, sustained by an owner or occupier in consequence of the exercise of the rights given by this section, shall be a charge on the vessel, cargo or articles in respect of, or by which, the damage is occasioned, and the amount payable in respect of the damage shall, in case of dispute, be determined, and shall, in default of payment, be recoverable, in the same manner as the amount of salvage is hereby determined or recoverable.

(3) If the owner or occupier of any land—

(a) impedes or hinders any person in the exercise of the rights given by this section by locking his gates or refusing upon request to open the same, or otherwise; or

(b) impedes or hinders the deposit of any cargo, or other article recovered from the vessel, as aforesaid, on the land; or

(c) prevents, or endeavours to prevent, any such cargo or other article from remaining deposited on the land for a reasonable time, until it can be removed to a safe place of public deposit;

he shall, for each offence, be liable to a fine not exceeding one hundred pounds.

26. (1) Whenever any vessel is wrecked, stranded or in distress as aforesaid, and any person plunders, creates disorder, or obstructs the preservation of the vessel, or of the ship-wrecked persons, or of the cargo or apparel of the vessel, the Receiver may cause that person to be apprehended.

Suppression
of plunder or
disorder.

(2) The Receiver may use force for the suppression of any such plundering, disorder, or obstruction, and may command all Her Majesty's subjects to assist him in so using force.

(3) If any person is killed, maimed, or hurt by reason of his resisting the Receiver, or any person acting under the orders of the Receiver, in the execution of the duties in this Ordinance committed to the Receiver, neither the Receiver, nor the person acting under his orders, shall be liable to any punishment, or to pay any damages by reason of the person being so killed, maimed or hurt.

27. (1) Subject to the provisions of section 22, where a Receiver is not present, or from any cause whatever is incapacitated from performing the duties of his office, the following officers or persons in succession (each in the absence of the other, in the order in which they are named), that is to say, the District Commissioner, the Assistant District Commissioner, any officer of Customs, not being below the rank of Supervisor, any commissioned officer on full pay in the Naval or Military Service of Her Majesty, or in the Royal West African Frontier Force, or any officer of Police, not being below the rank of Inspector, may do anything by this Ordinance authorised to be done by the Receiver.

Who to act in
absence of
Receiver.

(2) An officer acting under this section for a Receiver shall, with respect to any goods or articles belonging to a vessel, the delivery up of which to the Receiver is required by this Ordinance, be considered as the agent of the Receiver, and shall place the same in the custody of the Receiver; but he shall not be entitled to any fees payable to Receivers, or be deprived, by reason of his so acting, of any right to salvage to which he would otherwise be entitled.

Examination
with respect
to ships in
distress.

28. (1) Where any ship, British or foreign, is or has been in distress on the coast of the Colony or Protectorate, a Receiver shall, as soon as conveniently may be, examine on oath (which oath he is hereby empowered to administer) any person belonging to the ship, or any other person who may be able to give any account thereof, or of the cargo or stores thereof, as to the following matters, that is to say—

- (a) The name and description of the ship;
- (b) The names of the master and of the owners;
- (c) The names of the owners of the cargo;
- (d) The ports from and to which the ship was bound;
- (e) The occasion of the distress of the ship;
- (f) The services rendered;
- (g) Such other matters or circumstances relating to the ship, or to the cargo on board the same, as the Receiver thinks necessary.

(2) The Receiver shall take down the examination in writing, and one copy thereof shall be sent to the Governor, and one to the Board of Trade, and one to the secretary of Lloyd's in London.

(3) For the purposes of such examination the Receiver shall have all the powers given in section 9 of this Ordinance, and any person wilfully impeding him shall be liable to the penalties prescribed by section 10 of this Ordinance.

PART IX.—DEALING WITH WRECK.

Provision as
to wrecks
found within
limits of
Ordinance.

