ANNO UNDECIMO

VICTORIÆ REGINÆ.

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C A P. VI.

An Act to make further Provision for One Year, and to the End of the then next Session of Parliament, for the Carriage of Passengers by Sea to *North America*. [28th *March* 1848.]

WHEREAS it is expedient to make further Provision respecting the Carriage of Passengers by Sea to certain Parts of *North America* and the Islands adjacent thereto, and for that Purpose to alter certain Provisions of an Act passed in the Session of Parliament held 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*, and of an Act passed in the Session of Parliament held in the Tenth and Eleventh Years of the Reign of Her present Majesty, intituled *An Act to amend the Passengers Act, and to make further Provision for the Carriage of Passengers by Sea;* 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 no Ship carrying Passengers on any Voyage from any Port or Place in the United Kingdom, or in the Islands of *Guernsey, Jersey,*

5 & 6 Vict. c. 107.

10 & 11 Vict. c. 103.

No Ship carrying Passengers allowed

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to take more than a limited Number according to Space and Tonnage.

Jersey, *Alderney*, *Sark*, or *Man*, to any Port or Place on the Eastern Coast of *North America*, or in the Islands adjacent thereto, or in the *Gulf of Mexico*, shall proceed on such Voyage with or shall carry more Passengers on board than in the Proportion of One Passenger to every Two Tons of the registered Tonnage of such Ship; and that no such Ship shall, whatever be the Tonnage thereof, proceed on such Voyage with or carry more Passengers on board than in the following Proportion to the Space occupied by them and appropriated to their Use, and unoccupied by Stores not being the personal Luggage of the Passengers; (that is to say,) on the Deck upon which the Passengers live, One Passenger for every Twelve clear Superficial Feet, or on the Orlop Deck, if any, One Passenger for every Thirty such Superficial Feet; and that if any Ship carrying Passengers upon any such Voyage as aforesaid shall carry any Person or Passenger beyond such Proportions, or any of them, the Master of the Ship shall, for and in respect of every Person or Passenger constituting such Excess, be liable to the Payment of a Penalty not exceeding Five Pounds Sterling.

Two Children under a certain Age to be computed as One Passenger.

II. And be it enacted, That in computing the aforesaid Proportions Two Children, each being under the Age of Fourteen Years, shall be computed as One Person or Passenger, and that Children under the Age of One Year shall not be included in such Computation.

No Ship carrying a certain Number of Passengers to proceed on her Voyage without a Ship's Cook, to be approved by the Emigration Officer.

III. And be it enacted, That no Ship carrying One hundred or more Passengers shall clear out or proceed on her Voyage unless there shall be on board a Ship's Cook approved by the Emigration Officer at the Port of Clearance, and engaged for the Purpose of cooking the Food of the Passengers, nor unless a convenient Place shall have been set apart, and a sufficient Apparatus provided for that Purpose, to the Satisfaction of the said Emigration Officer; and if any Ship shall proceed on her Voyage, not having on board such Ship's Cook and cooking Apparatus as herein is required, the Master of the said Ship shall be liable to a Penalty not exceeding Fifty Pounds.

Ships carrying Passengers to have a duly qualified Surgeon on board, else Number to be limited.

IV. And be it enacted, That whenever any Ship shall carry One hundred or more Passengers on any such Voyage as aforesaid, there shall be on board a Surgeon duly qualified as herein-after mentioned, or in default thereof it shall not be lawful for any such Ship to carry more Passengers on the Deck upon which the Passengers live than in the Proportion of One Passenger to every Fourteen Superficial Feet so occupied and appropriated as aforesaid.

Certain Children to be computed Passengers when Number limited.

V. And be it enacted, That in the Calculation of such Proportion every Child above the Age of One Year shall be computed as One Passenger.

Qualification of Surgeon.

VI. And be it enacted, That every such Surgeon as aforesaid shall be a Person duly qualified by Law to practise in the United Kingdom as

as Physician, Surgeon, or Apothecary, and who shall not be objected to by the said Emigration Officer.

No Ship to proceed until the Medicine Chest and Passengers have been inspected by a Medical Practitioner.

