

ANNO NONO & DECIMO

VICTORIÆ REGINÆ.

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CAP. C.

An Act for the Regulation of Steam Navigation, and for requiring Sea-going Vessels to carry Boats. [28th *August* 1846.]

WHEREAS it is expedient to make further Provision for regulating the Construction of Sea-going Steam Vessels, and for preventing the Occurrence of Accidents (so far as may be possible) in Steam Navigation, and for requiring Sea-going Vessels to carry Boats: 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 this Act shall come into operation for the Purposes mentioned herein on the First Day of *January* One thousand eight hundred and forty-seven, except where any other Period of Commencement is herein particularly directed. Commencement of Act.

II. And be it enacted, That all Steam Vessels built of Iron of One hundred Tons Burden or upwards, the building of which shall have been commenced after the passing of this Act, shall be divided by transverse Water-tight Partitions, so that the fore Part of the Vessel shall be separated from the Engine Room by One of such Partitions, and so that the after Part of such Vessel shall be separated from the Engine Room by another of such Partitions. Iron Steamers of 100 Tons Burden and upwards to be divided by Water-tight Partitions.

Sea-going Vessels to be provided with the Number of Boats and of the Dimensions herein mentioned.

III. And be it enacted, That from and after the said First Day of *January* One thousand eight hundred and forty-seven no Vessel, the Tonnage of which shall be One hundred Tons or upwards, shall proceed to Sea from any Port whatsoever unless it shall be provided with Boats duly supplied with all Requisites for their Use, and not being fewer in Number nor less in their Dimensions than the Number and Dimensions set opposite to the Limits of Dimension in the following Table; provided that the said Limits of Dimension be not considered applicable to Vessels engaged in the Whale Fishery:—

TABLE.

Tonnage of Vessel.	Number of Boats.	Long Boat, Launch, or Pinnace.		Other Boats.					
		Length.	Breadth.	Length.	Breadth.	Length.	Breadth.	Length.	Breadth.
		Feet.	*Ft. In.*	*Feet.*	*Ft. In.*	*Feet.*	*Ft. In.*	*Feet.*	*Ft. In.*
850 and upwards -	4	26	8 0	24	7 0	22	6 6	16	5 6
650 to 850 - -	4	24	7 0	22	6 6	18	5 6	16	5 6
350 to 650 - -	3	20	6 6	18	5 6	- -	- -	14	5 0
200 to 350 inclusive	2	18	6 0	- -	- -	- -	- -	14	5 0
100 to 200 - -	2	- -	- -	16	5 6	and a Punt or small Boat.			

and that no Vessel carrying more than Ten Passengers shall proceed to Sea on any Voyage unless, in addition to the Boats herein-before required, it shall also be provided with a Boat fitted up as a Life Boat, with all Requisites for its Use, together with Two Life Buoys.

Steam Vessels, in addition, to have such other Boats as the Admiralty may direct.

IV. And be it enacted, That every Steamer the building of which shall be commenced after the passing of this Act, and which shall proceed to Sea with Passengers, shall, in addition to the Boats specified in the foregoing Table, and in lieu of a Boat fitted up as a Life Boat, be provided either with such Boats as are usually called Paddle Box Boats, or with such other Boats as may be directed in lieu thereof by the Lord High Admiral or the Commissioners for executing the Office of Lord High Admiral for the Time being.

No Steamer to proceed to Sea without being provided with a Hose.

V. And be it enacted, That no Steam Vessel of One hundred Tons Burden or upwards shall proceed to Sea unless it shall be provided with a Hose for the Purpose of extinguishing Fire capable of being connected with the Engines of the Vessel.

Mode of ascertaining Tonnage.

VI. And be it enacted, That for the Purposes of this Act the Tonnage of Vessels shall be ascertained according to the Rules of Admeasurement prescribed by any Act of Parliament for the Time being in force regulating the Admeasurement of the Tonnage and Burden of the Merchant Ships of the United Kingdom.