29. Where any person finds or takes possession of any wreck within the limits to which this Ordinance applies, he shall—

(a) if he is the owner thereof, give notice to the Receiver of the district, stating that he has found or taken possession of the same, and describing the marks by which the same may be recognised;

(b) if he is not the owner thereof, as soon as possible, deliver the same to the Receiver of the district;

and if any person fails, without reasonable cause, to comply with this section, he shall, for each offence, be liable to a fine not exceeding one hundred pounds, and shall, in addition, if he is not the owner, forfeit any claim to salvage, and shall be liable to pay to the owner of the wreck, if it is claimed, or, if it is unclaimed, to the person entitled to the same, double the value thereof, to be recovered in the same way as a fine of a like amount under this Ordinance.

30. (1) Where a vessel is wrecked, stranded, or in distress at any place on or near the coast of the Colony or Protectorate, or any tidal water within the limits to which this Ordinance applies, any cargo or other articles belonging to, or separated from, the vessel, which may be washed on shore or otherwise lost or taken from the vessel, shall be delivered to the Receiver.

Penalty for taking wreck at time of casualty.

(2) If any person, whether the owner or not, secretes or keeps possession of any such cargo or article, or refuses to deliver the same to the Receiver, or any person authorised by him to demand the same, that person shall for each offence be liable to a fine not exceeding one hundred pounds.

(3) The Receiver, or any person authorised as aforesaid, may take any such cargo or article by force from the person so refusing to deliver the same.

31. Where a Receiver takes possession of any wreck he shall, within four days when possible—

Notice of wreck to be given by Receiver.

(a) cause to be posted in the Custom house nearest to the place where the wreck was found, or was seized by him, a description thereof and of any marks by which it is distinguished; and

(b) if, in the opinion of such Receiver, the value of such wreck exceeds twenty pounds, a similar description shall be transmitted to the Board of Trade.

32. (1) The owner of any wreck in the possession of the Receiver, upon establishing his claim to the same to the satisfaction of the Receiver, within one year from the time at which the wreck came into the possession of the Receiver, shall, upon paying the salvage fees and expenses due, be entitled to have the wreck or the proceeds thereof delivered up to him.

Claims of owners to wreck.

(2) Where any foreign ship has been wrecked on or near the coasts of the Colony or Protectorate or in any tidal water within the limits of which this Ordinance applies or where any articles belonging to or forming part of such ship or belonging to and forming part of the cargo are found on or near those coasts or in those tidal waters or are brought into any port in Sierra Leone, the Consul-General of the country to which the ship, or in the case of the cargo, to which the owners of the cargo may have belonged, or any consular officer of that country authorised in that behalf by any treaty or arrangement with that country, shall, in the absence of the owner and of the master or other agent of the owner, be deemed to be the agent of the owner, so

20 of 1952.

far as relates to the custody and disposal of such ship and the articles so found.

Immediate sale of wreck by Receiver in certain cases.

33. A Receiver may at any time sell any wreck in his custody if, in his opinion—

(a) it is under the value of five pounds; or

(b) it is so much damaged, or of so perishable a nature that it cannot with advantage be kept; or

(c) it is not of sufficient value to pay for warehousing;

and the proceeds of the sale shall, after defraying the expenses thereof, be held by the Receiver for the same purposes and subject to the same claims, rights, and liabilities as if the wreck had remained unsold.

PART X.—UNCLAIMED WRECK.

Disposal of unclaimed wreck.

34. Where no owner establishes a claim to any wreck, found within the limits to which this Ordinance extends, and in the possession of a Receiver, within one year after it came into his possession, the Receiver shall sell the same and shall pay the proceeds of the sale (after deducting therefrom the expenses incurred by him, and his fees, and paying thereout to the salvors such amount of salvage as the Governor may in each case, or by any general rule determine) to the Accountant General, to be dealt with in such manner as the Imperial Treasury may direct.

Delivery of unclaimed wreck by Receiver not to prejudice title.

35. Upon delivery of wreck or payment of the proceeds of the sale of wreck by a Receiver, in pursuance of the provisions of this Ordinance, the Receiver shall be discharged from all liability in respect thereof, but the delivery thereof shall not prejudice or affect any question which may be raised by third parties concerning the right or title to the wreck, or concerning the title to the soil of the place on which the wreck was found.

PART XI.—OFFENCES IN RESPECT OF WRECK.

Taking wreck to foreign port.

