CAP. XLIV.

An Act to amend and consolidate the Laws relating to the Carriage of Passengers by Sea. [30th *June* 1852.]

'WHEREAS it is expedient to amend and consolidate, and for that Purpose to repeal, the existing Laws relating to 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, as follows:

Prefatory Clauses.

Commencement of this Act, and Repeal of former Acts, except as to existing Liabilities, and except as to an Order in Council dated 6th October 1849.

I. On the First Day of *October* next, when this Act shall commence and come into force, "The Passengers Act, 1849," and an Act of the Fourteenth Year of the Reign of Her present Majesty, Chapter One, intituled *An Act to amend the Passengers Act*, 1849, shall be repealed; except so far as either of the said Acts repeals any former Act or Enactment; and except so far as may be necessary for supporting or continuing any Proceeding heretofore taken or hereafter to be taken upon any Bond given under either of the said Acts, or upon any other Civil Process; and except as to the Recovery and Application of any Penalty for any Offence committed against either of the said Acts before the Commencement of this Act; and except also as to an Order in Council made by Her Majesty, with the Advice of Her Privy Council, on the Sixth Day of *October* One thousand eight hundred and forty-nine, in pursuance of the Powers given by the Thirty-ninth Section of "The Passengers Act, 1849," which said Order in Council shall remain in force until altered or revoked by any Order in Council to be made under the Provisions of this Act.

Short Title. In legal Proceedings, Reference to Sections of this Act by Number sufficient.

II. In citing this Act in other Acts of Parliament, or in any Instrument, Document, or Proceeding, it shall be sufficient to use the Expression "The Passengers Act, 1852;" and in any Process for enforcing the Remedies or Penalties given or imposed by this Act it shall be sufficient, without specifying more particularly the Cause of Complaint or Offence, to refer by Number, according to the Copies of the Act printed by the Queen's Printer, to the Section or Sections under which the Proceeding is taken.

Definition of Terms; viz. "United Kingdom:" "North America:" "West Indies:" "Governor:" "Statute Adult:" "Passage" and "Passengers:" "Passenger Deck:" "Ship:" "Passenger Ship:"

III. For the Purposes of this Act, the following Terms, whenever they occur, shall respectively have the following Significations; (that is to say,) the Term "United Kingdom" shall signify *Great Britain* and *Ireland*, and the Islands of *Guernsey*, *Jersey*, *Alderney*, *Sark*, *Scilly*, and *Man*; the Term "*North America*" shall signify and include the *Bermudas*, and all Ports and Places on the Eastern Coast of the Continent of *North America*, or in the Islands adjacent or near thereto, or in the Gulf of *Mexico* North of the Tropic of Cancer; the Term "*West Indies*" shall signify the *West India* Islands, the *Bahamas*, *British Guiana*, and *Honduras*; the Term "Governor" shall signify the Person who for the Time being shall be lawfully administering the Government of any *British* Colony in which he may be acting; the Term "Statute Adult" shall signify a Passenger of the Age of Fourteen Years or upwards, or Two Passengers above the Age of One Year and under that of Fourteen; the Term "Passage" shall include all Passages except Cabin Passages; the Term "Passengers" shall include all Passengers except Cabin Passengers, and except Labourers under Indenture to the *Hudson's Bay* Company, and their Families, if conveyed in Ships the Property of or chartered by the said Company, and no Persons shall be deemed Cabin Passengers unless the Space allotted to their exclusive Use in the Chief or Second Cabin shall be in the Proportion of at least Thirty-six clear Square Feet to each Statute Adult, nor unless they shall be messed at the same Table with the Master or First Officer of the Ship, nor unless the Fare contracted to be paid by them respectively shall be in the Proportion of at least Twenty Shillings for every Week of the Length of the Voyage as computed for Sailing Vessels under the Provisions of this Act; the Term "Passenger Deck" shall signify the Main Deck and the Deck immediately below it, not being an Orlop Deck, or either of them, or any Compartment thereof in which Passengers may be berthed; the Term "Ship" shall signify any Description of Sea-going Vessel, whether *British* or Foreign; the Term "Passenger Ship" shall signify every Description of such Ship carrying upon any Voyage to which the Provisions of this Act shall extend a greater Number of Passengers, when propelled by Sails, than

Prefatory Clauses.

than in the Proportion of One "Statute Adult" to every Twenty-five Tons of the registered Tonnage of such Ship, and when propelled by Steam than in the Proportion of One Statute Adult to every Ten Tons of the registered Tonnage of such Ship; and the Term "Master" shall signify the Person who shall be borne on the Ship's Articles as Master, or who for the Time being shall be in Charge or Command of any such Ship or "Passenger Ship;" and, unless there be something in the Subject Matter or Context repugnant thereto, every Word importing the Singular Number or the Masculine Gender only shall include several Persons, Matters, or Things, as well as One Person, Matter, or Thing, and Females as well as Males, respectively; and every Word importing the Plural Number shall include One Person or Thing as well as several Persons or Things.

"Master;"

Number and Gender.

IV. This Act shall extend to every "Passenger Ship" proceeding on any Voyage from the United Kingdom to any Place out of *Europe*, and not being within the *Mediterranean Sea*, and on every Colonial Voyage as herein-after described, but shall not extend to any of Her Majesty's Ships of War, nor to any Ships in the Service of the Commissioners for executing the Office of Lord High Admiral of the United Kingdom, nor to any Ship of War or Transport in the Service of the *East India* Company, nor to any Steam Vessel carrying the Royal Mails or carrying Mails under Contract with the Government of the Country to which such Steam Vessel may belong.

To what Vessels and Voyages this Act shall extend.

V. 'And whereas by a Warrant under Her Majesty's Sign Manual, bearing Date on the 'Twenty-seventh Day of *November* One thousand eight hundred and forty-seven, Her 'Majesty was pleased to appoint certain Persons therein named to be, during Her Majesty's 'Pleasure, Commissioners in the United Kingdom for the Sale of the Waste Lands of the 'Crown in Her Majesty's Colonies, and for superintending the Emigration of the poorer 'Classes of Her Majesty's Subjects to such Colonies: And whereas it is expedient that such 'Commissioners should be empowered to carry this Act into execution:' Be it therefore enacted, That the said Commissioners, and their Successors for the Time being, shall and they are hereby empowered to carry this Act into execution; and that for all legal Purposes it shall be sufficient to describe such Commissioners by the Style of the "Colonial Land and Emigration Commissioners."

Commissioners of Emigration to carry this Act into execution.

VI. The Colonial Land and Emigration Commissioners for the Time being may sue and be sued in the Name of their Secretary, or of any One of such Commissioners for the Time being, and legal or equitable Proceedings taken by or against the said Commissioners in the Name of any One of them or of their Secretary shall not abate nor be discontinued by the Death or Removal of such Secretary or Commissioner, but the Secretary for the Time being, or any One of such Commissioners, shall always be deemed to be the Plaintiff or Defendant (as the Case may be) in any such Proceedings: Provided always, that the said Commissioners and their Secretary respectively shall in no Case be personally liable, nor shall the private Estate and Effects of any of them be liable, for the Payment of any Monies or Costs or otherwise in respect of any Contract made or hereafter to be made by them or any of them, or in respect of any legal or equitable Proceedings taken against them or any of them, or for any Act, Deed, or Matter done or executed by them or any of them in their or his official Capacity and on the Public Service.