Penalties on Masters, &c. neglect-

VII. And be it enacted, That if any such Steam Vessel as aforesaid proceed to Sea without being provided with such Hose as aforesaid,

aforesaid, or being an Iron Steam Vessel without being so divided as aforesaid, or if any Steam or other Vessel of One hundred Tons Burden or upwards proceed to Sea without being so provided with Boats as aforesaid, or if any of such Boats be lost or rendered useless in the course of the Voyage through the wilful Fault or Negligence of the Owner or Master, or if in case of any of such Boats being accidentally lost or injured in the course of the Voyage the Master or other Person having charge of the Vessel wilfully neglect to replace or repair the same on the first convenient Opportunity, then and in every Case where the Owner shall appear to be in fault he shall forfeit a Sum not exceeding One hundred Pounds, and in every Case where the Master or other Person having charge of the Vessel shall appear to be in fault he shall forfeit a Sum not exceeding Fifty Pounds.

ing to provide Boats, Hose, &c.

VIII. And be it enacted, That it shall not be lawful for any Officer of Customs to clear out any such Steam Vessel as aforesaid for any Voyage to Parts beyond the Seas without being provided with such Hose as aforesaid, or being an Iron Steam Vessel without being so divided as aforesaid, nor to clear out any Steam or other Vessel of One hundred Tons Burden or upwards for any Voyage to Parts beyond the Seas unless the same be provided with such Boats as herein-before are required.

Officers of Customs not to clear out Vessels not complying with the above-mentioned Provisions.

IX. And be it enacted, That every Steam Vessel when meeting or passing any other Steam Vessel shall pass as far as may be safe on the Port Side of such other Vessel; and every Steam Vessel navigating any River or narrow Channel shall keep as far as is practicable to that Side of the Fairway or Mid-channel of such River or Channel which lies on the Starboard Side of such Vessel, due regard being had to the Tide and to the Position of each Vessel in such Tide; and the Master or other Person having the Charge of any such Steam Vessel, and neglecting to observe these Regulations, or either of them, shall for each and every Instance of Neglect forfeit and pay a Sum not exceeding Fifty Pounds.

Penalty on Masters, &c. not observing the Regulations herein contained as to passing and repassing other Vessels.

X. And be it enacted, That the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, may from Time to Time make Regulations requiring the Exhibition of such Lights by Steam Vessels in such Manner, within such Places, except the River *Thames* above *Yantlett Creek*, and under such Circumstances as the said Lord High Admiral or the said Commissioners may think fit, and may from Time to Time make any other Regulations revoking or altering any previous Regulations.

Power to the Admiralty to make Regulations respecting the Exhibition of Lights.

XI. And be it enacted, That the said Lord High Admiral or the said Commissioners shall cause such Regulations, as soon as conveniently may be after the same shall have been made, to be published in Four successive *London* Gazettes, and the same shall be deemed to be in force from the Date of the last of such Publications until the same shall have been altered or revoked, and such Alteration or Revocation shall have been Twice published in like Manner as aforesaid.

Such Regulations to be published in the Gazette.

XII. And

Vessels, &c. within Twenty Miles of the Coast to exhibit Lights at Night.

XII. And be it enacted, That the Master or other Person having the Charge of any Steam Vessel which shall be in any River or narrow Channel in *Great Britain* or *Ireland*, or the adjacent Islands, or upon the Sea within Twenty Miles of any Part of the Coast of *Great Britain* or *Ireland*, shall, whether under Weigh or at Anchor, between Sunset and Sunrise exhibit such Lights within such Places, in such Manner, and under such Circumstances as by the said Regulations herein-before authorized to be made by the said Lord High Admiral or by the said Commissioners shall be required, and in default thereof shall forfeit and pay a Sum not exceeding Twenty Pounds for every Night in which such Default shall be made; and the Owner of any Steam Vessel in which such Light shall not be exhibited as aforesaid shall not be entitled to recover any Recompence or Damage whatsoever which may be sustained by such Vessel in consequence of any other Vessel running foul thereof during the Night.

Penalty. Steam Vessels not exhibiting Lights not entitled to Compensation.

Penalty on Masters, &c. neglecting to observe the Regulations as to passing of Steamers or exhibiting of Lights.