36. If any person takes into any foreign port any vessel, stranded, derelict, or otherwise in distress, found on or near the coast of the Colony or Protectorate, or any tidal water within the limits to which this Ordinance extends, or any part of the cargo or apparel thereof, or anything belonging thereto, or any wreck found within those limits, and there sells the same, he shall, on conviction, be liable to imprisonment, with hard labour, for a term not less than three years, and not exceeding five years.

37. (1) A person shall not, without leave of the master, board, or endeavour to board, any vessel which is wrecked, stranded, or in distress, unless that person is, or acts by command of, the Receiver, or a person lawfully acting as such, and if any person acts in contravention of this enactment, he shall, for each offence be liable to a fine not exceeding fifty pounds, and the master of the vessel may repel him by force.

Interfering
with wreck.

(2) A person shall not—

(a) impede or hinder, or endeavour, in any way, to impede or hinder, the saving of any vessel stranded, or in danger of being stranded, or otherwise in distress, on or near any coast of the Colony or Protectorate, or tidal water within the limits to which this Ordinance extends, or of any part of the cargo or apparel thereof, or of any wreck;

(b) secrete any wreck, or deface or obliterate any marks thereon; or

(c) wrongfully carry away or remove any part of a vessel stranded, or in danger of being stranded, or otherwise in distress, on or near any such coast or tidal water as aforesaid, or any part of the cargo or apparel thereof, or of any wreck;

and if any person acts in contravention of this enactment, he shall be liable, for each offence, to a fine not exceeding fifty pounds, and that fine may be inflicted in addition to any punishment to which he may be liable by law under this Ordinance or otherwise.

38. (1) Where a Receiver suspects or receives information that any wreck is secreted or in the possession of some person, who is not the owner thereof, or that any wreck is otherwise improperly dealt with, he may apply to any Justice of the Peace or Magistrate for a search warrant, and that Justice of the Peace or Magistrate shall have power to grant such a warrant, and the Receiver by virtue thereof may enter any house, or other place, wherever situate, and also any vessel, and search for, seize, and detain any wreck there found.

Summary
procedure for
concealment
of wreck.

(2) If any such seizure of wreck is made in consequence of information given by any person to the Receiver, on a warrant being issued under this section, the informer shall be entitled, by way of salvage, to such sum, not exceeding in any case five pounds, as the Governor may allow.

PART XII.—MARINE STORE DEALERS.

Name and trade of marine store dealer to be painted on his shop.

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39. (1) Every person dealing in, buying or selling any of the articles following, that is to say, anchors, cables, sails, old junk, or old iron, or other marine stores of any kind (hereinafter called a marine store dealer), shall be deemed a dealer in marine stores, and shall have his name, together with the words "Dealer in Marine Stores," distinctly painted, in letters of not less than three inches in length, on every warehouse and store used by him for such purpose.

(2) If a marine store dealer fails to comply with the requirements of this section, he shall be liable to a fine not exceeding twenty pounds.

Books to be kept by marine store dealer.

40. (1) Every marine store dealer shall keep proper books, and enter therein an account of all marine stores of which he becomes possessed, stating, in respect of each article, the time at which, and the person from whom, he purchased or received the same, and a description of the business and place of abode of that person.

(2) If a marine store dealer fails to comply with the requirements of this section, he shall be liable to a fine, for the first offence, not exceeding twenty pounds, and for every subsequent offence not exceeding fifty pounds.

Marine store dealer not to purchase from person under sixteen.

41. (1) A marine store dealer shall not, by himself or his agents, purchase marine stores of any description from any person apparently under the age of sixteen years.

(2) If a marine store dealer so purchases any marine stores, he shall be liable to a fine, for the first offence, not exceeding five pounds, and for every subsequent offence not exceeding twenty pounds.

Marine store dealer not to cut up cable without permit.

42. (1) A marine store dealer shall not, on any pretence, cut up any cable or other like article exceeding five fathoms in length, or unlay the same into twine or paper stuff, without obtaining a written permit, as required by this section.