Emigration Commissioners may sue and be sued in the Name of their Secretary or of One of themselves.

The Commissioners and their private Estates exempt from Liability.

VII. In the United Kingdom the said Commissioners acting under the Sanction of One of Her Majesty's Principal Secretaries of State, and in Her Majesty's Possessions abroad the respective Governors thereof, may from Time to Time appoint, and the said Commissioners and Governors may at pleasure from Time to Time remove, such Emigration Officers and Assistant Emigration Officers as they may respectively think necessary, for the Purpose of carrying this Act into execution, under the Direction of the said Commissioners or Governors, as the Case may be: Provided nevertheless, that all existing Appointments of Emigration Officers and of their Assistants, as well in the United Kingdom as in Her Majesty's Possessions abroad, shall continue in force under this Act until duly revoked.

Emigration Officers and Assistants to act under the Commissioners, &c.

Existing Appointments to continue until revoked.

VIII. All Powers, Functions, and Duties to be exercised or performed by any such Emigration Officer shall be exercised and performed respectively by his Assistant, or, at any Port

Duties of Emigration Officer may be performed by his

Assistant, or by Officer of Customs.

Port where there shall be no such Emigration Officer or Assistant, or in their Absence, by the Chief Officer of Customs for the Time being at such Ports.

Facilities to be given to the proper Officers for the Inspection of all Ships fitting for Passengers.

IX. The Master of every Ship, whether a "Passenger Ship" or otherwise, fitting or intended for the Carriage of Passengers, or which shall carry Passengers upon any Voyage to which this Act extends, shall afford to such Emigration Officer or his Assistant as aforesaid at any Port or Place in Her Majesty's Dominions, and, in the Case of *British* Ships, to Her Majesty's Consul at any Foreign Port or Place at which such Ship shall be or arrive, every Facility for inspecting such Ship, and for communicating with the Passengers, and for ascertaining that the Provisions of this Act, so far as the same may be applicable to such Ships, have been duly complied with.

No Passenger Ship to clear out without a Certificate from Emigration Officer, nor till Bond be given to the Crown.

X. No Ship fitted or intended for the Carriage of Passengers as a "Passenger Ship" shall clear out or proceed to Sea until the Master thereof shall have obtained from the Emigration Officer at the Port of Clearance a Certificate under his Hand that all the Requirements of this Act, so far as the same can be complied with before the Departure of such Ship, have been duly complied with, nor until the Master shall have joined in executing such Bond to the Crown as required by the Fifty-ninth Section of this Act.

Passenger Ships clearing out without Certificate, or Bond being given to the Crown, forfeited, &c.

Such Ship to be dealt with as if seized under Customs Laws.

XI. If any "Passenger Ship" shall clear out or proceed to Sea without the Master's having first obtained such Certificate, or without his having joined in executing such Bond, as by this Act is required, such Ship shall be forfeited to the Use of Her Majesty, and may be seized by any Officer of Customs, if found, within Two Years from the Commission of the Offence, in any Port or Place in the United Kingdom or in Her Majesty's Possessions abroad; and such Ship shall thereupon be dealt with in the same Manner as if she had been seized as forfeited under any of the Laws relating to the Customs for an Offence incurring Forfeiture under those Laws.

Arrangements for the Ship.

Passengers to be carried only on the "Passenger Decks."

Number to be limited both by Tonnage and Space.

XII. No Ship shall clear out or shall proceed to Sea with a greater Number of Passengers on board (exclusive of *bonâ fide* Cabin Passengers) than will allow of the Appropriation to them of the following Space on the "Passenger Decks," unoccupied by Stores, not being the personal Luggage of the Passengers; (that is to say,) if the Ship is not intended to pass within the Tropics, Twelve clear Superficial Feet for every Statute Adult; but if the Ship is intended to pass within the Tropics, Fifteen such clear Superficial Feet for every Statute Adult: Nor (unless the Ship be propelled by Steam) with a greater Number of Persons on board (including the Master and Crew, and Cabin Passengers, if any, and counting Two Children above the Age of One Year and under that of Fourteen as One Person,) than in the Proportion of One Person to every Two Tons of the registered Tonnage of such Ship.

Penalty for Excess of Persons on board.

If there shall be on board of any Ship at or after the Time of Clearance a greater Number either of Persons or of Passengers than in the Proportions respectively herein-before mentioned, the Master of such Ship shall be liable, on such Conviction as herein-after is mentioned, to a Penalty not exceeding Five Pounds nor less than Two Pounds Sterling for each Person or Passenger constituting any such Excess.

Two Lists of Passengers to be made out in the Form in Schedule (A.), and delivered in every Case before Clearance.

XIII. The Master of every Ship, whether a "Passenger Ship" or otherwise, carrying Passengers on any Voyage to which this Act extends, shall, before demanding a Clearance for such Ship, sign Two Lists, made out according to the Form contained in Schedule (A.) hereto annexed, correctly setting forth in the Manner therein directed the Name and other Particulars of the Ship, and of every Passenger on board thereof; and the said Lists, when countersigned by the Emigration Officer, where there is One at the Port, shall be delivered by the Master to the Officer of the Customs from whom a Clearance of the said Ship shall be demanded, and such Officer shall thereupon also countersign and return to the said Master One of such Lists, herein-after called "The Master's List;" and the said Master shall exhibit such last-mentioned List, with any Additions which may from Time to Time be made thereto, as herein-after directed, to the Chief Officer of Her Majesty's Customs at any Port or Place in Her Majesty's Possessions, or to Her Majesty's Consul at any Foreign Port at which the said Passengers or any of them shall be landed, and shall deposit the same with such Chief Officer of Customs, or such Consul, as the Case may be, at the final Port or Place of Discharge.

XIV. If

Arrangements for the Ship.

Lists of additional Passengers taken on board after Clearance to be made out, and signed by Master.

XIV. If at any Time after such Lists shall have been signed and delivered as aforesaid any additional Passenger shall be taken on board, in every such Case the Master shall, according to the Form aforesaid, add to "The Master's List" the Names and other Particulars of every such additional Passenger, and shall also sign a separate List, made out according to the Form aforesaid, containing the Names and other Particulars of every such additional Passenger; and such last-mentioned List, when countersigned by the Emigration Officer, where there is One at the Port, shall, together with "The Master's List" to which such Addition shall have been made, be delivered to the Chief Officer of Customs as aforesaid, and thereupon such Officer shall countersign "The Master's List," and shall return the same to the said Master, and shall retain the separate List; and so on in like Manner whenever any additional Passenger or Passengers may be taken on board; or if no Officer of Customs shall be stationed at the Port or Place where such additional Passenger or Passengers may be taken on board, the said Lists shall be delivered to the Officer of Customs at the next Port or Place at which such Vessel shall touch or arrive and where any such Officer shall be stationed, to be dealt with as herein-before mentioned: Provided, that when any additional Passengers shall be taken on board the Master shall obtain a fresh Certificate from the Emigration Officer of the Port that all the Requirements of this Act have been duly complied with, before the Ship shall proceed to Sea, and in default thereof shall be liable to a Penalty for each Offence not exceeding Fifty Pounds.

Penalty on Persons found on board attempting fraudulently to obtain a Passage, and on Persons aiding and abetting.

