

ANNO QUARTO

GEORGII IV. REGIS.

CAP. LXXXVIII.

An Act for regulating Vessels carrying Passengers between *Great Britain* and *Ireland*.

[18th *July* 1823.

WHEREAS it is expedient that such Regulations should be made respecting Vessels carrying Passengers between *Great Britain* and *Ireland* as may tend to the Security and Convenience of such Passengers; be it therefore enacted by the King'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 from and after the First Day of *September* One thousand eight hundred and twenty-three, it shall not be lawful for the Master or Commander or Person having the Charge or Command of any Vessel employed in the Conveyance of Passengers between *Great Britain* and *Ireland*, being of any Burthen less than Two hundred Tons, to have or take on board, or to carry or convey any greater Number of Persons than Twenty as Passengers from any Port in *Great Britain* to any Port in *Ireland*, or from any Port in *Ireland* to any Port in *Great Britain*, unless a Licence for the Conveyance of Passengers shall have been previously granted to the Owner or Owners, or Master or Commander of such Ship or Vessel, under the Hand of the Collector, Comptroller, or other Chief Officer of the Customs, at the Port from which such Vessel shall sail from *Great Britain* to *Ireland*, and from *Ireland* to *Great Britain* respectively; and it shall be lawful for every such Collector, Comptroller, or other Chief Officer of the Customs,

No Captain of any Vessel under 200 Tons shall take more than 20 Passengers, unless licensed by Collector of Customs at the Port.

to grant and sign such Licence without Fee or Reward, in such Form and under such Regulations as shall be directed by the Commissioners of Customs: Provided always, that no such Licence shall be granted by such Collector, Comptroller, or other Chief Officer, except upon such Certificate as shall be required by the Commissioners of the Customs, that such Vessel is Sea-worthy and properly found in all respects; and every such Licence shall remain in force for the Space of One Year from the Date thereof, and no longer.

Proportion of Passengers, Five adult Persons (or 10 Children under 14, or 15 under Seven Years) to Four Tons, including the Crew.

II. And be it further enacted, That it shall not be lawful for any Master or other Person having or taking the Charge or Command of any Ship or Vessel so licensed for the Conveyance of Passengers, which shall clear out from any Port or Place in the United Kingdom of *Great Britain* and *Ireland*, from and after the First Day of *September* One thousand eight hundred and twenty-three, to have on board at or after being cleared out at any one Time, or to convey, carry, or transport from any Port or Place in *Great Britain* or *Ireland* respectively, in any such Ship or Vessel, a greater Number of Persons (exclusive of the ordinary Crew of such Ship or Vessel), than in the Proportion of Five adult Persons, or of Ten Children under Fourteen Years of Age, or of Fifteen Children under Seven Years of Age, for every Four Tons of the Burthen of such Ship or Vessel; and every such Ship or Vessel shall be deemed and taken to be of such Tonnage or Burthen as is or may be described and set forth in the respective Certificate of the Registry of each and every such Ship or Vessel, granted in pursuance of the several Acts in force in *Great Britain* and *Ireland* respectively, relating to such Certificates; and if any such Ship or Vessel shall be partly laden with Goods, Wares, or Merchandize, or Horses or Carriages, then it shall not be lawful for the Master or other Person having the Charge or Command of such Ship or Vessel, to receive or take on board a greater Number of Persons (exclusive of the ordinary Crew) than in the Proportion of Five adult Persons, or of Ten Children under Fourteen Years of Age, or of Fifteen Children under Seven Years of Age, for every Four Tons of that Part of such Ship or Vessel which shall remain unladen; and such Goods, Wares, or Merchandize with which such Ship or Vessel may be partly laden shall, at the Sight and under the Direction of the Collector or Comptroller or other Officer of the Customs, at the Port or Place where such Goods, Wares, or Merchandize shall be taken on board, be stowed and disposed of in such a Manner as to leave good, sufficient, and wholesome Accommodation for the Proportion of Persons hereby allowed in such Case to be received on board.

Tonnage according to Certificate of Registry.

If Ship partly laden with Goods, &c. the Tonnage for Passengers to be exclusive of the Part laden.

Penalty on Master or Owners taking Passengers without Licence, 50*l.*

III. And be it further enacted, That if any Master or any Person having the Charge or Command of any such Ship or Vessel shall take on board any Passenger or Passengers, or if the Owner or Owners of any such Ship or Vessel shall engage to take on board any Passenger or Passengers beyond the Number of Twenty as aforesaid, without such Licence being previously obtained by such Master, Owner, or other Person as by this Act is required, every such Master or other Person, or Owner or Owners, shall for every Offence forfeit the Sum of Fifty Pounds; and if any Master or other Person having

or taking the Charge or Command of any such Ship or Vessel, shall take on board, or if such Master or other Person, or the Owner or Owners of any such Ship or Vessel, shall engage to take on board a greater Number of Persons than in the Proportion allowed by this Act, such Master or other Person as aforesaid shall forfeit and pay the Sum of Five Pounds for each and every or any such Person, exceeding in Number the Proportion herein-before limited; and every such Ship or Vessel so having on board, or conveying or carrying any greater Number than Twenty Persons without such Licence as aforesaid first had and obtained, shall and may be seized and detained by the Collector, Comptroller, Surveyor, or Officer of the Customs, until such Penalty of Fifty Pounds shall be satisfied and paid.