(2) In order to obtain a written permit, a marine store dealer shall make a declaration before a Justice of the Peace, or the Magistrate of the district in which the dealer resides, stating—

(a) the quality and description of the cable, or other like article, about to be cut up or unlayed;

(b) the name and description of the person from whom he purchased or received the same; and

(c) that he has purchased or otherwise acquired the same without fraud, and without any knowledge or suspicion that it has been come by dishonestly;

and either the Justice of the Peace or the Magistrate before whom the declaration is made, or the Receiver of the district upon the production of the declaration, may grant a permit authorising the marine store dealer to cut up or unlay the cable or other article.

(3) If a marine store dealer cuts up or unlays any cable or other article without complying with the provisions of this section he shall be liable to a fine, for the first offence, not exceeding twenty pounds, and for every subsequent offence not exceeding fifty pounds.

43. (1) A marine store dealer, who has obtained a permit as aforesaid, shall not proceed, by virtue thereof, to cut up or unlay cable, or other article, until the expiration of fourteen days at least from the date when he has published, in some newspaper circulating in the Colony and Protectorate, an advertisement notifying the fact of his having so obtained a permit, and specifying the nature of the cable or article mentioned in the permit, and the place where it is deposited, and the time at which it is intended to be so cut or unlayed.

Advertise-
ment of
permit before
dealer
proceeds to
act thereon.

(2) If any person suspects or believes that the cable or other article is his property, he may apply for a warrant to the Magistrate or a Justice of the Peace, who may, on the sworn statement of the applicant, grant a warrant entitling the applicant to require the production by the marine store dealer of the cable or article mentioned in the permit, and also of the books required under this part of this Ordinance to be kept by the marine store dealer, and authorising the applicant to inspect and examine the cable or article or books.

(3) If a marine store dealer fails, without reasonable cause, to comply with any of the requirements of this section, he shall be liable, for the first offence, to a fine not exceeding twenty pounds, and for every subsequent offence, to a fine not exceeding fifty pounds.

PART XIII.—MARKING OF ANCHORS.

44. (1) Every manufacturer of anchors shall mark on every anchor manufactured by him, in legible characters, and both on

Marking of
anchors.

the crown and also on the shank, under the stock, his name or initials, and shall, in addition, mark on the anchor a progressive number and the weight of the anchor.

(2) If a manufacturer of anchors fails, without reasonable cause, to comply with this section, he shall be liable, for each offence, to a fine not exceeding five pounds.

PART XIV.—SALVAGE.

Salvage payable for saving life.

45. (1) Where services are rendered wholly, or in part, within the waters of the Colony or Protectorate in saving life from any British or foreign vessel, or elsewhere in saving life from any British vessel, there shall be payable to the salvor by the owner of the vessel, cargo, or apparel saved, a reasonable amount of salvage, to be determined, in case of dispute, in manner hereinafter mentioned.

(2) Salvage in respect of the preservation of life, when payable by the owners of the vessels, shall be payable in priority to all other claims for salvage.

(3) Where the vessel, cargo, and apparel are destroyed, or the value thereof is insufficient, after payment of the actual expenses incurred, to pay the amount of salvage payable in respect of the preservation of life, the Governor may, in his discretion, award to the salvor, out of the public revenue, such sum as he may think fit, in whole or part satisfaction of any amount of salvage so left unpaid.

Salvage of cargo or wreck.

46. Where any vessel is wrecked, stranded, or in distress at any place on or near the coast of the Colony or Protectorate, or any tidal water within the limits to which this Ordinance extends, and services are rendered by any person in assisting that vessel, or saving the cargo or apparel of that vessel, or any part thereof, and where services are rendered by any person, other than a Receiver, in saving any wreck, there shall be payable to the salvor by the owner of the vessel, cargo, apparel, or wreck, a reasonable amount of salvage, to be determined, in case of dispute, in manner hereinafter mentioned.

PART XV.—PROCEDURE IN SALVAGE.

Determination of salvage disputes.

47. Disputes as to the amount of salvage, whether of life or property, arising between the salvor and the owners of any vessel, cargo, apparel, or wreck, shall, if not settled by agreement, arbitration, or otherwise, be determined by the Court in the manner hereinafter provided.