XV. If any Person shall be found on board any Passenger Ship, with Intent to obtain a Passage therein without the Knowledge and Consent of the Owner, Charterer, or Master thereof, such Person, and every Person aiding and abetting him in such fraudulent Intent, shall respectively be liable, on such summary Conviction as herein-after mentioned, to a Penalty not exceeding Five Pounds, and in default of Payment to Imprisonment, with Hard Labour, for a Period not exceeding Three Calendar Months; and such Person so found on board may be taken before any Justice of the Peace, without Warrant, and such Justice may hear the Case, and on Proof of the Offence convict such Offender as aforesaid.

All Passenger Ships to be surveyed before clearing out.

XVI. No "Passenger Ship" shall clear out or proceed to Sea unless she shall have been surveyed, under the Direction of the Emigration Officer at the Port of Clearance, but at the Expense of the Owner or Charterer thereof, by Two or more competent Surveyors, to be appointed by the said Colonial Land and Emigration Commissioners for each Port at which there may be an Emigration Officer, and for other Ports by the Commissioners of Customs, nor unless it shall be reported by such Surveyors, that such "Passenger Ship" is in their Opinion seaworthy, and fit in all respects for her intended Voyage: Provided always, that in case any "Passenger Ship" shall be reported by any such Surveyors not to be seaworthy, nor fit in all respects for her said intended Voyage, the Owner or Charterer, if he shall think fit, may require, by Writing under his Hand, the Emigration Officer, or in his Absence the Chief Officer of Customs, to appoint Three other competent Surveyors, of whom Two at least shall be Shipwrights, to survey the said Ship, at the Expense of the said Owner or Charterer; and the said Officer shall thereupon appoint such Surveyors, who shall survey the said Ship, and if they shall, by an unanimous Report under their Hands (but not otherwise), declare the said Ship to be seaworthy, and fit in all respects for her intended Voyage, the said Ship shall then, for the Purposes of this Act, be deemed seaworthy for such Voyage.

Beams and Decks.

XVII. In every "Passenger Ship" the Beams supporting the "Passenger Decks" shall form Part of the permanent Structure of the Ship: They shall be of adequate Strength, in the Judgment of the Emigration Officer at the Port of Clearance, and shall be firmly secured to the Ship to the Satisfaction of such Officer: The "Passenger Decks" shall be at least One Inch and a Half in Thickness, and shall be laid and firmly fastened upon the Beams continuously from Side to Side of the Compartment in which the Passengers are berthed, or substantially secured to the Beams, at least Three Inches clear above the Bottom thereof, to the Satisfaction of such Emigration Officer: The Height between any Deck on which Passengers are carried and the Deck immediately above it shall not be less than Six Feet.

As to Arrangement and Size of Berths.

XVIII. There shall not be more than Two Tiers of Berths on any One Deck in any "Passenger Ship," and the Interval between the Floor of the Berths and the Deck immediately

Arrangements for the Ship.

immediately beneath them shall not be less than Six Inches: The Berths shall be securely constructed, and of Dimensions not less than after the Rate of Six Feet in Length and Eighteen Inches in Width for each Statute Adult, and shall be sufficient in Number for the proper Accommodation of all the Passengers contained in the Lists of Passengers hereinbefore required to be delivered by the Master of the Ship.

Single Men to be berthed in a separate Compartment.

As to Numbers and Sexes in One Birth.

XIX. In every Passenger Ship all the unmarried Male Passengers of the Age of Fourteen Years and upwards shall, to the Satisfaction of the Emigration Officer at the Port of Clearance, be berthed in the fore Part of the Ship, in a Compartment divided off from the Space appropriated to the other Passengers by a substantial and well-secured Bulkhead, or in separate Rooms, if the Ship be divided into Compartments, and fitted with enclosed Berths: Not more than Two Passengers, unless Members of the same Family, shall be placed in the same Berth: Nor in any Case shall Persons of different Sexes above the Age of Fourteen, unless Husband and Wife, be placed in the same Berth.

Berths not to be removed till Passengers landed.

XX. No Berths in a "Passenger Ship" occupied by Passengers during the Voyage shall be taken down until Forty-eight Hours after the Arrival of such Ship at the Port of final Discharge, unless all the Passengers shall have voluntarily quitted the Ship before the Expiration of that Time.

A Space in every Ship to be set apart for an Hospital.

XXI. In every "Passenger Ship" a Space shall be properly divided off to the Satisfaction of the Emigration Officer at the Port of Clearance, and set apart for an Hospital, not less, in Ships carrying as many as One hundred Statute Adults, than Fifty-six clear Superficial Feet, with Four Bed-berths erected therein, and properly supplied with Bedding, nor less, in Vessels carrying Three hundred or more Statute Adults, than One hundred and twenty clear Superficial Feet, with at least Eight Bed-berths properly supplied as aforesaid.

As to fitting up of Privies.

XXII. No "Passenger Ship" shall clear out or proceed to Sea unless fitted, to the Satisfaction of the Emigration Officer at the Port of Clearance, with at least Two Privies, and with Two additional Privies for every One hundred Passengers on board, which shall be maintained in a serviceable Condition throughout the Voyage; provided that such Privies shall be placed in equal Numbers on each Side of the Ship, and need not in any Case exceed Twelve in Number.

Directions as to Light and Ventilation.

XXIII. No "Passenger Ship" having on board as many as One hundred Statute Adults shall clear out or proceed to Sea without having on board an adequate and proper ventilating Apparatus, to be approved by the Emigration Officer at the Port of Clearance, and fitted to his Satisfaction; and in every "Passenger Ship" the Passengers, whatever be their Number, shall at all Times during the Voyage (Weather permitting) have free Access to and from the Between Decks by the whole of each Hatchway situate over the Space appropriated to the Use of such Passengers: If, however, 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, the Emigration Officer at the Port of Clearance may direct such other Provision to be made for affording Light and Air to the Between Decks as the Circumstances of the Case may, in his Judgment, appear to require; and in case of Noncompliance with any such Directions, or in case such Ship shall be cleared out or proceed to Sea without such ventilating Apparatus, the Owner, Charterer, or Master of such Ship shall be liable, on such Conviction as herein-after is mentioned, to a Penalty not exceeding Fifty Pounds nor less than Twenty Pounds Sterling.

Penalty on Noncompliance with such Directions.

Passenger Ships shall carry Boats.

XXIV. Every "Passenger Ship" shall carry a Number of Boats according to the following Scale; (that is to say,)

Two Boats for every Ship of One hundred Tons and upwards:

Three Boats for every Ship of Two hundred Tons and upwards, if the Number of Statute Adults on board shall exceed Fifty:

Four Boats for every Ship of Five hundred Tons and upwards, if the Number of Statute Adults shall exceed Two hundred:

Five Boats for every Ship of Eight hundred Tons and upwards, if the Number of Statute Adults shall exceed Three hundred:

Six

Six Boats for every Ship of Twelve hundred Tons and upwards, if the Number of Statute Adults shall exceed Five hundred and fifty: *Arrangements for the Ship.*

One of such Boats shall in all Cases be a Long Boat, and One shall be a properly fitted Life Boat, which shall be kept properly suspended at the Quarter or Stern of the Ship; and each of such Boats shall be of a suitable Size, to be approved by the Emigration Officer at the Port of Clearance, and shall be seaworthy, and properly supplied with all Requisites, and kept clear at all Times for immediate Use at Sea: There shall likewise be on board each "Passenger Ship" Two properly fitted Life Buoys, kept ready at all Times for immediate Use, and some adequate Means, to be approved by the Emigration Officer at the Port of Clearance, of making Signals by Night; also a Fire Engine, in proper working Order, or other Apparatus for extinguishing Fire to be approved by such Officer; provided that "Passenger Ships" which shall comply with the Requirements of this Act as regards Boats shall be exempted from the Requirements respecting Boats contained in the "Steam Navigation Act, 1851.