XIII. And be it enacted, That if any Damage to any Person or Property shall be sustained in consequence of the Nonobservance as respects any Steam Vessel of the Rules contained in the Two Enactments relative to the passing of Steam Vessels and to the exhibiting of Lights herein-before contained, the same shall in all Courts of Justice be deemed in the Absence of Proof to the contrary to have been occasioned by the wilful Default of the Master or other Person having the Charge of such Steam Vessel, and such Master or other Person shall be subject in all Proceedings, whether civil or criminal, to the legal Consequences of such wilful Default.

Before 30th of April and 31st Oct. in every Year Owners to transmit Declarations to the Board of Trade.

XIV. And be it enacted, That on or before the Thirtieth Day of *April* and the Thirty-first Day of *October* in every Year the Owners of every Steam Vessel shall transmit to the Lords of the Committee of Privy Council for Trade the Two following Declarations in Writing; (that is to say,)

First, A Declaration of the Sufficiency and good Condition of the Hull of such Steamer under the Hand of a Shipwright Surveyor, to be approved by the Lords of the said Committee;

Second, A Declaration of the Sufficiency and good Condition of the Machinery of such Steam Vessel under the Hand of an Engineer, to be approved in like Manner by the Lords of the said Committee; such Declarations bearing Date of some Day in the said Months of *April* or *October* respectively:

Board of Trade to register Declarations, and grant Certificates of the same.

And the Lords of the said Committee shall register such Declarations, and shall transmit to the Owners of such Steam Vessels respectively Certificates under the Hand of One of the Secretaries or Assistant Secretaries of the said Committee of the Registry of such Declarations: Provided always, that if the Owners of any such Vessel shall certify to the Lords of the said Committee that such Vessel has been, during the whole of such Month of *April* or of *October* respectively and still is in Foreign Parts, so that it is impossible to obtain the Declarations herein-before required, bearing Date as is herein-before prescribed, and shall at the same Time transmit to the Lords of the said Committee the Declarations herein-before required, bearing Date of a Day not being more than Seven Days before such

Vessel last sailed or departed from any Part of the United Kingdom, then and in every such Case the Lords of the said Committee shall register such Declarations, and shall transmit to the Owners of such last-mentioned Steam Vessels respectively Certificates of the Registry of such Declarations: Provided nevertheless, that this Enactment shall not extend or apply to any Steam Vessels so employed as hereinafter mentioned during the Continuance of such Employment, (that is to say,) whilst employed in the Royal Mail Service, or the Conveyance of the Royal Public Mails or Despatches under Contract with and under the Superintendence of the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral.

Certificate may be granted though Declaration not made in April or October.

XV. And whereas it may happen that by reason of a Steam Vessel or the Machinery thereof being under Repair during either of the said Months of *April* or *October* it may be impracticable to make such Declarations as are herein-before required in either of the said Months; be it enacted, That in such Case it shall be lawful for the Owners of such Steam Vessels at any Time to make a Representation to that Effect to the Lords of the Committee of Privy Council for Trade, and to transmit therewith such Declarations as are herein-before required, and it shall be lawful thereupon for the said Lords, if they shall be satisfied of the Truth of such Representation, to register such Declarations notwithstanding they shall not bear Date in either of the Months of *April* or *October*; and the said Lords shall transmit to the Owners of such Steam Vessels Certificates of the Registry thereof in Manner herein-before provided, and such Certificates shall have the like Force and Effect and be used for all the same Purposes and in the same Manner as if the said Certificates referred to Declarations made in either of the said Months of *April* or *October*.

Officers of Customs not to clear out Vessels except upon Production of Certificate of Registry.

XVI. And be it enacted, That from and after the First Day of *June* One thousand eight hundred and forty-seven it shall not be lawful for any Steam Vessel, except as is lastly herein-before excepted, to proceed to Sea, unless the Owner thereof shall have duly transmitted to the Lords of the Committee of Privy Council for Trade such Declarations, and shall have received from the Lords of the said Committee such Certificates of the Registry thereof as herein-before is mentioned; and that it shall not be lawful for any Officer of Her Majesty's Customs to clear out any Steam Vessel carrying Passengers for any Voyage to Parts beyond the Seas, unless upon the Production of the Certificate of the Registry of the Declarations which shall most recently have been made in respect of such Steam Vessel, and unless such Declarations shall have been so made within Six Calendar Months of the Application for Clearance.

