



ANNO QUADRAGESIMO NONO

GEORGI II. REGIS.

Cap. 155.

An Act for continuing the Term of, and altering and amending an Act passed in the Forty-fifth Year of His present Majesty, for repealing Two Acts of His late Majesty for the Regulation of Lastage and Ballastage in the River *Thames*, and to make more effectual Regulations relating thereto.

[10th June 1809.]

WHEREAS an Act was passed in the Forty-fifth Year of the Reign of His present Majesty, intituled, *An Act to repeal Two Acts passed in the Sixth and Thirty-second Years of His late Majesty, for the Regulation of Lastage and Ballastage in the River Thames, and to make more effectual Regulations relating thereto*: And whereas the said Act of the Forty-fifth Year of His said present Majesty hath been found to be beneficial to the Public, and being now near expiring, it is expedient that the same should be continued, with some Alterations and Amendments; may it therefore please Your Majesty, that it may be enacted; and be it 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 the said Act passed in the Forty-fifth Year of the Reign of His said present Majesty, and all and every the Powers, Authorities, Clauses, and Provisions therein contained (other than and except such as are by this Act altered or amended) shall be and continue, and the same is and are hereby continued in force, from the Expiration thereof until the Time hereinafter mentioned.

45 G. 3.
c. 98.

Act of 45
G. 3. further
continued.

[Loc. & Per.]

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II. And

Application
of Penalties
under the
said Act.

II. And whereas it is expedient that Encouragement should be given to Persons prosecuting or informing against Offenders, and that the Mode of recovering Penalties should be clear and certain; be it therefore further enacted, That all pecuniary Penalties and Forfeitures which shall be incurred and become payable under and by virtue of the said recited Act, by any Owner, Master, Mate or other Officer or Person belonging to any Ship or Vessel, or by any other Person not in the Pay or Service of the Corporation of Trinity House of *Deptford Strand*, for any Offence committed against the said recited Act, or against any Bye-Law made in pursuance thereof; and also all Penalties incurred by any Ballastman or Person in the Service of the said Corporation, in relation to any Neglect or Refusal to work, or any Disobedience of any Orders or Regulations of the said Corporation, shall, when recovered, go and be applied in manner following, (that is to say): One Moiety of the Penalty so forfeited shall go and be applied by the said Corporation, after defraying thereout the Expenses of carrying this Act into Execution, for the Benefit, and in the Relief of poor and decayed Seamen and Ballastmen, and their Widows and Families, and the other Moiety thereof to the Person or Persons on whose Information or Prosecution any such Conviction or Recovery shall have taken Place; and all other Penalties and Forfeitures by the said recited Act imposed, when recovered, shall go and be applied in Manner following, (that is to say): One Moiety of the Penalty to the said Corporation, to be applied as aforesaid, and the other Moiety thereof to or for the Use of the Person or Persons injured, if he or they shall prosecute as hereinafter mentioned; but if no Injury shall have arisen to any Individual, or the Party injured shall not prosecute within Thirty Days after the Offence committed, then to or for the Use of the Person or Persons on whose Information or Prosecution any such Conviction or Recovery shall have taken Place.

Mode of re-
covering
Penalties not
exceeding
20l.

III. And be it further enacted, That all Fines, Penalties, or Forfeitures imposed by the said Act hereby continued, or by any Bye-Law made under the Authority thereof, which shall not exceed Twenty Pounds, or in respect of which a Sum not exceeding Twenty Pounds may discretionally be awarded, shall be levied and recovered within Six Calendar Months after the Offence or Offences committed, before any Justice or Justices of the Peace for the County, City, Division or Place where the Offence shall be committed, or if committed by any Person whomsoever on any Part of the River Thames, then before any Justice of the Peace for the Counties of *Kent, Surrey, Essex, or Middlesex*, or before the Lord Mayor, or any Magistrate of the City of London; and such Justice and Justices is and are hereby empowered and required, upon Complaint to him or them made, to grant a Warrant to bring before him or them such Offender or Offenders at the Time or Place in such Warrant specified; and if on Conviction of the Offender or Offenders respectively, or on his, her, or their Confession, or on the Evidence of any One or more respectable Witnesses or Witnesses, upon Oath, (which Oath such Justice or Justices is and are hereby empowered to administer), such Fine, Penalty, or Forfeiture, and all reasonable Charges which shall attend the Recovery thereof, and be awarded by such Justice or Justices to be paid, shall not be forthwith paid, it shall and may be lawful to and for such Justice or Justices to commit every such Offender to the Common Gaol or House of Correction for the County, City, or Place where the Offender shall be convicted, there to remain with-
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out Bail or Mainprize for any Time not exceeding Two Calendar Months, and not less than Seven Days, unless such Fine, Penalty, or Forfeiture, and all reasonable Charges as aforesaid shall be sooner paid; and the Powers and Authorities aforesaid of such Justices or Magistrates shall be applicable to any Case in which it is by the said recited Act enacted that any Penalty shall not exceed a Sum specified, and shall not be less than another Sum specified, such smaller Sum not exceeding Twenty Pounds: Provided always, that no Justice or Magistrate shall in any Case award any Sum exceeding Twenty Pounds.

IV. And be it further enacted, That all Fines, Penalties, or Forfeitures exceeding the Sum of Twenty Pounds, by the said Act imposed for any Offence or Offences committed against the said Act hereby continued, or in which any greater Sum may be awarded than Twenty Pounds, may be recovered with full Costs of Suit, as the Case shall require, by the Party injured, or by any Person informing or suing for the same by Action of Debt, Bill, Plaint, or Information in any of His Majesty's Courts of Record at *Westminster*, wherein no Essoign, Protection, Wager of Law, or any more than One Imparance shall be allowed, within Twelve Calendar Months next after the Offence or Offences shall be committed; and in any Case in which it is by the said recited Act enacted that any Penalty shall not exceed any Sum specified, which Sum so specified, or which by the Circumstances of the Case shall exceed Twenty Pounds, it shall be lawful to sue for the full Penalty; and it shall also be lawful for the Jury giving the Verdict to award any Sum not less than the Sum specified as the lowest Penalty, nor greater than the Sum specified as the highest Penalty, for the Offence for which the Action, Bill, Plaint, or Information shall be brought.

Mode of re-
covering
Penalties
exceeding
20l.

V. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken Notice of as such by all Judges, Justices and others, without being specially pleaded.

Public Act.

VI. And be it further enacted, That the said recited Act, and the several Articles and Clauses therein contained (except as aforesaid) shall, together with this Act, continue and be in force from the passing hereof until the First Day of *August* in the Year of our Lord One thousand eight hundred and twenty, and from thence to the End of the then next Session of Parliament.

Term of the
Act.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's most Excellent Majesty. 1809.