On taking more Passengers than allowed, 5*l.* for each Person.

Ship having more than 20 Passengers without Licence, may be detained till Penalty paid.

IV. And be it further enacted, That from and after the First Day of *September* One thousand eight hundred and twenty-three, it shall not in any Case be lawful for any Master or other Person taking or having the Charge or Command of any Trading or Coasting Ship or Vessel, not being wholly employed in the Conveyance of Passengers, and not licensed to carry any Passengers pursuant to this Act, whether such Ship or Vessel shall be laden in Part or in the Whole with Goods and Merchandize, not being the Baggage of or belonging to any Passengers in such Ship or Vessel, or shall be employed in the Carriage or Conveyance of Cattle or Pigs, or shall be in Ballast, and which shall sail from any Port or Place in *Great Britain* to any Port or Place in *Ireland*, or from any Port or Place in *Ireland* to any Port or Place in *Great Britain*, to have or take on board a greater Number of Persons than Ten (exclusive of the ordinary Crew of such Ship or Vessel), if such Ship or Vessel shall be of the Burthen of One hundred Tons or under, nor a greater Number of Persons than Twenty (exclusive of the ordinary Crew), if such Ship or Vessel shall be of a Burthen greater than One hundred Tons, and not exceeding the Burthen of Two hundred Tons; and if more Persons shall be found or taken on board any such Ship or Vessel than in the Proportion herein allowed, every such Master or other Person as aforesaid shall forfeit and pay the Sum of Five Pounds for every Person so taken on board beyond such Proportion.

Merchant Vessels, &c. shall not carry more than 10 Persons if of or under 100 Tons, or 20 if not exceeding 200 Tons.

Penalty 5*l.* for every Person beyond the Proportion.

V. And be it further enacted, That an Abstract of this Act shall be prepared and printed by and under the Direction of the Commissioners of His Majesty's Customs, and a printed Copy of such Abstract shall be hung up in the Custom House of every Port of the United Kingdom, and a printed Copy of such Abstract, and also a Copy of the Licence granted to the Captain or Owners of such Ship or Vessel, and a Notice or Statement of the Number of Persons allowed to be carried and conveyed in such Vessel, shall be hung up and affixed in some conspicuous Place on the Deck and in the Cabin of every Ship or Vessel carrying Passengers under the Regulations of this Act; and the Master or other Person having or taking the Charge or Command of such Ship or Vessel shall cause the said Copies to be kept and renewed, so that the same may be at all Times accessible to every Person on board such Ship or Vessel, upon Pain that every such Master or other Person having or taking the Charge or

Abstract of this Act, &c. shall be hung up at Custom House, and on board every Vessel.

or Command of every such Ship or Vessel, in which such Abstract, Licence, and Notice, or any of them, shall not be hung up or affixed, and shall not be renewed and remain as aforesaid, shall for every such Offence forfeit the Sum of Ten Pounds.

Penalty 10*l.*

Not to extend to Vessels in the Service of Government, &c.

VI. Provided always, and be it enacted, That nothing in this Act contained shall extend or be deemed or construed to extend to Ships or Vessels in the Service of His Majesty, or of His Majesty's Post-master General, or of the Commissioners of Customs and Excise, or of the *East India* Company; nor to any Ship or Vessel of the Burthen of Two hundred Tons or upwards, nor to any Ship or Vessel employed in carrying Troops.

Penalties may be recovered before One Justice of the Peace.

VII. And be it further enacted, That all Penalties and Forfeitures for any Offence against this Act shall and may be recovered at any Time within Three Calendar Months after the Commission of such Offence, in a summary Way, by the Order and Adjudication of any One Justice of the Peace for the County or Place in which the Port shall be situate, from which any such Ship or Vessel shall depart, or at which any such Ship or Vessel shall arrive, on Complaint to such Justice for that Purpose exhibited; and such Penalty shall be levied, as well as the Costs of such Proceedings, on Nonpayment, by Distress and Sale of the Goods and Chattels of the Offender or Offenders or Person or Persons liable to pay the same, by Warrant under the Hand and Seal of such Justice; and such Justice is hereby authorized and required to summon before him any Witness or Witnesses, and to examine such Witness or Witnesses upon Oath, of and concerning such Offences, and to hear and determine the same; and the Overplus (if any) of the Money so levied or recovered, after discharging the Penalty or Forfeiture for which such Warrant shall be issued, and the Costs and Expences of recovering and levying the same, shall be returned upon Demand to the Owner or Owners of the Goods or Chattels so seized or distrained; and in case such Penalty or Forfeiture shall not be forthwith paid upon Conviction, then it shall be lawful for such Justice to order the Offender or Offenders so convicted to be detained and kept in safe Custody, until Return can be conveniently made to such Warrant of Distress, unless the Offender or Offenders shall give sufficient Security, to the Satisfaction of such Justice, for his or their Appearance before such Justice on such Day or Days as shall be appointed for the Return of such Warrant of Distress, such Day or Days not being more than Seven Days from the Time of taking any such Security, and which Security the said Justice is hereby empowered to take by way of Recognizance or otherwise; but if, upon the Return of such Warrant, it shall appear that no sufficient Distress can be had thereupon, then it shall be lawful for such Justice, or any other Justice of the Peace for such County or Place as aforesaid, and he is hereby authorized and required, by Warrant under his Hand and Seal, to cause such Offender or Offenders to be committed to the Gaol of such County or Place, there to remain, without Bail or Mainprize, for any Term not exceeding Two Calendar Months, unless such Penalty or Forfeiture, and all reasonable Charges, shall be sooner paid and satisfied; and one Moiety of every such Penalty or Forfeiture, when so levied, shall