Penalty on Owners of Vessels for not transmitting Declarations.

XVII. And be it enacted, That if any Steam Vessel proceed to Sea with Passengers, the Owner whereof has not duly transmitted to the Lords of the said Committee such Declarations, and received from the Lords of the said Committee such Certificates of the Registry of such Declarations as herein-before is mentioned, the Owner of such Steam Vessel shall forfeit a Sum not exceeding One hundred Pounds.

Persons guilty of forging Certificate or Declaration guilty of a Misdemeanor.

XVIII. And be it enacted, That any Person who shall knowingly or wilfully make or assist in making a false or fraudulent Declaration or Certificate, or who shall knowingly or wilfully forge, counterfeit, or fraudulently alter, or shall aid and assist in forging, counterfeiting, or fraudulently altering, or who shall attempt to forge, counterfeit, or fraudulently alter, any Declaration or Certificate provided for by this Act, or any Words or Figures in any such Declaration or Certificate, or the Signature to any such Declaration or Certificate, he shall be deemed to be guilty of a Misdemeanor.

Accidents and Damages to Steamers to be reported to the Board of Trade.

XIX. And be it enacted, That whenever any Steam Vessel shall have sustained or caused any serious Accident occasioning Loss of Life or Property, or received any material Damage affecting her Seaworthiness, either in her Hull or her Engine, by grounding or by Collision with any other Vessel, or by any other Means, the Master or other Person having the Charge of such Vessel shall, as soon as conveniently may be, transmit through the Post Office, by Letter addressed to the Lords of the Committee of Privy Council for Trade, and signed by such Master or other Person, a Report of such Accident or Damage, and the probable Occasion thereof, stating therein the Name of the Vessel, the Port to which she belongs, and the Place where she is, in order that the Lords of the said Committee may, if they think fit, investigate the Matter; and should the Owner or Owners of any Steam Vessel, from her Nonappearance or otherwise, have reason to apprehend that such Steam Vessel is wholly lost, he or they shall, as soon as conveniently may be, in like Manner send Notice thereof to the Lords of the said Committee; and every Owner, Master, or such other Person as aforesaid who shall neglect to send such Notice as hereby is required within a reasonable Time after any such Accident shall have happened, shall for every such Offence forfeit and pay a Sum not exceeding Fifty Pounds.

If Owner, &c. apprehend Loss of Steamer, Notice to be sent to Board of Trade.

Penalty for Neglect.

In Cases of Accident Board of Trade may appoint Inspectors to report.

XX. And be it enacted, That whenever any Steam Vessel shall have sustained or caused any serious Accident occasioning Loss of Life or Property, or received any material Damage affecting her Seaworthiness, either in her Hull or her Engine, by grounding or by Collision with any other Vessel, or by any other Means, it shall be lawful for the Lords of the said Committee to appoint any proper Person or Persons as Inspector or Inspectors to inquire into and to report upon such Accident; and it shall be lawful for every Person so authorized at all reasonable Times, upon producing his Authority, if required, to go on board and inspect any such Steam Vessel and the Machinery thereof, and every Part thereof respectively, not detaining or delaying the Vessel from proceeding on her Voyage, and to make such Inquiries as to the Nature, Circumstances, and Causes of such Accident as he or they may think fit.

Inspectors may call for the Production of Evidence.

XXI. And be it enacted, That the said Inspectors or any of them shall be and they are hereby empowered, by Summons under their or his Hands or Hand, to require the Attendance of all such Persons as they or he shall think fit to call before them or him upon any Question or Matter connected with or relating to the Execution of any of the Powers and Duties vested by this Act in the said Inspectors, and