One Boat to be a Life Boat.

Life Buoys, Means for making Night Signals, and Fire Engines to be provided.

XXV. Every "Passenger Ship" shall be manned with an efficient Crew for her intended Voyage, to the Satisfaction of the Officer from whom a Clearance of such Ship may be demanded.

Passenger Ship to be properly manned.

XXVI. No "Passenger Ship" shall clear out or proceed to Sea if there shall be on board as Cargo any Horses, Cattle, Gunpowder, Vitriol, Lucifer Matches, Guano, green Hides, or any other Article, whether as Cargo or Ballast, which by reason of its Nature or Quantity shall be deemed by the Emigration Officer at the Port of Clearance likely to endanger the Health or Lives of the Passengers, or the Safety of the Ship: No Part of the Cargo, or of the Provisions, Water, or Stores, whether for the Use of the Passengers or of the Crew, shall be carried on the Upper Deck, or on the "Passenger Decks," unless in the Opinion of such Emigration Officer it shall be so placed as not to impede Light or Ventilation, nor interfere with the Comfort of the Passengers; nor unless the same be stowed and secured to the Satisfaction of such Emigration Officer; and the Space occupied thereby on the Passenger Decks, or rendered, in the Opinion of such Emigration Officer, unavailable for the Accommodation of the Passengers, shall be deducted in calculating the Space by which, under the Provision of this Act, the Number of Passengers is regulated.

Certain Articles prohibited as Cargo and Ballast.

Cargo and Stores not to be carried on Deck, except in certain Cases and under certain Conditions.

XXVII. For the Purposes of this Act, the Length of the Voyage for a "Passenger Ship," proceeding from the United Kingdom to the under-mentioned Places respectively, shall be determined by the following Scale; (that is to say,)

Computation of Voyages.

	If the Ship be propelled by Sails alone.	If the Ship be propelled wholly by Steam Engines of not less Power than after the Rate of 20 Horses to every 100 registered Tons, or by such Steam Engines in aid of Sails.
	Days.	*Days.*
To North America (except the West Coast thereof):—		
For Ships clearing out between the Sixteenth Day of January and the Fourteenth Day of October, both Days inclusive	70	40
For Ships clearing out between the Fourteenth Day of October and the Sixteenth Day of January, both Days inclusive	80	45
To the West Indies	70	40
To any Part of the East Coast of the Continent of Central or South America Northward of the Twenty-fifth Degree of South Latitude, except British Guiana	84	50
To the West Coast of Africa	84	50
To the Cape of Good Hope or the Falkland Islands, or to any Part of the East Coast of South America Southward of the Twenty-fifth Degree of South Latitude	105	65

Arrangements for the Ship.

	If the Ship be propelled by Sails alone.	If the Ship be propelled wholly by Steam Engines of not less Power than after the Rate of 20 Horses to every 100 registered Tons, or by such Steam Engines in aid of Sails.
	Days.	*Days.*
To the Mauritius, and to the Western Coast of America South of the Equator	126	75
To Ceylon	140	85
To Western Australia	120	85
To any other of the Australian Colonies	140	90
To New Zealand and to the Western Coast of America between the Equator and the Fortieth Degree of North Latitude	150	90
To the Western Coast of America North of the Fortieth Degree of North Latitude, and the Islands adjacent thereto	182	96

For the like Purposes, the said Colonial Land and Emigration Commissioners, acting by and under the Authority of One of Her Majesty's Principal Secretaries of State, from Time to Time, by any Notice in Writing issued under the Hands of any Two of such Commissioners, and published in the *London Gazette*, may nevertheless declare what shall be deemed to be the Length of Voyage from the United Kingdom to any of the said herein-before mentioned Places, or to any other Port or Place whatsoever, and may fix such different Lengths of Voyage as they may think reasonable for such different Descriptions of Vessels as aforesaid.

Before clearing out the Provisions and Water to be surveyed.

XXVIII. Before any "Passenger Ship" shall be cleared out the Emigration Officer at the Port of Clearance shall survey or cause to be surveyed by some competent Person the Provisions and Water by this Act required to be placed on board for the Consumption of the Passengers, and shall satisfy himself that the same are of a good and wholesome Quality, and in a sweet and good Condition, and are in Quantities sufficient to secure throughout the Voyage the Issues herein-after prescribed: He shall also satisfy himself that over and above the same there is on board, for the victualling of the Crew of the Ship and all other Persons, if any, on board, an ample Supply of pure Water, and of wholesome Provisions and Stores; and that such of the last-mentioned Provisions or Stores as consist of Articles of a like Description to those hereby required for the Consumption of the Passengers are not inferior in Quality to the same: All such Water, Provisions, and Stores shall be provided and properly stowed away in accordance with the Requirements of the Twenty-sixth Section of this Act, by and at the Expense of the Owner, Charterer, or Master of the Ship; and if a Clearance be obtained for any "Passenger Ship" which shall not be then stored with the requisite Quantities of such Water, Provisions, and Stores as are required by this Act, the Owner, Charterer, or Master of such Ship shall be liable, on such Conviction as herein-after is mentioned, to the Payment of a Penalty not exceeding One hundred Pounds.

Provisions for the Crew not to be inferior to those for the Passengers.

Penalty on Owners, &c. for Neglect.

Power to Emigration Officer to reject and mark bad Provisions, and direct the same to be landed.

XXIX. If such Emigration Officer shall consider that any of the Provisions or Stores are not of a good and wholesome Quality, or are not in a sweet or good Condition, it shall be lawful for him to reject and mark the same, or the Packages in which they are contained, and to direct the same to be landed; and if such rejected Provisions or Stores shall not thereupon be forthwith landed, or if, after being landed, the same or any Part thereof shall be reshipped in such Ship, the Owner, Charterer, or Master thereof, or if reshipped in any other "Passenger Ship," the Person causing the same to be reshipped, shall be liable, on Conviction as herein-after mentioned, to a Penalty not exceeding One hundred Pounds.

Penalty.

Water Tanks or Casks to be approved by Emigration Officer.

XXX. In every "Passenger Ship" the Water to be laden on board, as herein-before required, shall be carried in Tanks or in Casks to be approved by the Emigration Officer at the Port of Clearance; and when Casks are used they shall be sweet and tight, of sufficient Strength,

Strength, and properly charred inside, and shall not be made of Fir or soft Wood Staves, nor be capable severally of containing more than Three hundred Gallons each. *Arrangements for the Ship.*

XXXI. If any "Passenger Ship" shall be intended to call at any intermediate Port or Place during the Voyage, for the Purpose of taking in Water, and if an Engagement to that Effect shall be inserted in the Bond mentioned in the Fifty-ninth Section of this Act, then it shall be sufficient to place on board at the Port of Clearance such Supply of Water as may be requisite, according to the Rate herein-after mentioned, for the Voyage of the said Ship to such intermediate Port or Place, subject to the following Conditions; (that is to say,) Proviso for touching at intermediate Ports to fill up Water.

