

ANNO OCTAVO & NONO

VICTORIÆ REGINÆ.

****

CAP. XLV.

An Act to make perpetual and amend an Act of the Fifth and Sixth Years of Her present Majesty, 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. [21st *July* 1845.]

WHEREAS an Act was passed in the Session of Parliament held in the Fifth and Sixth Years of the Reign of Her present Majesty, intituled *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:* And whereas it is expedient that the said Act should be further continued and made perpetual, but it is necessary that certain Amendments should be made therein: 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Parliament assembled, and by the Authority of the same, That the said Act, except so much thereof as is hereinafter repealed, shall from and after the passing of this Act be and continue in force and be perpetual.

5 & 6 Vict. c. 17.

Recited Act, except so much as is hereby repealed, to be made perpetual.

II. And

Repealing so much of the Act as prohibits the lading of Cargo upon Deck or the sailing without Certificate, and as imposes a Penalty therefor.

II. And be it enacted, That so much of the said Act as enacts that it shall not be lawful for any Part of the Cargo of any Ship or Vessel laden with Timber or Wood Goods, and clearing from any *British* Port in *North America* or the Settlement of *Honduras* between the First Day of *September* and the First Day of *May* in each Year, to be placed during any Part of the Voyage on the Deck of such Ship or Vessel, and that no Captain or Master of any Ship or Vessel so clearing shall be permitted to sail without first procuring a Certificate from the Clearing Officer that all the Cargo is below Deck, and so much of the said Act as imposes a Penalty upon any Captain or other Person offending against the Provisions thereof, shall be repealed.

Clearing Officers to ascertain and certify that the Cargo of certain Ships is below Deck.

Captains of such Ships not to sail without Certificate.

III. And be it enacted, That before any Clearing Officer permits any Vessel wholly or in part laden with Timber or Wood Goods to clear out from any *British* Port in *North America* or in the Settlement of *Honduras*, for any Port in the United Kingdom, at any Time after the First Day of *September* or before the First Day of *May* in any Year, he shall ascertain that the whole of the Cargo of such Vessel is below Deck, and shall give the Captain or other Person having Command of such Vessel a Certificate to that Effect; and no Captain or other Person having Command of any Vessel so laden as aforesaid shall sail from any of the Ports aforesaid for any Port of the United Kingdom at any such Time as aforesaid until he has obtained such a Certificate as aforesaid from the Clearing Officer.

No Part of the Cargo of such Ships to be placed on Deck.

Proviso for Removal of Cargo in Cases of Leakage or Damage.

Stores not to be taken to be Cargo.

IV. And be it enacted, That no Captain, Owner, Supercargo, or other Person having Command of any Vessel in respect of which such Certificate as aforesaid has been obtained shall place, or permit or cause to be placed, or to remain or be, upon or above the Deck of such Vessel, any Part of the Cargo thereof, until such Vessel has arrived at the Port of her Destination: Provided always, that if the Captain or other Person having Command of any such Vessel consider that it is necessary, in consequence of the springing a Leak or of other Damage received or apprehended during the Voyage, to remove any Portion of the Cargo upon Deck, he may remove or cause to be removed upon the Deck of such Vessel so much of the Cargo and may permit the same to remain there for such Time as he considers expedient: Provided also, that the Store, Spars, or other Articles necessary for the Vessel's Use, shall not be taken to be Cargo for the Purposes of this Act.

Penalty for Offences against this Act.

V. And be it enacted, That if any Captain or other Person having the Command of any Vessel for which such Certificate as aforesaid is hereby required sails or attempts to sail without having obtained such Certificate, or places, or permits or causes to be placed, or to remain or be, upon or above the Deck of such Vessel, any Part of the Cargo thereof, except in the Cases in which the same is not forbidden by this Act, he shall for every such Offence forfeit and pay any Sum not exceeding One hundred Pounds.

Provisions of recited Act respecting

VI. And be it enacted, That all the Enactments of the said Act respecting Indictments, Informations, and Proceedings in respect of Offences

Offences alleged to have been committed against the Provisions thereof, and respecting Proceedings for the Recovery of the Penalties inflicted thereby, shall be held and taken to apply to all Indictments, Informations, and Proceedings against any Person or Persons in respect of Offences committed or alleged to have been committed against the Provisions of this Act, and to all Proceedings for the Recovery of any Penalty incurred or alleged to have been incurred by any Person or Persons under this Act. Indictments and Proceedings applied to Indictments and Proceedings under this 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. Alteration of Act.

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