48. Disputes relating to salvage may be determined on the application either of the salvor or of the owner of the property saved, or of their respective agents. Every such application shall be decided by the Supreme Court on petition.

Application for determination of disputes.

49. The Court determining a dispute as to salvage may call in to its assistance any person conversant with maritime affairs as assessor, and there shall be paid, as part of the costs of the proceedings, to every such assessor in respect of his services, such sum not exceeding ten pounds as the Governor may direct.

Assessors in salvage disputes.

50. (1) Where any dispute as to salvage arises, the Receiver of the district where the property is, in respect of which the salvage claim is made, may, on the application of either party, appoint a valuer to value that property, and shall give copies of the valuation to both parties.

Valuation of property by Receiver.

(2) Any copy of the valuation purporting to be signed by the valuer, and to be certified as a true copy by the Receiver, shall be admissible as evidence in any subsequent proceeding.

(3) There shall be paid in respect of the valuation, by the person applying for the same, such fee as the Governor may direct.

51. (1) Where salvage is due to any person under this Ordinance the Receiver shall—

Detention of property liable for salvage by a Receiver.

(a) if the salvage is due in respect of services rendered in assisting any vessel, or in saving life therefrom, or in saving the cargo or apparel thereof, detain the vessel and cargo or apparel; and

(b) if the salvage is due in respect of the saving of any wreck, and the wreck is not sold as unclaimed under the Ordinance, detain the wreck.

(2) Subject as hereinafter mentioned, the Receiver shall detain the vessel and the cargo and apparel, or the wreck (hereinafter referred to as detained property), until payment is made for salvage, or process is issued for the arrest or detention thereof by some competent Court.

(3) A Receiver may release any detained property if security is given to his satisfaction, or if the claim for salvage exceeds one hundred pounds, and any question is raised as to the sufficiency of the security to the satisfaction of the Court.

(4) Any security given for salvage in pursuance of this section, to an amount exceeding one hundred pounds, may be enforced by the Court in the same manner as if bail had been given in that Court.

Sale of
detained
property by
Receiver.

52. (1) The Receiver may sell any detained property if the persons liable to pay the salvage in respect of which the property is detained are aware of the detention, in the following cases, namely—

(a) where the amount is not disputed, and payment of the amount due is not made within twenty days after the amount is due, or

(b) subject to any order of the Court, where the amount is disputed, and payment is not made within twenty days after the decision of such Court.

(2) The proceeds of sale of detained property shall, after payment of the expenses of the sale, be applied by the Receiver in payment of the expenses, fees and salvage, and, so far as not required for that purpose, shall be paid to the owners of the property, or any other person entitled to receive the same.

Apportion-
ment of
salvage under
£100 by
Receiver.

53. (1) Where the aggregate amount of salvage payable in respect of salvage services rendered has been finally determined, either by the Court in manner provided by this Ordinance, or by agreement, and does not exceed one hundred pounds, but a dispute arises as to the apportionment thereof among several claimants, the person liable to pay the amount may apply to the Receiver for liberty to pay the same to him; and the Receiver shall, if he thinks fit, receive the same accordingly, and shall grant to the person paying the amount a certificate of the amount paid, and of the services in respect of which it is paid, and that certificate shall be a full discharge and indemnity to the person by whom the money is paid, and to his vessel, cargo, apparel, and effects, against the claims of all persons whomsoever in respect of the services mentioned in the certificate.

(2) The Receiver shall, with all convenient speed, distribute any amount received by him under this section among the persons entitled to the same on such evidence, and in such shares and proportions, as he thinks fit, and may retain any money which appears to him to be payable to any person who is absent.

(3) A distribution made by a Receiver in pursuance of this section shall be final and conclusive, as against all persons claiming to be entitled to any portion of the amount distributed.

54. Whenever the aggregate amount of salvage payable in respect of salvage service rendered has been finally ascertained, and exceeds one hundred pounds, then, if any delay or dispute arises as to the apportionment thereof, the Court may cause the same to be apportioned amongst the persons entitled thereto in such manner as it thinks just, and may, for that purpose, if it thinks fit, appoint any person to carry that apportionment into effect, and may compel any person, in whose hands or under whose control the amount may be, to distribute the same, or to bring the same into Court, to be then dealt with as the Court may direct, and may, for the purposes aforesaid, issue such processes as it thinks fit.