First, That the Emigration Officer signify his Approval in Writing of the Arrangement, to be carried amongst the Papers of the Ship, and exhibited to the Chief Officer of Customs, or to Her Majesty's Consul, as the Case may be, at such intermediate Port or Place, and to be delivered to the Chief Officer of Customs, or to Her Majesty's Consul, as the Case may be, on the Arrival of the said Ship at the final Port or Place of Discharge:

Secondly, That if the Length of either Portion of the Voyage, whether to such intermediate Port or Place, or from such intermediate Port or Place to the final Port or Place of Discharge, be not prescribed in or under the Provisions of this Act, the Emigration Officer at the Port of Clearance shall in every such Case declare the same:

Thirdly, That the Ship shall have on board at the Time a Clearance is demanded Tanks or Water Casks, of the Description herein-before mentioned, sufficient for stowing the Quantity of Water required for the longest of such Portions of the Voyage as aforesaid.

XXXII. In addition to and irrespective of any Provisions of their own which any Passengers may have on board, the Master of every "Passenger Ship" shall make to each Statute Adult during the Voyage, including the Time of Detention, if any, at any Port or Place before the Termination of such Voyage, an Allowance of pure Water and sweet and wholesome Provisions, according to the following Dietary Scale: Dietary Scale for the Voyage.

DIETARY SCALE.

	3 Quarts of Water daily.	
Weekly.	2½ lbs. of Bread or Biscuit, not inferior in Quality to Navy Biscuit.	Per Statute Adult.
	1 lb. Wheaten Flour.	
	5 lbs. Oatmeal.	
	2 lbs. Rice.	
	½ lb. Sugar.	
	2 oz. of Tea, or 4 oz. of Cocoa or of roasted Coffee.	
	2 oz. Salt.	

The following Substitutions for Articles in the above Dietary Scale may be made, at the Option of the Master of any "Passenger Ship," provided that the substituted Articles be set forth in the Contract Tickets of the Passengers; that is to say, 5 lbs. of good Potatoes, or ½ lb. of Beef or of Pork, exclusive of Bone, or of preserved Meat, or ¾ lb. of dried Salt Fish, or 1 lb. of Bread or Biscuit not inferior in Quality to Navy Biscuit, or 1 lb. of best Wheaten Flour, or 1 lb. of Split Peas, for 1¼ lb. of Oatmeal, or for 1 lb. of Rice; and ¼ lb. of preserved Potatoes may be substituted for 1 lb. of Potatoes; but in Vessels clearing out from *Scotch* or *Irish* Ports the weekly Allowance of Oatmeal shall not be less than at the Rate of 3½ lbs. for each Statute Adult. As to Articles which may be substituted for Oatmeal, Rice and Potatoes.

XXXIII. In every "Passenger Ship" the Issues of Provisions shall be made daily before Two o'Clock in the Afternoon, as near as may be in the Proportion of One Seventh of the weekly Allowance on each Day; the first of such Issues shall be made before Two o'Clock in the Afternoon of the Day of Embarkation, to such Passengers as shall be then on board; and all Articles which require to be cooked shall be issued in a cooked State. Provisions to be issued daily, and Articles which require cooking to be cooked.

XXXIV. The said Colonial Land and Emigration Commissioners for the Time being, acting under the Authority of One of Her Majesty's Principal Secretaries of State, may from Time to Time, by any Notice for that Purpose, issued under the Hands of any Two of such Commissioners, and published in the *London Gazette*, authorize the Issue of Provisions in any "Passenger Ship" according to such other Dietary Scale (besides the One herein-before Emigration Commissioners may authorize an alternative Dietary Scale.

Arrangements for the Ship.

before prescribed) as shall in their Opinion contain in the whole an equivalent Amount of wholesome Nutriment; and after the Publication of such Notice it shall be lawful for the Master of any "Passenger Ship" to issue Provisions to his Passengers either according to the Scale by this Act prescribed, or according to the Scale authorized by the said Commissioners, whichever may have been set forth in the Contract Tickets of the Passengers: Provided always, that the said Commissioners acting under such Authority and by such Notice as aforesaid may revoke or alter any such Dietary Scale authorized by them, as Occasion may require.

Commissioners Dietary Scale may be revoked, &c.

As to Appointment of Passengers Stewards.

XXXV. Every "Passenger Ship" carrying as many as One hundred Statute Adults shall have on board a seafaring Person, who shall be rated in the Ship's Articles as Passengers Steward, and who shall be approved by the Emigration Officer at the Port of Clearance, and who shall be employed in messing and serving out the Provisions to the Passengers, and in assisting to maintain Cleanliness, Order, and good Discipline among the Passengers, and who shall not assist in any way in navigating or working the Ship.

As to Appointment of Passengers Cook and providing cooking Apparatus.

XXXVI. Every "Passenger Ship" carrying as many as One hundred "Statute Adults" shall also have on board a seafaring Man, or if carrying more than Four hundred "Statute Adults," Two seafaring Men, to be rated and approved as in the Case of Passengers Stewards, who shall be employed in cooking the Food of the Passengers: A convenient Place for cooking shall also be set apart on Deck, and a sufficient cooking Apparatus, properly covered in and arranged, shall be provided, to the Satisfaction of the said Emigration Officer, together with a proper Supply of Fuel adequate, in his Opinion, for the intended Voyage.

In what Cases Interpreters to be carried.

XXXVII. In every Foreign "Passenger Ship" in which as many as One Half of the Passengers shall be *British* Subjects, unless the Master and Officers or not less than Three of them shall understand and speak intelligibly the *English* Language, there shall be carried, where the Number of Passengers does not exceed Two hundred and fifty, One Person, and where it exceeds Two hundred and fifty, Two Persons, who understand and speak intelligibly the Language spoken by the Master and Crew and also the *English* Language, and such Persons shall act as Interpreters, and be employed exclusively in attendance on the Passengers, and not in the working of the Ship; and the Master of any such Foreign Ship clearing out or proceeding to Sea without having such Interpreter or Interpreters on board as aforesaid shall be liable, on Conviction, as herein-after mentioned, to a Penalty not exceeding Fifty Pounds nor less than Five Pounds.

In what Cases a Medical Man must be carried.

XXXVIII. Every "Passenger Ship" shall carry a duly qualified Medical Practitioner in the following Cases, who shall be rated on the Ship's Articles:

First, when the Duration of the intended Voyage, as herein-before computed, exceeds Eighty Days in the Case of Ships propelled by Sails, and Forty-five Days in the Case of Ships propelled by Steam Engines, and the Number of Persons on board (including Cabin Passengers, Officers, and Crew,) exceeds Fifty:

Second, when the intended Voyage is to *North America*, and the Number of Passengers exceeds One hundred "Statute Adults," and the Space allotted to such Passengers on the "Passenger Decks" is less than Fourteen clear Superficial Feet for each "Statute Adult:"

Third, when, whatever may be the Destination of the Ship, or the Space allotted to the Passengers, the Number of Persons on board (including Cabin Passengers, Officers, and Crew,) exceeds Five hundred.

Qualification of Medical Man.

XXXIX. No Medical Practitioner shall be considered to be duly qualified for the Purposes of this Act unless authorized by Law to practise in the United Kingdom, or in the Case of a Foreign Ship, in the Country to which such Ship may belong, as a Physician, Surgeon, or Apothecary, nor unless his Name shall have been notified to the Emigration Officer at the Port of Clearance, and shall not be objected to by him, nor unless he shall be provided with proper Surgical Instruments to the Satisfaction of such Officer.

