ANNO DECIMO & UNDECIMO

VICTORIÆ REGINÆ.

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C A P. CIII.

An Act to amend the Passengers Act, and to make further Provision for the Carriage of Passengers by Sea. [22d *July* 1847.]

5 & 6 Vict. c. 107.

WHEREAS by 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*, it is amongst other things provided, that the said Act shall not extend to any Ship carrying less than Thirty Passengers, and it is expedient that the said Act should be amended in that respect: 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,

Extent to which the Passengers Act (5 & 6 Vict. c. 107.) shall apply.

That the said recited Act shall hereafter extend and the same is hereby extended to the Case of every Ship carrying any Passenger on any such Voyage as in the said recited Act is mentioned: Provided that when the Number of Passengers carried in any such Ship shall not bear to the registered Tonnage thereof a greater Proportion than that of One Passenger to every Twenty-five Tons, so much and such Parts only as are next herein-after specified of the said recited Act shall extend and are hereby extended to the Case of any such Ship; that is to say, such Parts thereof as relate to the Recovery of Money in certain Cases by way of Return of Passage

Money; or as relate to Subsistence Money; or as relate to Compensation to be made for the Loss of Passage; or as relate to the giving Receipts for Money received for or in respect of any Passage to *North America;* or as relate to the Receipt of Money for or in respect of any such Passage by any Person as Agent, not having a written Authority from his Principal to act in that Capacity; or as relate to the inducing of any Person by any Fraud or false Pretence to engage any such Passage; or as relate to any Prosecution or other Proceeding at Law for the Recovery of such Passage or Subsistence Money, or of such Compensation as aforesaid, or for the Infliction of any Fines or Penalties in respect of any of the Matters or Things aforesaid: Provided also, that if in any Suit, Action, Prosecution, or other legal Proceeding under the said recited Act any Question shall arise whether any Ship proceeding on any Voyage did or did not carry a greater Number of Passengers than aforesaid in proportion to the Tonnage thereof, the Burden of proving that the Number of Passengers so carried in proportion to the Tonnage of the Ship was not greater than that of One Person to every Twenty-five Tons shall lie upon the Person against whom any such Suit, Action, or other legal Proceeding may be brought, and failing such Proof it shall for any such Purpose as aforesaid be taken and adjudged that the Number of Passengers so carried did exceed that Proportion.

Colonial Land and Emigration Commissioners may in certain Cases substitute other Articles of Food for that mentioned in recited Act.

II. And whereas it may from Time to Time be necessary that for the Articles of Food mentioned in the said recited Act, or for some of them, other equivalent Articles should be substituted; be it enacted, That it shall be lawful for Her Majesty's Colonial Land and Emigration Commissioners for the Time being, acting under the Authority of One of Her Majesty's Principal Secretaries of State, from Time to Time, by any Notice or Notices for that Purpose, issued under the Hands of any Two of such Commissioners, and published in the "*London Gazette*," to substitute for any of the Articles of Food mentioned in the said recited Act any other Article or Articles of Food, as to the said Commissioners shall seem meet, and any such Notice or Notices from Time to Time to alter, amend, or revoke as Occasion may require: Provided always, that all the Clauses and Provisions in the said recited Act contained respecting the Articles of Food therein mentioned shall extend and are hereby extended to the Case of such substituted Articles.

All Articles of Food required by recited Act to be furnished at the Expence of the Owners or Charterers, and to be of good Quality.

III. And be it enacted, That all Articles of Food required by the said recited Act, or by any such Notice or Notices as aforesaid, to be laden on board any Ship carrying Passengers, shall before such Ship shall be cleared out be furnished and laden on board by and at the Expence of the Owner or Charterer of such Ship, for the Purposes in the said recited Act provided, and shall be of a Quality to be approved of by the Emigration Officer at the Port of Clearance, or his Assistant, or, where there is no such Officer, or in his Absence, by the Officer of Customs from whom a Clearance shall be demanded; and that in case of any Default herein the Owner, Charterer, or Master of such Ship shall be liable to the Payment of a Penalty not exceeding Fifty Pounds.

IV. And

Regulation with respect to the Carriage of Gunpowder, &c.

IV. And be it enacted, That in any Ship carrying on any such Voyage as in the said recited Act is mentioned a greater Number of Passengers than in the Proportion of One Passenger to every Twenty-five Tons of the registered Tonnage of such Ship, it shall not be lawful to put on board or carry as Cargo any Gunpowder, Vitriol, or Green Hides, and that no such Ship having on board as Cargo any such Articles as aforesaid shall be allowed to clear out or proceed on her Voyage.

