

XXXII. And be it enacted, That where any Distress shall be made for any Penalty, Monies, or Costs to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party making the same be deemed a Trespasser, on account of any Defect or Want of Form in the Information, Summons, Conviction, Warrant of Distress, or other Proceedings relating thereto, nor shall the Party distraining be deemed a Trespasser *ab initio* on account of any Irregularity which shall be afterwards committed by the Party so distraining, but the Person aggrieved by such Irregularity may recover full Satisfaction for the special Damage in an Action upon the Case.

Distress not to be unlawful for informality.

XXXIII. And be it enacted, That no Plaintiff shall recover in any Action against any Person for any thing done in pursuance of this Act if Tender of sufficient Amends shall have been made before such Action brought, or if, after Action brought, a sufficient Sum of Money shall have been paid into Court, with Costs, by or on behalf of the Defendant.

Tender of amends.

XXXIV. And be it enacted, That no Action or Suit shall be commenced against any Person for any thing done in pursuance of or under the Authority of this Act until Twenty-one Days Notice has been given thereof in Writing to the Party or Person against whom such Action or Suit is intended to be brought, nor after Three Calendar Months next after the Act committed for which such Action or suit shall be so brought; and every such action shall be brought, laid, and tried where the cause of action shall have arisen, and not in any other place; and the defendant in such action or suit may plead the general issue, and give this Act and any special matter in evidence at any trial which shall be had thereupon; and if the matter or thing shall appear to have been done under or by virtue of this Act, or if it shall appear that such action or suit was brought before twenty one days notice thereof given as aforesaid, or if any action or suit shall not be commenced within the time hereinbefore limited, or shall be brought or laid in any other place than as aforesaid, then the Jury shall find a verdict for the defendant therein; and if a verdict shall be found for such defendant, or if the plaintiff in such action or suit shall become nonsuited, or suffer a discontinuance of such action, or if upon any demurrer in such action judgment shall be given for the defendant thereon, then and in any of the cases aforesaid such defendant shall and may recover treble costs, and shall have such remedy for recovering the same as any defendant may have for his costs in any other case by Law.

Limitation of Actions.

Defendant may plead the general issue, &c.

Costs.

XXXV. And for the more effectually securing the observance of the aforesaid rules, and the payment of penalties, be it enacted, That before any ship carrying passengers, if the number of such passengers shall exceed fifty, shall clear out for any such voyage as aforesaid from any port or place in the United Kingdom or in the hereinbefore mentioned Islands, the owner or charterer, or in the event of the absence of such owner or charterer, one good and sufficient person on his behalf, to be approved by the Collector or chief officer of Customs at such port, and the master of the said ship shall enter into a joint and several bond to Her Majesty, Her Heirs and Successors, in the sum of one thousand pounds, the condition of which bond shall be that the said ship is seaworthy, and that all and every the rules and regulations made and prescribed by this Act for the carriage of passengers shall be well and truly performed before and during such intended voyage, and that all penalties, fines, and forfeitures which the master of such ship may be sentenced or adjudged to pay for or in respect of the breach or non-performance, before or during such voyage, of any such rules and regulations, shall be well and truly paid: Provided always, that such bond shall be without stamps; and that no such bond shall be put it suit, and that no prosecution, suit, action, information or complaint shall be brought under or by virtue of this Act, or upon or by reason of the breach of any of the provisions thereof, in any of Her Majesty's possessions abroad, after the expiration of twelve calendar months next succeeding the commencement of any such voyage as aforesaid, nor in the United Kingdom, or any of the Islands before mentioned, after the expiration of twelve calendar months next after the return of the said ship or the said master to the United Kingdom or the hereinbefore mentioned Islands.

Owners or Charterers and Masters of vessels to enter into Bond (without Stamps) for the due performance of the regulations prescribed by this Act.

Limitation of prosecution.

XXXVI. And be it enacted, That nothing in this Act contained shall extend or be construed to extend to ships carrying passengers on such voyage as aforesaid if the number of such passengers shall not amount to or exceed thirty, nor shall any thing in this Act contained extend to any of Her Majesty's Ships of War, or to any ship in the service of the Commissioners for executing the office of Lord High Admiral of the United Kingdom, or to ships of war or transports in the service of the East India Company.

Exception of particular kinds of ships.