As to Supply of Medicines, &c.

XL. The Owner or Charterer of every "Passenger Ship" shall provide for the Use of the Passengers a Medicine Chest containing a Supply of Medicines, Instruments, and other Things proper and necessary for Diseases and Accidents incident to Sea Voyages, and for the

Arrangements for the Ship.

the Medical Treatment of the Passengers during the Voyage, including an adequate Supply of disinfecting Fluid or Agent, together with printed or written Directions for the Use of the same respectively; and such Medicines and other Things shall be good in Quality, and, in the Judgment of the Emigration Officer at the Port of Clearance, sufficient in Quantity, for the probable Exigencies of the intended Voyage, and shall be placed under the Charge of the Surgeon, when there is One on board, to be used at his Discretion.

As to Medical Inspection of Passengers and Medicines.

XLI. No "Passenger Ship," except as herein-after provided, shall clear out or proceed to Sea until some Medical Practitioner, to be appointed by the Emigration Officer at the Port of Clearance, shall have inspected the Medicine Chest of the said Ship, and also all the Passengers and Crew about to proceed in her, and shall certify to the said Emigration Officer that the said Ship contains a sufficient Supply of Medicines, disinfecting Fluid or Agent, Instruments, and other Things requisite for the Medical Treatment of the Passengers during the intended Voyage, and that none of the Passengers or Crew appear likely, by reason of being affected by any infectious or other Disease, to endanger the Health of the other Persons about to proceed in such Vessel: Such Medical Inspection of the Passengers shall take place either on board the Vessel, or, at the Discretion of the said Emigration Officer, at such convenient Place on shore before Embarkation as he may appoint; and the Master, Owner, or Charterer of the Ship shall pay to such Emigration Officer a Sum at the Rate of Twenty Shillings for every Hundred "Statute Adults" so examined: Provided also, that in case the Emigration Officer on any particular Occasion shall be unable to obtain the Attendance of such Medical Practitioner, it shall be lawful for the Master of any such Ship to clear out and proceed to Sea, on receiving from the said Emigration Officer written Permission for the Purpose.

Proviso where no Medical Practitioner can be obtained.

Diseased Passengers may be relanded.

XLII. If any such 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 if the said Emigration Officer shall be otherwise satisfied, that any Person about to proceed in any such "Passenger Ship" is unfit by reason of Sickness, or 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 reland or cause to be relanded 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, together with their Clothes and Effects; and no "Passenger Ship" shall clear out or proceed to Sea so long as any such diseased Person shall be on board.

Passengers Rights.

As to Return of Passage Money to Passengers relanded.

XLIII. Any Passenger so relanded, or any Emigration Officer on his Behalf, shall be entitled to recover, by summary Process, in manner herein-after provided, the whole of the Monies which may have been paid by or on account of such Passenger for his Passage, from the Party to whom the same may have been paid, or from the Owner, Charterer, or Master of such Ship, or any of them, at the Option of such Passenger or Emigration Officer.

Return of Passage Money and Compensation to Passengers where Passages not provided for them according to Contract.

XLIV. If any intending Passenger, either by himself or by any other Person, shall have contracted for a Passage for himself, or for him and his Family, in any Ship proceeding on any Voyage to which this Act extends, and shall be at the Place of Embarkation at the Time appointed for that Purpose in and by such Contract, and shall apply for such Passage, and shall, on Demand, pay or tender such Part of the Passage Money not already paid as shall be payable under such Contract previously to Embarkation, and if, owing to the previous Departure of the Ship in which such Passage shall have been engaged, or to the Want of Room therein, or to the Neglect, Refusal, or other Default of the Owner, Charterer, or Master thereof, or of the Party with whom or on whose Account such Passage shall have been contracted for, such Passenger shall not obtain a Passage in such Ship, or shall not, together with all the immediate Members of his Family who may be included in such Contract, obtain a Passage to the same Port in some other equally eligible Ship, to sail within Ten Days from the Expiration of the Day named in such Contract, and in the meantime be paid Subsistence Money, at the Rate herein-after mentioned, such Passenger, or any Emigration Officer on his Behalf, shall be entitled to recover, in manner herein-after provided, either from the Party to whom or on whose Account the same may have been paid, or (in case such Contract shall have been made with the Owner, Charterer, or Master of such Ship,

Passengers Rights.

or with any Person acting on behalf or by the Authority of any of them respectively,) from such Owner, Charterer, or Master of such Ship, or any of them, at the Option of such Passenger or Emigration Officer, all Monies which shall have been paid by or on account of such Passengers for such Passage, and also such further Sum, not exceeding Ten Pounds in respect of each such Passage, as shall, in the Opinion of the Justices of the Peace who shall adjudicate on the Complaint, be a reasonable Compensation for the Loss or Inconvenience occasioned to each such Passenger by the Loss of such Passage.

As to Subsistence in case of Detention.

XLV. If any Ship, whether a "Passenger Ship" or otherwise, shall not actually put to Sea, and proceed on her intended Voyage on the Day appointed for sailing in and by any Contract made by the Owner, Charterer, or Master of such Ship, or by his or their Agent, with any Passenger who shall on that Day be on board the same, or ready to go on board, the Owner, Charterer, or Master of such Ship, or his or their Agent, or any of them, at the Option of such Passenger or Emigration Officer, shall pay to every such Passenger (or if such Passenger shall be lodged and maintained in any Establishment under the Superintendence of the said Colonial Land and Emigration Commissioners, then to the Emigration Officer at the Port of Embarkation), Subsistence Money after the Rate of One Shilling for each Statute Adult in respect of each Day of Delay, until the final Departure of such Ship on such Voyage, and the same may be recovered in manner herein-after mentioned; provided that if any such Ship be unavoidably detained, either by Wind or Weather, and the Passengers be maintained on board in the same Manner as if the Voyage had commenced, no such Subsistence Money shall be payable.

As to Ships putting back to replenish Provisions, &c.

XLVI. If any "Passenger Ship" shall, after Clearance, be detained in Port for more than Seven Days, or shall put into or touch at any Port or Place in the United Kingdom, she shall not put to Sea again until there shall have been laden on board, at the Expense of the Owner, Charterer, or Master of such Ship, 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 herein-before required for the Use of the Passengers during the whole of the intended Voyage, nor until any Damage she may have sustained shall have been effectually repaired, 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 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 said Master shall be liable, on Conviction, as herein-after mentioned, to a Penalty not exceeding One hundred Pounds nor less than Fifty Pounds Sterling: And if the Master of any "Passenger Ship" so putting into or touching at any Port or Place as aforesaid shall not within Twenty-four Hours thereafter report in Writing his Arrival, and the Cause of his putting back, and the Condition of his Ship, and of her Stores and Provisions, to the Emigration Officer, or, as the Case may be, to the Officer of Customs at the Port, and shall not produce to such Officer the Official or "Master's List" of Passengers, such Master shall for each Offence be liable to a Penalty not exceeding Twenty Pounds nor less than Two Pounds Sterling.

Penalty on Master for Default.

Ships putting back to be reported to Emigration Officer.

Penalty on Master for Neglect.

