ANNO QUINTO

VICTORIÆ REGINÆ.

Sess. 2.

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C A P. XVII.

An Act for preventing, until the First Day of *May* One thousand eight hundred and forty-five, Ships clearing out from any Port in *British North America*, or in the Settlement of *Honduras*, from loading any Part of their Cargo of Timber upon Deck. [13th *May* 1842.]

WHEREAS great Loss of Life and severe Sufferings have been occasioned amongst the Crews of Ships and Vessels laden with Timber and Wood Goods from *British* Ports in *America*, from the Practice of having a Portion of the Cargo of such Ships stowed on or above Deck: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall not be lawful for any Part of the Cargo of any Ship or Vessel, wholly or in part laden with Timber or Wood Goods, and clearing from any *British* Port in *North America*, or the Settlement of *Honduras*, for any Port in the United Kingdom, between the First

No Part of the Cargo of certain Ships laden with Timber to be placed on the Deck.

Day of *September* and the First Day of *May* in each Year, to be stowed or placed, during any Part of the Voyage, upon or above the Deck of such Ship or Vessel; and the Captain or Master of every Ship or Vessel so clearing shall not be permitted to sail without first procuring a Certificate from the clearing Officer that all the Cargo is below Deck.

No Vessel to sail without Certificate thereof.

Penalty for placing Timber on Deck.

II. And be it enacted, That if any Captain, Owner, Supercargo, or other Person having Command of any such Ship or Vessel, shall so place, or cause or permit to be so placed, any Part of the Cargo, every such Captain, Owner, or Supercargo, or other Person, so offending, shall for every such Offence forfeit and pay any Sum not exceeding One hundred Pounds: Provided always, that nothing herein contained shall extend to prevent the carrying upon Deck the necessary Store Spars for the Vessel's Use, or the Removal on Deck of a Portion of the Cargo of such Ship or Vessel in Cases where the same may be rendered necessary by the springing a Leak or other Damage during the Voyage, nor to any Ship which may have cleared out from any Port in *British North America*, or the Settlement of *Honduras*, before the First Day of *September*, or within Seven Days after Notice of this Act shall have been received at the Custom House of the respective Ports.

Proviso for Stores; for Removal in case of Leakage or Damage; and for certain Vessels.

Proceedings on Indictments and Informations.

III. And be it enacted, That all Indictments and Informations against any Person or Persons for or in respect of any Offences by him or them committed or alleged to have been committed against the Provisions of this Act, and all Proceedings for the Recovery of any Penalty incurred or alleged to have been incurred by any Person or Persons under this Act, shall and may be preferred and prosecuted by any Person or Persons whomsoever, and shall be proceeded with and determined before such and the same Courts, Magistrates, and Justices of the Peace, and in such and the same Manner, and with and under and subject to all such and the same Rules, Provisoes, Conditions, and Restrictions, and such and the like Regulations as to the Application and Distribution of the Penalties recovered, as in the Case of any Indictments or Informations preferred or Proceedings taken for or in respect of any Offence committed against or for the Recovery of any Fines, Penalties, or Forfeitures incurred under any Act now in force for the Prevention of Smuggling, or relating to the Customs, or to Trade or Navigation.

Commissioners of Customs may order Proceedings to be instituted.

IV. And be it enacted, That it shall be lawful for the Commissioners of Customs to direct any Officer of Customs to institute and prosecute such Proceedings as are authorized by this Act against any Person or Persons for or in respect of any Offence or Offences by him or them committed or alleged to have been committed against the Provisions of this Act; provided, nevertheless, that, except in such Cases, the Direction or Consent of the said Commissioners shall not be necessary or required in order to the preferring, prosecuting, proceeding with, or determining any Informations under this present Act, any thing in such Acts as aforesaid to the contrary in anywise notwithstanding.

V. And

V. And be it enacted, That all Warrants of Justices of the Peace for recovering any Penalty inflicted by this Act shall be drawn in the Form or to the Effect in the Schedule to this Act annexed; and that no such Warrant shall be held void by reason of any Defect in such Warrant, nor shall any Party be entitled to be discharged out of Custody on account of any such Defect, provided it be alleged in the said Warrant that the said Party has been convicted of any Offence against this Act, and provided it shall appear to the Court or Judge before whom such Warrant may be returned that such Conviction proceeded upon good and valid Grounds. Warrants of Commitment to be in the Form or to the Effect in the Schedule.

VI. And be it enacted, That this Act shall continue in force until the First Day of *May* One thousand eight hundred and forty-five. Continuance of Act.

VII. And be it enacted, That this Act may be amended or repealed by any Act to be passed during the present Session of Parliament. Act may be altered.

SCHEDULE to which this Act refers.

Form of Warrant of Commitment for a Penalty.

of to wit. } To and to the Gaoler or Keeper of the at in the .

WHEREAS *A.B.* is this Day duly convicted before us Esquires, Two of Her Majesty's Justices of the Peace in and for the of being the Place in which the said *A.B.* was found, upon the Information of for that after the passing of a certain Act of Parliament made and passed in the Year of our Lord One thousand eight hundred and intituled, "An Act for preventing Ships clearing out from any Port in British North America, or in the Settlement of Honduras, from loading any Part of their Cargo of Timber upon Deck," and between the First Day of September which was in the Year of our Lord One thousand eight hundred and and the First Day of which will be in the Year of our Lord One thousand eight hundred and to wit, on the Day of in the Year of our Lord One thousand eight hundred and a certain Vessel, called the of which the said was then the Person having the Command thereof, the said Vessel being laden with Timber and Wood Goods, cleared from a certain British Port in North America, to wit, the Port of for a certain Port in the United Kingdom, to wit, the Port of and

and also for that afterwards, and during a certain Part of the said Voyage of the said Vessel as aforesaid, and upon the High Seas, the said so being such Person having the Command of the said Vessel, did place, and cause and permit to be placed, a certain Part of the Cargo of the said Vessel, to wit, upon the Deck of such Vessel, to wit, on the Day and Year last aforesaid, to wit, at aforesaid, in the said not being the necessary Store Spars for the said Vessel's Use during the said Voyage, nor a Portion of the Cargo of the said Vessel removed on Deck in a Case rendered necessary by the springing a Leak or other Damage during the said Voyage, contrary to the Form of the Statute in that Case made and provided: And whereas the said having been duly summoned to appear and answer the said Information, this Day of instant, at in the said of we the said Justices, upon due Consideration had in the Premises, did then and there adjudge that the said had forfeited for his said Offence the Sum of Pounds, which said Sum of Pounds has not been paid:

These are therefore to require you the said forthwith to take, carry, and convey the said to our Gaol at in the of and to deliver him into the Custody of the Gaoler or Keeper of the said Gaol; and we the said Justices do hereby authorize and require you the said Gaoler or Keeper of the said Gaol to receive and take the said into your Custody, and him safely to keep until he shall duly pay the said Sum of Pounds.

Given under our Hands and Seals at in the of this Day of in the Year of our Lord One thousand eight hundred and .

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