also to make Inquiries and to require Answers or Returns thereto in relation to any such Matters, and for the Purpose aforesaid to administer Oaths, and to examine all Persons upon Oath, and to require and enforce the Production upon Oath of all Log Books, Accounts, Agreements, or other Papers or Writings in anywise relating to every such Matter as aforesaid, or, in lieu of requiring or administering an Oath, that the said Inspector or Inspectors may, if he or they think fit, require every such Person to make and subscribe a Declaration of the Truth of the Matters respecting which he shall be or shall have been examined or interrogated: Provided always, that no such Person shall be required in obedience to any such Summons to travel more than Ten Miles from his actual Abode at the Time of receiving such Summons unless Tender shall be made to him of such reasonable Expences in respect of his Attendance to give Evidence, and his Journeys to and from the Place where he shall be required to attend for that Purpose, as would be allowed to any Witness attending on Subpœna to give Evidence before any of Her Majesty's Courts at *Westminster*, and in case of any Dispute as to the Amount of such Expences the same shall be referred by the Inspectors to One of the Masters of Her Majesty's Court of Queen's Bench, who is hereby required to ascertain and certify the proper Amount of such Expences on a Request made to him for that Purpose under the Hand or Hands of the said Inspector or Inspectors.

Proviso as to Expences of Witnesses.

XXII. And be it enacted, That if any Person shall wilfully obstruct or impede such Inspector or Inspectors, or any of them, in the Execution of their Duty, whether on board any Ship or Vessel or elsewhere, every Person so offending, and all others aiding or assisting therein, shall and may be seized and detained by such Inspector or Inspectors, or any Person or Persons whom he or they may call to his or their Assistance, until such Offender or Offenders can be conveniently taken before some Justice of the Peace having Jurisdiction in the County or Place wherein such Offence shall be committed, and when convicted before such Justice as aforesaid (who is hereby authorized and required upon Complaint to him upon Oath to take cognizance thereof and to act summarily in the Premises) shall in the Discretion of such Justice forfeit any Sum not exceeding Five Pounds, and in default of Payment thereof shall and may be imprisoned for any Term not exceeding Two Calendar Months unless the Amount of the Penalty shall have been sooner discharged.

Penalty for obstructing Inspectors in the Execution of their Duty.

XXIII. And be it enacted, That every Penalty or Forfeiture imposed by this Act may be recovered by summary Proceeding before Two Justices, and upon the exhibiting of any Information in Writing before any Justice such Justice shall issue a Summons requiring the Party complained against to appear before Two Justices having Jurisdiction at a Time and Place to be named in such Summons; and every such Summons shall be served on the Party offending, either in Person or by leaving the same with some Inmate at his usual Place of Abode, or on board any Ship or Vessel to which such Person shall belong; and upon the Appearance of the Party complained against, or in his Absence after Proof of the due Service of such Summons, it shall be lawful for any Two Justices having Jurisdiction to

Penalties to be summarily recovered before Two Justices.

to proceed to the hearing of the Complaint, and upon Proof of the Offence, either by the Confession of the Party complained against, or upon the Oath of One credible Witness or more, it shall be lawful for such Justices to convict the Offender, and upon such Conviction to adjudge the Offender to pay such Penalty as may seem fit, and not greater than the Penalty or Forfeiture specified in this Act, as well as such Costs attending the Conviction as such Justices shall think fit.

Offences on the High Seas deemed to have been committed at the Place into which the Offender is brought, or in which he is found.

XXIV. And be it enacted, That in case any Offence shall be committed upon the High Seas against this Act, or any Penalty or Forfeiture shall be incurred on the High Seas for any Breach of this Act, such Offence shall for the Purpose of Prosecution be deemed and taken to have been committed, and such Penalty or Forfeiture to have been incurred, at the Place on Land in the United Kingdom into which the Person committing such Offence, or incurring such Penalty or Forfeiture, shall be taken, brought, or carried, or in which such Person shall be found; and in case such Place or Land is situated within any City, Borough, Liberty, Division, Franchise, or Town Corporate, as well any Justice of the Peace for such City, Borough, Liberty, Division, Franchise, or Town Corporate, as any Justice of the Peace of the County within which such City, Borough, Liberty, Division, Franchise, or Town Corporate is situated, shall have Jurisdiction to hear and determine all Cases of Offences against this Act so committed on the High Seas, and to convict the Offender or Offenders in the Penalties or Forfeitures prescribed by this Act, any Charter or Act of Parliament to the contrary notwithstanding: Provided always, that where any Offence shall be committed, or any Penalty or Forfeiture incurred, in any Place upon the Water not being within any County of the United Kingdom, or where any Doubt exists as to the same being within any County, such Offence shall for the Purposes of this Act be deemed and taken to be an Offence committed on the High Seas: Provided also, that it shall and may be lawful for any Justice of the Peace whatsoever, on the exhibiting before him any Information in Writing for any Offence against this Act so committed or taken to have been committed on the High Seas as aforesaid, to issue a Summons, and such Justice of the Peace is hereby required to issue a Summons, for the Appearance of the Party against whom such Information in Writing shall have been exhibited; and such Summons directed to such Party being served as herein-before is ordered shall be deemed to have been sufficiently served.