Apportionment of salvage over £100.

PART XVI.—JURISDICTION OF THE SUPREME COURT IN SALVAGE.

55. Subject to the provisions of this Ordinance, the Court shall have jurisdiction to decide upon all claims whatsoever relating to salvage, whether the services in respect of which salvage is claimed were performed on the high seas, or within the Colony or Protectorate, or partly on the high seas and partly within the Colony or Protectorate, and whether the wreck in respect of which salvage is claimed is found on the sea or on the land, or partly on the sea and partly on the land.

Jurisdiction of Supreme Court in salvage.

PART XVII.—FEES OF RECEIVERS OF WRECK.

56. (1) There shall be paid to every Receiver the expenses properly incurred by him in the performance of his duties, and also in respect of the several matters specified in the schedule to this Ordinance, such fees not exceeding the amounts therein mentioned, as may be directed by the Governor, but a Receiver shall not be entitled to any remuneration other than those payments.

Receiver's fees.

(2) The Receiver shall, in addition to all other rights and remedies for the recovery of those expenses or fees, have the same rights and remedies in respect thereof as a salvor has in respect of salvage due to him.

(3) Whenever any dispute arises as to the amount payable to any Receiver in respect of expenses or fees, that dispute shall be determined by the Governor, whose decision shall be final.

(4) All fees received by a Receiver, in respect of any services performed by him as a Receiver, shall be carried to, and form part of, the general revenue of the Colony. It shall, however, be lawful for the Governor in Council, in such special cases as

may seem fit, to authorise the repayment to a Receiver of the whole or any part of the fees so paid to him in respect of such services.

PART XVIII.—DUTIES ON WRECK.

Provisions as to duties, etc. on wrecked goods.

57. (1) All wreck, being goods brought or coming into the Colony or Protectorate from outside the limits thereof, shall be subject to the same duties as if the same was imported into the Colony or Protectorate, and if any question arises as to the origin of the goods, they shall be deemed to be the produce of such country, as the Comptroller of Customs may on investigation determine.

(2) The Comptroller of Customs shall permit all goods, wares, and merchandise saved from any ship, stranded or wrecked on her homeward voyage, to be forwarded to the port of her original destination, and all goods, wares and merchandise saved from any ship, stranded or wrecked on her outward voyage, to be returned to the port at which the same were shipped; but the Comptroller of Customs shall take security for the due protection of the revenue in respect of those goods.

PART XIX.—MISCELLANEOUS.

Magistrate may hear offences.

58. All offences under this Ordinance, except offences under section 36, may be heard and determined before a Magistrate.

Penalty for false evidence.

59. Every person giving false evidence upon oath administered under this Ordinance, or falsely making and subscribing any declaration required under this Ordinance, shall be liable to the pains and penalties of perjury.

Sec. 56.

SCHEDULE.

FEES AND REMUNERATION OF RECEIVER.

Examination as to vessel in distress.

For every examination on oath instituted by a Receiver with respect to any vessel which may be or may have been in distress, a fee not exceeding one pound. But so that in no case shall a larger fee than two pounds be charged for examinations taken in respect of the same vessel and the same occurrence, whatever may be the number of the deponents.

Report to Lloyd's.

For every report required to be sent by the Receiver to the secretary of Lloyd's in London, the sum of ten shillings.

Wreck in Receiver's custody.

For wreck taken by the Receiver into his custody, a percentage of 5 per cent. upon the value thereof. But so that in no case shall the whole of the percentage so payable exceed twenty pounds.

In cases where any services are rendered by a Receiver in respect of any vessel in distress not being wreck, or in respect of the cargo or other articles belonging thereto, the following fees, instead of percentage, that is to say—

Services to vessel in distress not a wreck.

If such vessel with her cargo equals or exceeds in value six hundred pounds, the sum of two pounds for the first, and the sum of one pound for every subsequent day during which the Receiver is employed on such service, but if such vessel with her cargo is less in value than six hundred pounds, one moiety of the above mentioned sum.