Half to the Prosecutor, and Half to the King.

be paid to the Person or Persons who shall sue or prosecute for the same, for his or her own Use and Benefit, and the other Moiety thereof to the Use of His Majesty, His Heirs and Successors.

Persons aggrieved may appeal to Quarter Sessions.

VIII. Provided always, and be it enacted, That if any Person shall think himself or herself aggrieved by any Conviction in pursuance of this Act, it shall be lawful for such Person to appeal to the Justices of the Peace at the next General Quarter Session of the Peace to be holden for the County or Place, such Appellant (if there be sufficient Time after the Cause of such Complaint shall have arisen), first giving or causing to be given Ten Days Notice at least in Writing of his or her Intention of bringing such Appeal, and of the Matter thereof, to the Justice whose Conviction shall be so appealed against, and within Seven Days next after such Notice entering into a Recognizance before the said Justice or some other Justice of the Peace for the County or Place, with Two sufficient Sureties conditioned to try such Appeal, and to abide the Order of such Justices at Sessions thereon, and to pay such Costs as shall be awarded by the Justices at such Quarter Sessions; and for Want of sufficient Time for giving such Notice previous to the Quarter Sessions next after the Cause of such Complaint shall have happened, then such Appeal, after such Notice and under such Recognizance, may be made at the Second General Quarter Sessions of the Peace to be holden for such County or Place; and the Justices at such First or Second Sessions, upon due Proof of such Notice having been given as aforesaid, and of the entering into such Recognizance, shall hear and finally determine the Cause and Matter of such Appeal in a summary Way, and shall award such Costs to the Parties appealing or appealed against, as they the said Justices shall think proper, and the Determination of such Justices at such Quarter Sessions shall be final, binding, and conclusive to all Intents and Purposes; and the said Justices at such Sessions may also, by their Warrant or Order, cause such Costs so awarded by Distress and Sale to be levied of the Goods and Chattels of the Person or Persons who shall refuse or neglect to pay the same; and for Want of sufficient Distress may commit such Person or Persons to the Common Gaol or House of Correction for the said County, there to remain for any Time not exceeding Two Calendar Months, or until Payment of such Costs.

Proceedings not to be quashed for Want of Form.

IX. And be it further enacted, That no Proceedings against, nor any Conviction of any Offender or Offenders against this Act, or by or before any Justice of the Peace, shall be quashed for Want of Form, nor be removed or removable by Certiorari, or any other Writ of Process whatsoever, into any of His Majesty's Courts of Record at *Dublin;* and where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress or other Proceedings relating thereto; nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio*, on account of any Irregularity which shall be afterwards committed by the Party or Parties distraining, but the Person or Persons aggrieved

by such Irregularity shall and may recover full Satisfaction for the special Damage (if any) in an Action on the Case; but no Plaintiff or Plaintiffs shall recover in any Action for such Irregularity as aforesaid, if Tender of sufficient Amends shall have been made by or on Behalf of the Party distraining before such Action commenced.

Limitation of Actions.

X. And be it further enacted, That any Action or Suit which shall be brought or commenced against any Person or Persons for any thing done in pursuance and by the Authority of this Act, shall be commenced within Three Calendar Months next after the Fact committed, and not afterwards, and shall be brought in the County, City, or Place where the Cause of Action shall arise, and not elsewhere; and that the Defendant or Defendants in such Action or Suit to be brought may plead the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if it shall appear to be so done, or if any such Action or Suit shall be brought after the Time before limited for bringing the same, or shall be brought in any County, City, or Place other than as aforesaid, then and in every such Case the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or shall discontinue his, her, or their Action, or if a Verdict shall pass against the Plaintiff, or if upon Demurrer Judgment shall be given against such Plaintiff or Plaintiffs, the Defendant or Defendants shall and may recover Double Costs, and have the like Remedy for the same as any Defendant or Defendants hath or have for Costs of Suit in other Cases by Law.

General Issue.

Double Costs.

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