Penalties to be levied by Distress.

XXV. And be it enacted, That if forthwith upon any such Adjudication as aforesaid the Amount of the Penalty or Forfeiture, and of such Costs, as aforesaid, be not paid, the Amount of such Penalty and Costs shall be levied by Distress, and such Justices, or either of them, or any other Justice having Jurisdiction as aforesaid, shall issue their or his Warrant of Distress accordingly.

In default of Distress Justices may commit the

XXVI. And be it enacted, That it shall be lawful for any such Justice to order any Offender so convicted as aforesaid to be detained and kept in safe Custody until Return can be conveniently made to the

the Warrant of Distress to be issued for levying such Penalty or Forfeiture, and Costs, unless the Offender give sufficient Security, by way of Recognizance or otherwise, to the Satisfaction of the Justice, for his Appearance before him on the Day appointed for such Return, such Day not being more than Eight Days from the Time of taking such Security; but if before issuing such Warrant of Distress it shall appear to the Justice, by the Admission of the Offender or otherwise, that no sufficient Distress can be had within the Jurisdiction of such Justice whereon to levy such Penalty or Forfeiture, and Costs, he may, if he thinks fit, refrain from issuing such Warrant of Distress; and in such Case, or if such Warrant shall have been issued, and upon the Return thereof such Insufficiency as aforesaid shall be made to appear to the Justice, then such Justice shall by Warrant cause such Offender to be committed to Gaol, there to remain without Bail for any Term not exceeding Three Months, unless such Penalty or Forfeiture, and Costs, be sooner paid and satisfied. Offender to Prison.

XXVII. And be it enacted, That where in this Act any Sum of Money, whether in the Nature of Penalty or otherwise, is directed to be levied by Distress, such Sum of Money shall be levied by Distress and Sale of the Goods and Chattels of the Party liable to pay the same, and the Overplus arising from the Sale of such Goods and Chattels, after satisfying such Sum of Money and the Expences of the Distress and Sale, shall be returned, on demand, to the Party whose Goods shall have been distrained. Distress how to be levied.

XXVIII. And be it enacted, That no Distress levied by virtue of this Act shall be deemed unlawful, nor shall any Party making the same be deemed a Trespasser, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceeding relating thereto, nor shall such Party be deemed a Trespasser *ab initio* on account of any Irregularity afterwards committed by him; but all Persons aggrieved by such Defect or Irregularity may recover full Satisfaction for the special Damage in an Action upon the Case. Distress not unlawful for Want of Form.

XXIX. And be it enacted, That all Penalties and Forfeitures recovered under this Act shall be applied as follows; one Half thereof shall be paid to the Person who shall sue or proceed for the same, and the other Half to Her Majesty's Use, and shall be paid to the Sheriff of the County, City, or Town where the same shall have been imposed, and shall have been duly accounted for by him; and that all Convictions before Justices, and all Fines, Forfeitures, or Penalties imposed in consequence of such Convictions, shall be returned to the Court of Quarter Sessions under the Provisions of an Act passed in the Third Year of His late Majesty King *George* the Fourth, intituled *An Act for the more speedy Return and levying of Fines, Penalties, and Forfeitures, and Recognizances estreated.* Application of Penalties. 3 G. 4. c. 46.