Regulations for ensuring proper Light and Ventilation.

V. And be it enacted, That for the Purpose of ensuring a proper Supply of Light and Air in every Ship carrying on any such Voyage as in the said recited Act mentioned a greater Number of Passengers than in the Proportion of One Passenger to every Twenty-five Tons of the registered Tonnage of such Ship, the Passengers shall, at all Times during the Voyage (Weather permitting), have free Access to and from the between Decks by each Hatchway situate over the Space appropriated to the Use of such Passengers: Provided always, that if the Main Hatchway be not one of the Hatchways appropriated to the Use of the Passengers, or if the natural Supply of Light and Air through the same be in any Manner unduly impeded, it shall be lawful for the Emigration Officer at the Port of Clearance, or his Assistant, or, where there is no such Officer, or in his Absence, to the chief Officer of Customs at the Port from which a Clearance shall be demanded, to direct such other Provision to be made for affording Light and Air to the between Decks as the Circumstances of the Case may, in the Judgment of such Officer, appear to require, which Directions shall be duly carried out to his Satisfaction; and in case of any Default herein the Master of the said Ship shall be liable to the Payment of a Penalty not exceeding Fifty Pounds Sterling.

Officer from whom a Clearance is demanded to require Ship to be surveyed, at the Expence of the Owner.

If Ship reported not seaworthy, the same not to be cleared until rendered so.

VI. And be it enacted, That the Emigration Officer at the Port of Clearance, or his Assistant, or, where there is no such Officer, or in his Absence, the Officer of Customs from whom a Clearance shall be demanded, shall in all Cases require any Ship fitted or about to carry Passengers on any such Voyage as in the said recited Act is mentioned to be surveyed, at the Expence of the Owner or Charterer thereof, by Two or more competent Surveyors, to be duly authorized and approved of, either by the Commissioners of Colonial Lands and Emigration or by the Commissioners of Customs, as the Case may be; and if it shall be reported by such Surveyors that they have surveyed such Ship, and that such Ship is not in their Opinion seaworthy, so as to be fit in all respects for her intended Voyage, such Ship shall not be cleared out until the same or Two other Surveyors appointed as aforesaid shall report that such Ship has been rendered seaworthy, and in all respects fit for her intended Voyage: Provided always, that the Precautions for ascertaining the Seaworthiness of Ships, and their State of Repair and Efficiency for their intended Voyages respectively, shall in all respects, and without Distinction, be the same for Foreign as for *British* Ships.

Ship not to be cleared out until reported to be

VII. And be it enacted, That unless it shall be proved to the Satisfaction of the Emigration Officer at the Port of Clearance, or his Assistant, or, where there is no such Officer, or in his Absence, the

properly manned.

the Officer of Customs from whom a Clearance shall be demanded, that such Ship as aforesaid is manned with a full Complement of Men, such Ship shall not be cleared out.

No Ship to be cleared until a Certificate is obtained, that all the Requirements of the Law have been complied with.

VIII. And be it enacted, That no Ship carrying on any such Voyage as in the said recited Act is mentioned a greater Number of Passengers than in the Proportion of One Passenger to every Twenty-five Tons of the registered Tonnage of such Ship shall be allowed to clear out or proceed on her Voyage until the Master thereof shall have obtained from the Emigration Officer at the Port of Clearance, or his Assistant, or, where there is no such Officer, or in his Absence, from the Officer of Customs from whom a Clearance shall be demanded, a Certificate under his Hand that all the Requirements, as well of this Act as of the said recited Act, so far as the same can be complied with before the Departure of such Ship, have been duly complied with.

Shipsputting into any Port in the United Kingdom after sailing to replenish Provisions, &c.

IX. And be it enacted, That if any Ship carrying on any such Voyage as in the said recited Act is mentioned a greater Number of Passengers than in the Proportion of One Passenger to every Twenty-five Tons of the registered Tonnage of such Ship shall put to Sea, and shall afterwards put into or touch at any Port or Place in the United Kingdom, it shall not be lawful for such Ship to leave such Port or Place until there shall have been laden on board, as herein-before is mentioned, such further Supply of pure Water, wholesome Provisions of the requisite Kinds and Qualities, and Medical Stores, as may be necessary to make up the full Quantities of those Articles required by the herein-before recited Act or this Act for the Use of the Passengers during the whole of the intended Voyage, nor until the Master of the said Ship shall have obtained from the Emigration Officer, or his Assistant, or, where there is no such Officer, or in his Absence, from the Officer of Customs, as the Case may be, at such Port or Place, a Certificate to the same Effect as the Certificate herein-before required to enable the Ship to be cleared out; and in case of any Default herein, the Master of the said Ship shall be liable to the Payment of a Penalty not exceeding One hundred Pounds Sterling.