VII. And be it enacted, That, except as herein-after provided, no Ship shall clear out or proceed on any such Voyage as aforesaid, until the said Surgeon, or, in case of Ships not carrying Surgeons, until some Medical Practitioner, to be appointed by the said Emigration Officer, shall have inspected as well the Medicine Chest of the said Ship as the Passengers on board, and shall certify to the said Emigration Officer that the said Ship contains a sufficient Supply of Medicines, Instruments, and other Things requisite for the Medical Treatment of the Passengers during the intended Voyage, and that none of the Passengers appear to him likely, by reason of being affected by any infectious or other Disease, to endanger the Health of the Persons on board: Provided always, that the Master, Owner, or Charterer of every Ship inspected by any Medical Practitioner so appointed as aforesaid shall pay to such Medical Practitioner a Sum, to be fixed by the said Emigration Officer, not exceeding Twenty Shillings for every Hundred Passengers: Provided also, that in case on any particular Occasion it shall be deemed by the Emigration Officer impossible to obtain the Attendance of such Medical Practitioner, it shall be lawful for the Master of any such Ship to clear out and proceed on her Voyage, on receiving from the said Emigration Officer written Permission for the Purpose.

Remuneration of Medical Practitioner.

If no Medical Practitioner can be obtained Ship may proceed by Permission of Emigration Officer.

Passengers affected with Diseases may be re-landed.

VIII. And be it enacted, That in case any such Surgeon or Medical Practitioner shall notify to the Emigration Officer at the original Port of Clearance, or at any other Port or Place in the United Kingdom into which the Vessel may subsequently put, or in case the said Emigration Officer shall be otherwise satisfied, that any Person about to proceed on such Voyage as aforesaid is likely, by reason of being affected by any infectious or other Disease, to endanger the Health of the other Persons on board, it shall be lawful for such Officer to re-land, or cause to be re-landed, any such Person, and such Members of his Family, if any, as may be dependent on him, or as may be unwilling to be separated from him; and no Ship shall be cleared out or proceed on any such Voyage so long as any such Person or Persons shall be on board, and the Master of any such Ship who shall wilfully proceed on the said Voyage with any such Person or Persons on board shall be liable to a Penalty not exceeding Fifty Pounds Sterling.

Penalty on Master wilfully proceeding on Voyage with diseased Persons on board.

Passengers so re-landed entitled to recover Passage Money by summary Process before Two Justices.

IX. And be it enacted, That any Person or Persons who shall be so re-landed as aforesaid, or the Emigration Officer on his or their Behalf, shall be entitled to recover by summary Process, before Two or more Justices of the Peace, in like Manner as in the said first-recited Act is provided in the Cases of Monies thereby made recoverable, the whole of the Monies which shall have been paid by him or them, or on his or their Account, for his or their Passage in such Ship as aforesaid, from the Party to whom the same may have been paid, or from the Owner, Charterer, or Master of such Ship.

X. And

Her Majesty may issue Orders in Council prescribing Rules, &c., for preserving Order, &c. on board Vessels.

X. And be it enacted, That it shall be lawful for Her Majesty, by any Order or Orders in Council to be by Her made, with the Advice of Her Privy Council, to prescribe any such Rules and Regulations as to Her Majesty may seem fit for preserving Order, and for securing Cleanliness and Ventilation, on board of *British* Ships proceeding on such Voyage as aforesaid, and the said Rules and Regulations from Time to Time in like Manner to alter, amend, and revoke as Occasion may require; and that any Copy of such Order in Council contained in the *London Gazette*, or purporting to be printed by the Queen's Printer, shall, throughout Her Majesty's Dominions, be received in all legal Proceedings as good and sufficient Evidence of the making and Contents of any such Order in Council.

Gazette, and Copies printed by the Queen's Printer, to be Evidence of Orders, &c.

Surgeon or Master to exact Obedience to Rules and Regulations.

XI. And be it enacted, That in every *British* Ship it shall be lawful for the Surgeon, or, in Ships not having a Surgeon on board, for the Master of any such Ship, to exact Obedience to all such Rules and Regulations as aforesaid, under the Penalties next herein-after provided.

Penalty for refusing to observe Rules and Regulations.