XXX. And be it enacted, That no Indictment shall be preferred for any Offence against this Act unless under the Direction of the Lords of the Committee of Privy Council for Trade, or of the Commissioners of Her Majesty's Customs; and no Suit or Proceeding shall Indictments to be preferred by Direction of the Board of Trade or

Commissioners of Customs.

shall be commenced for the Recovery of any Penalty or Forfeiture for any such Offence unless in the Name of Her Majesty's Attorney General for *England* or *Ireland*, or in the Name of the Lord Advocate of *Scotland*, or in the Name of some public Officer under the Direction of the Lords of the said Committee or of the said Commissioners respectively.

Penalties to be sued for within Six Months.

XXXI. And be it enacted, That no Person shall be liable to the Payment of any Penalty or Forfeiture imposed by virtue of this Act for any Offence made cognizable before a Justice unless the Complaint respecting such Offence shall have been made before such Justice within Six Months next after the Commission of such Offence.

Penalty on Witnesses making default.

XXXII. And be it enacted, That it shall be lawful for any Justice to summon any Person to appear before him as a Witness in any Matter in which such Justice shall have Jurisdiction under the Provisions of this Act at a Time and Place mentioned in such Summons, and to administer to him an Oath to testify the Truth in such Matter; and if any Person so summoned shall without reasonable Excuse refuse or neglect to appear at the Time and Place appointed for that Purpose, having been paid or tendered a reasonable Sum for his Expences, or if any Person appearing shall refuse to be examined on Oath or to give Evidence before such Justice, every such Person shall forfeit a Sum not exceeding Five Pounds for every such Offence.

Proceedings not to be quashed for Want of Form nor removed by Certiorari.

XXXIII. And be it enacted, That no Warrant of Commitment consequent upon any summary Conviction under this Act shall be held void by reason of any Defect in such Warrant, provided it be therein alleged that the Party has been convicted, and there be a good and valid Conviction to sustain the same, nor shall any Conviction, Order, or other Proceeding in pursuance of this Act be quashed or vacated for Want of Form, nor shall the same be removed by Certiorari or otherwise into any of the Superior Courts.

Parties aggrieved may appeal to Quarter Sessions on giving Security.

XXXIV. And be it enacted, That if any Person shall think himself aggrieved by any Determination or Adjudication of any Justice with respect to any Penalty or Forfeiture under the Provisions of this Act, he may appeal to the General Quarter Sessions for the County or Place in which the Cause of Appeal shall have arisen; but no such Appeal shall be entertained unless it be made within Four Months next after the making of such Determination or Adjudication, nor unless Ten Days Notice in Writing of such Appeal, stating the Nature and Grounds thereof, be given to the Party against whom the Appeal shall be brought, nor unless the Appellant forthwith after such Notice enter into Recognizances, with Two sufficient Sureties, before a Justice, conditioned duly to prosecute such Appeal, and to abide the Order of the Court thereon.

Court to make such Order as they think reasonable.

XXXV. And be it enacted, That at the Quarter Sessions for which such Notice shall be given the Court shall proceed to hear and determine the Appeal in a summary Way, or they may, if they think fit, adjourn it to the following Sessions; and upon the hearing of such

Appeal the Court may, if they think fit, mitigate any Penalty or Forfeiture, or they may confirm or quash the Adjudication, and order any Money paid by the Appellant, or levied by Distress upon his Goods, to be returned to him, and may also order such further Satisfaction to be made to the Party injured as they may judge reasonable, and they may make such Order concerning the Costs, both of the Adjudication and of the Appeal, as they may think reasonable.

Not to extend to Ships of War, &c.

XXXVI. And be it enacted, That nothing in this Act contained shall extend to any of Her Majesty's Ships of War, nor to any Vessel not being a *British* registered Vessel.

Nothing in this Act to be construed to alter, &c. 5 & 6 Vict. c. 107.

XXXVII. And be it enacted, That nothing in this Act contained shall be construed as repealing or altering any of the Provisions of an Act passed in the Session of Parliament holden in the Fifth and Sixth Years of the Reign of Her present Majesty, intituled *An Act for regulating the Carriage of Passengers in Merchant Vessels.*

Act may be amended, &c.

XXXVIII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

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