In case Ship is wrecked, &c., or prevented from landing her Passengers in a reasonable Time, they shall be provided with a Passage by some other Vessel;

and in default, Passengers, &c. may recover Ex-

X. And be it enacted, That in case any Ship carrying Passengers on any such Voyage as in the said recited Act is mentioned shall be wrecked or otherwise destroyed, and shall thereby or by any other Cause whatsoever be prevented from landing her Passengers at the Place they may have respectively contracted to land, or in case such Ship shall put into any Port or Place in a damaged State, and shall not within a reasonable Time be ready to proceed with her Passengers on her intended Voyage, after having been first efficiently repaired, and in all respects put into a sound and seaworthy Condition, then and in any of such Cases such Passengers respectively shall be provided with a Passage by some other equally eligible Vessel to the Port or Place at which they respectively may have originally contracted to land; and in default thereof within a reasonable Time, such Passengers respectively, or any Emigration Officer on their Behalf, shall be entitled to recover, by summary

Process before any Two or more Justices of the Peace, in like Manner as in the said recited Act is provided in the Cases of Monies thereby made recoverable, all Monies which shall have been paid by or on account of such Passengers, or any of them, for such Passage, from the Party to whom the same may have been paid, or from the Owner, Charterer, or Master of such Ship, and also such further Sum, not exceeding Five Pounds in respect of each such Passage, as shall in the Opinion of the Justices who shall adjudicate on the Complaint be a reasonable Compensation for any Loss or Inconvenience occasioned to any such Passenger, or his or her Family, by reason of the Loss of such Passage.

pences by summary Process.

XI. And in order to remove Doubts which have arisen in the Construction of the said recited Act, be it enacted, That, for the Purpose of determining the Number of Persons which according to the said Act can be carried in any Ship in proportion to the registered Tonnage thereof, Two Children under the Age of Fourteen Years shall be computed as One Person, and that Children under the Age of One Year shall not be included in such Computation: Provided always, that if any Ship shall carry upon any such Voyage as in the said recited Act is mentioned a greater Number of Persons, computed as aforesaid, in proportion to the registered Tonnage thereof, than in the Proportion in the said recited Act mentioned, the Master of such Ship shall, for and in respect of every Person constituting such Excess, be liable to the Payment of a Penalty not exceeding Five Pounds Sterling.

How Children are to be computed in reckoning the Proportion of Passengers to Tonnage.

Penalty for Excess of Numbers in proportion to Tonnage.

XII. And be it enacted, That all Penalties imposed by this Act shall be sued for and recovered by such Persons only and in such and the same Manner as in the said recited Act is provided in the Case of the Penalties thereby imposed.

Recovery of Penalties

XIII. And whereas in many Cases Persons having received under the Requirements of the said recited Act Contract Tickets or written Acknowledgments for Money in respect of Passengers to *North America* have afterwards been induced to part with the same, whereby they have been deprived of the Means of enforcing their Rights under such Contract Tickets; be it enacted, That any Owner, Charterer, or Master of a Ship, or any Passage Broker or other Person, who shall induce any Person to part with, render useless, or destroy any such Contract Ticket or Acknowledgment for Passage Money as aforesaid during the Continuance of the Contract which it is intended to be Evidence, shall be liable in each Case to a Penalty not exceeding Five Pounds.

Penalty on Person inducing another to part with Acknowledgment for Passage Money.

XIV. And be it enacted, That the Officers known as Government Emigration Agents may henceforward be styled "Emigration Officers;" and that all Powers, Functions, and Privileges vested in such Government Emigration Agents by the said recited Act or by any other Act shall vest in and be exercised by the "Emigration Officers" for the Time being, in like Manner as if they bore the Designation of Government Emigration Agent.

Government Emigration Agents to be henceforth styled "Emigration Officers."

Definition of Terms used in this Act.

XV. And be it enacted, That whenever the Term "Passenger" or "Passage" is used in this Act it shall be held not to include or extend to the Class of Passengers or Passages commonly known and understood by the Name of "Cabin Passengers" and "Cabin Passages;" and that the Term "Ship" shall include and mean every Description of Vessel, whether *British* or Foreign, carrying Passengers upon any Voyage to which the Provisions of the said herein-before recited Passengers Act or this Act shall for the Time being extend.

Act may be amended, &c.

XVI. And be it enacted, That this Act may be amended or repealed during the present Session of Parliament.

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