XII. And be it enacted, That any Person on board such Ship who shall neglect or refuse to obey any such Rule or Regulation, or who shall obstruct the Master or Surgeon of such Ship in the Execution of any Duty imposed upon him by such Rule or Regulation, shall be liable to the Payment of a Penalty not exceeding Two Pounds Sterling; and it shall be lawful for the Justices of the Peace in any Part of Her Majesty's Dominions, before whom any Person shall be convicted of such Obstruction or Resistance as aforesaid, to order such Person, in addition to the Penalty herein-before mentioned, to be confined in the Common Gaol for any Period not exceeding One Month.

Colonial Land and Emigration Commissioners to prepare an Abstract of Acts and Orders in Council.

Such Abstract to be posted up in each Ship.

Penalty on Master for Neglect; and on Person defacing Abstract.

XIII. And be it enacted, That the said Colonial Land and Emigration Commissioners shall from Time to Time prepare such Abstract as they may think proper of the whole or Part of this and of the said recited Acts, and of any Order in Council to be made as aforesaid; and that Six Copies of the said Abstract, together with Two Copies of this and of the said recited Acts, shall, on Demand, be delivered by the Collector or Comptroller of the Customs of the Port of Clearance to the Master of every Ship carrying Passengers on such Voyage as aforesaid; and that such Master shall, so long as any Passenger be entitled to remain in the Ship, keep posted, in at least Two conspicuous Places between the Decks of the said Ship, Copies of such Abstract, and shall be liable to a Penalty not exceeding Forty Shillings Sterling for every Day during any Part of which by his Act or Default such Abstract shall fail to be so posted; and that any Person displacing or defacing such Abstract so posted shall be liable to a Penalty not exceeding Forty Shillings Sterling.

How Penalties to be recovered.

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

XV. And

Bond required by first-recited Act to be Security for Observance of Provisions of secondly-recited Act and this Act.

XV. And be it enacted, That the Bond required by the said herein-before firstly-recited Act to be given in certain Cases to Her Majesty in respect of Ships carrying more than Fifty Passengers shall include and be a Security, not only for the Matters and Payments in the said Act mentioned, but also for the faithful Observance of the Provisions as well of the said herein-before secondly-recited Act as of this Act, and of any Rules and Regulations to be prescribed by any such Order in Council as aforesaid, and further for the due Payment by the Master of any such Vessel of all Penalties which he may be adjudged to pay under or by virtue of the said herein-before secondly-recited Act or of this Act.

Duties of Emigration Officer may be performed by his Assistant.

XVI. And be it enacted, That all Powers and Duties given to or imposed upon the Emigration Officer herein-before mentioned may be exercised and performed respectively by his Assistant in his Absence, or, at Ports where there shall be no such Emigration Officer, by the Officer of the Customs whose Duty it may be to grant a Clearance to such Ship.

Interpretation of Act.

XVII. And be it enacted, That in the Interpretation of this Act the Term "Passenger" shall be held not to include the Class of Passengers commonly known by the Name of Cabin Passengers; and the Term "Ship" shall include every Description of Sea-going Vessel; and the Term "Master" shall include any Person being in Command of such Vessel for the Time being; and that, unless there be something in the Subject Matter or Context repugnant to such Construction, every Word importing the Singular Number or the Masculine Gender only shall be construed to include several Persons, Matters, or Things, as well as one Person, Matter, or Thing, and Females as well as Males respectively.

Exemption of Ships carrying less than One Passenger to 25 Tons.

In certain Actions as to Ships carrying Passengers, Burden of Proof to lie on Defendant.

XVIII. Provided always, and be it enacted, That nothing in this Act contained shall apply to any Ship in which the Number of Passengers shall not bear to the registered Tonnage a greater Proportion than that of One Passenger to every Twenty-five Tons: Provided also, that if in any Action, Prosecution, or other legal Proceeding under this Act any Question shall arise whether any Ship carrying Passengers on any such Voyage as aforesaid 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 Action, Prosecution, 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.

Short Title of Act.

XIX. And be it enacted, That in all Proceedings it shall be sufficient to cite this Act by the Title of "The *North American* Passengers Act."

Continuance of Act.

XX. And be it enacted, That this Act shall remain in force for the Period of One Year from the passing thereof, and from thence to the End of the then next Session of Parliament.

Act may be amended, &c.

XXI. And be it enacted, That this Act may be amended or repealed by any Act to be passed during the present Session of Parliament.

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