In case of Disaster at Sea, &c., Passengers to be provided with a Passage by some other Vessel; and maintained in the meantime.

XLVII. If any "Passenger Ship" shall, from Disaster at Sea, or any other Cause whatsoever, put into any Port or Place within the United Kingdom, and shall not be made sound and sea-worthy, and within Six Weeks again proceed with her Passengers on her intended Voyage, the Owner, Charterer, or Master thereof shall provide the Passengers with a Passage in some other eligible Ship to the Port or Place at which they respectively may have originally contracted to land, and shall in the meantime, if the Passengers be not lodged and maintained on board in the same Manner as if the Ship were at Sea, pay to such Passengers (or if such Passengers shall be lodged and maintained in any Establishment under the Superintendence of the said Colonial Land and Emigration Commissioners, then to the Emigration Officer at such Port or Place,) Subsistence Money after the Rate of One Shilling Sterling for each Statute Adult in respect of each Day of Delay until such Passengers are duly forwarded to their Destination; and if Default shall be made in any of the Requirements of this Section such Passengers respectively, or any Emigration Officer on their Behalf, shall be entitled to recover, by summary Process, as herein-after mentioned, all Monies

In default Passengers may recover Compensation by summary Process.

Passengers Rights.

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 or on whose Account the same may have been paid, or from the Owner, Charterer, or Master of such Ship, or any of them, at the Option of such Passenger or Emigration Officer: Provided that the said Emigration Officer may, if he shall think it necessary, direct that the Passengers shall be removed from such "Passenger Ship" at the Expense of the Master thereof; and if after such Direction any Passenger shall refuse to leave such Ship, he shall be liable, on Conviction, as herein-after mentioned, to a Penalty not exceeding Forty Shillings, or to Imprisonment not exceeding One Calendar Month, as the Justices of the Peace may direct.

Power to remove Passengers from Ship; Penalty on Passengers refusing.

XLVIII. If the Passengers of any "Passenger Ship" shall be taken off from any such "Passenger Ship" at Sea, it shall be lawful, if the Port or Place to which they shall be conveyed shall be in the United Kingdom, for One of Her Majesty's Principal Secretaries of State, or if in any of Her Majesty's Colonial Possessions, for the Governor of such Colony, or for any Person authorized by him for the Purpose, or if in any Foreign Country, for Her Majesty's Consul, or Vice Consul, at such Port or Place therein, to defray all or any Part of the Expenses incurred by such Conveyance.

Secretary of State, Governor, or Consul may pay Expenses of taking off Passengers at Sea.

XLIX. If any Passengers of any "Passenger Ship" shall, without any Neglect or Default of their own, find themselves within any Colonial or Foreign Port or Place other than that at which they may have contracted to land, and the Master of such Ship shall decline or omit within Six Weeks thereafter to forward or carry them on to their original Destination, it shall be lawful for the Governor of such Colony, or for any Person authorized by him for the Purpose, or for Her Majesty's Consul or Vice Consul at such Foreign Port or Place, as the Case may be, to forward such Passengers to their intended Destination.

Governors or Consuls may send on shipwrecked Passengers, if the Master of the Ship fail to do so.

L. All Expenses incurred under the last Two preceding Sections or either of them, by or by the Authority of such Secretary of State, Governor, Consul, or Vice Consul as aforesaid, including the Cost of maintaining the Passengers until forwarded to their Destination, and of all necessary Bedding, Provisions, and Stores, shall become a Debt to Her Majesty and Her Successors from the Owner, Charterer, and Master of such Ship, and shall be recoverable from them, or from any One or more of them, at the Suit and for the Use of Her Majesty, in like Manner as in the Case of other Crown Debts; and a Certificate purporting to be under the Hand of any such Secretary of State, Governor, or Consul, or Vice Consul, (as the Case may be,) stating the total Amount of such Expenses, shall in any Suit or other Proceeding for the Recovery of such Debt be deemed sufficient Evidence of the Amount of such Expenses, and that the same were duly incurred, without any Proof of the Handwriting or of the official Character of the Secretary of State, Governor, Consul, or Vice Consul who may have signed such Certificate: Provided nevertheless, that in no Case shall any larger Sum be recovered on account of such Expenses than a Sum equal to the Amount originally paid for the Passage of the Passengers who may be so forwarded or conveyed as aforesaid; which original Amount of Passage Money shall be proved by the Defendant, if he will have the Advantage of this Limitation of the Debt; but if any such Passengers are forwarded or conveyed to their intended Destination under the Provisions of the last preceding Section, they shall not be entitled to the Return of their Passage Money, or to any Compensation for Loss of Passage under the Provisions of this Act.

Expenses incurred under the Two preceding Sections to be a Crown Debt.

Passengers forwarded by Governor or Consul not entitled to a Return of Passage Money.

LI. No Policy of Assurance effected in respect of any Passages, or of any Passage or Compensation Monies, by any Person by this Act made liable, in the Events aforesaid, to provide such Passages or to pay such Monies, shall be deemed to be invalid by reason of the Nature of the Risk or Interest sought to be covered by such Policy of Assurance.

Insurance of Passage Money not to be void on account of the Nature of the Risk.

Miscellaneous.

LII. No Passenger in any Ship, whether a "Passenger Ship" or otherwise, shall be landed, without his previous Consent, at any Port or Place other than the Port or Place at which he may have contracted to land.

Wrongfully landing Passengers.

LIII. Every Passenger in a "Passenger Ship" shall be entitled, for at least Forty-eight Hours next after his Arrival at the End of his Voyage, to sleep in the Ship, and to be provided for and maintained on board thereof, in the same Manner as during the Voyage, unless within

Passengers to be maintained for 48 Hours after Arrival.

Miscellaneous.

within that Period the Ship shall quit such Port or Place in the further Prosecution of her Voyage.

Passengers Right of Action preserved.

LIV. Nothing herein contained shall take away or abridge any Right of Action which may accrue to any Passenger in any Ship, or to any other Person, in respect of the Breach or Nonperformance of any Contract made or entered into between or on behalf of any such Passenger or other Person, and the Master, Charterer, or Owner of any such Ship, or his or their Agent, or any Passage Broker.

Her Majesty may, by Orders in Council, prescribe Rules for preserving Order, &c. in Vessels bound to the Colonies.

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

LV. It shall be lawful for Her Majesty and Her Successors, by any Order in Council to be by Her or Them made, with the Advice of the Privy Council, to prescribe such Rules and Regulations as to Her Majesty or Her Successors may seem fit, for preserving Order, for promoting Health, and for securing Cleanliness and Ventilation, on board of "Passenger Ships" proceeding from the United Kingdom to any Port or Place in Her Majesty's Possessions abroad, and the said Rules and Regulations from Time to Time in like Manner to alter, amend, and revoke, as Occasion may require; and 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.

Surgeon or Master to exact Obedience to Rules and Regulations.

Penalty for refusing to observe Rules and Regulations.

LVI. In every such "Passenger Ship" the Medical Practitioner on board, aided by the Master thereof, or, in the Absence of such Medical Practitioner, the Master of such Ship, is hereby empowered to exact Obedience to all such Rules and Regulations as aforesaid; and any Person on board who shall neglect or refuse to obey any such Rule or Regulation, or who shall obstruct the Medical Practitioner or Master of such Ship in the Execution of any Duty imposed upon him by any such Rule or Regulation, or who shall be guilty of riotous or insubordinate Conduct, shall be liable for each Offence to a Penalty not exceeding Two Pounds Sterling, and in addition thereto to be confined in the Common Gaol for any Period not exceeding One Month, at the Discretion of the Justices who shall adjudicate on the Complaint.

Emigration Commissioners to prepare an Abstract of Act and Orders in Council.

Such Abstract to be posted up in each Ship.

LVII. The said Colonial Land and Emigration Commissioners shall from Time to Time prepare such Abstracts as they may think proper of the whole or any Part of this Act, and of any such Order in Council as aforesaid; and Four Copies of such Abstracts, together with a Copy of this Act, shall, on Demand, be supplied by the Principal Officer of Customs at the Port of Clearance to the Master of every "Passenger Ship" proceeding from the United Kingdom to any Port or Place in Her Majesty's Possessions abroad; and such Master shall, on Request made to him, produce a Copy of the Act to any Passenger on board, for his Perusal, and, further, shall post, previous to the Embarkation of the Passengers, and shall keep posted so long as any Passenger shall be entitled to remain in the Ship, in at least Two conspicuous Places between the Decks on which Passengers may be carried, Copies of such Abstracts; and such Master 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 Abstracts shall fail to be so posted; and any Person displacing or defacing such Abstracts so posted shall be liable to a Penalty not exceeding Forty Shillings Sterling.

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

Sale of Spirits prohibited on Passenger Ships.

Penalty.

LVIII. If in any "Passenger Ship" any Person shall during the Voyage, directly or indirectly, sell or cause to be sold any Spirits or Strong Waters to any Passenger, he shall be liable for every such Offence to a Penalty not exceeding Twenty Pounds nor less than Five Pounds Sterling.

Bond to be given by Masters of British and Foreign Passenger Ships.

LIX. Before any "Passenger Ship" shall clear out or proceed to Sea, 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 Chief Officer of Customs at the Port of Clearance, shall, with the Master of the said Ship, enter into a joint and several Bond, in the Sum of One thousand Pounds, to Her Majesty, Her Heirs and Successors, according to the Form contained in Schedule (B.) hereto annexed, the Condition of which Bond shall be, that the said Ship is in all respects seaworthy, and that, notwithstanding any Penalty by this Act imposed, and whether the same may have been sued for and recovered or not, all and every the Requirements of this Act (except such as relate exclusively to Passage Brokers),

Miscellaneous.

Brokers), and of the said Colonial Land and Emigration Commissioners acting in the Manner prescribed by this Act, and of any Order which may at the Date of such Bond have been passed by Her Majesty in Council in virtue of this Act, shall in all respects be well and truly fulfilled and performed, and in the Case of any Foreign "Passenger Ship" which shall be bound to any of Her Majesty's Possessions abroad, that the Master thereof shall submit himself in like Manner as a *British* Subject, being the Master of a *British* "Passenger Ship," to the Jurisdiction of such Courts and Magistrates in Her Majesty's Possessions abroad as are by this Act empowered to adjudicate on Offences committed against this Act, and moreover that the Master, whether of a *British* or Foreign "Passenger Ship," shall well and truly pay all Penalties, Fines, and Forfeitures which he may be adjudged to pay, either in the United Kingdom or by any such Tribunal abroad, for or in respect of the Breach or Nonperformance of any of the Requirements of this Act, or of the said Commissioners, or of any such Order in Council: Such Bond shall not be liable to Stamp Duty, and shall be executed in Duplicate.

Counterpart of Bond to be certified, and sent to the Colony to which Foreign Ship bound, and to be received in Evidence without further Proof of Execution.

LX. It shall be the Duty of the Chief Officer of Customs at the Port of Clearance of any Foreign "Passenger Ship" bound to any of Her Majesty's Possessions abroad, to certify on One Part of such Bond that it has been duly executed by the said Master of such Ship and the other Obligor, and to forward the same by Post to the Colonial Secretary of the Colony to which such Foreign "Passenger Ship" may be bound; and such Certificate shall, in any Colonial Court of Judicature in which the Bond may be put in suit, be deemed conclusive Evidence of the due Execution of the Bond by the said Master and the other Obligor, and it shall not be necessary to prove the Handwriting of the Officer of Customs who may have signed such Certificate, nor that he was at the Time of signing it Chief Officer of Customs at the Port of Clearance; provided that no such Bond shall be put in suit in any of Her Majesty's Possessions abroad after the Expiration of Three Calendar Months next after the Arrival therein of the said Ship, nor in the United Kingdom after the Expiration of Twelve Calendar Months next after the Return of the said Ship or of the said Master to the United Kingdom.

Passage Broker.

No Person to act as a Passage Broker without a Licence.

LXI. No Person whatever, except the Colonial Land and Emigration Commissioners, or Persons contracting with them or acting under their Authority, shall directly or indirectly act as a Passage Broker in respect of Passages from the United Kingdom to any Place out of *Europe*, and not being within the *Mediterranean Sea*, or shall sell or let, or agree to sell or let, or be in anywise concerned in the Sale or Letting of Passages in any Ship, whether a "Passenger Ship" or otherwise, proceeding from the United Kingdom to any such Place as aforesaid, unless such Person, with Two good and sufficient Sureties, to be approved by the Emigration Officer at the Port nearest to the Place of Business of such Person, shall have previously entered into a joint and several Bond, in the Sum of Five hundred Pounds, to Her Majesty, Her Heirs and Successors, according to the Form contained in Schedule (C.) hereto annexed, which Bond shall be renewed on each Occasion of obtaining such Licence as herein-after mentioned, and shall be in Duplicate, without Stamps, and One Part thereof shall be deposited at the Office in *London* of the said Colonial Land and Emigration Commissioners, and the other Part thereof with the Chief Officer of Customs at the Port nearest to the Place of Business of such Person; nor unless such Person shall have obtained a Licence, as herein-after mentioned, to let or sell Passages, nor unless such Licence shall then be in force; and if any Person shall offend against this Enactment, every Person so offending shall for each Offence be liable to a Penalty not exceeding Fifty Pounds nor less than Twenty Pounds, to be sued for and recovered as herein-after mentioned: Provided always, that such Bond shall not be required of any Person who shall be One of the Sworn Brokers of the City of *London*.

How Passage Brokers Licences may be obtained.

LXII. Any Person wishing to obtain a Licence to act as a Passage Broker in respect of Passages from the United Kingdom to any Place out of *Europe*, and not being in the *Mediterranean Sea*, shall make Application for the same to the Justices at the Petty Sessions held for the District or Place in which such Person shall have his Place of Business; and such Justices are hereby authorized (if they shall think fit) to grant a Licence for that Purpose, according to the Form in the Schedule (D.) hereunto annexed, which Licence shall continue

Passage Broker.

continue in force until the Thirty-first Day of *December* in the Year in which such Licence shall be granted, and for Thirty-one Days afterwards, unless sooner forfeited, as herein mentioned; and upon granting such Licence the Justices shall cause a Notice thereof according to the Form in Schedule (E.) hereto annexed to be transmitted forthwith by the Post to the said Colonial Land and Emigration Commissioners at their Office in *London:* Provided always, that no such Licence shall be granted unless the Party applying for the same shall show to the Satisfaction of the Justices that he has given such Bond to Her Majesty, Her Heirs and Successors, as herein-before required, and has deposited One Part thereof at the Office in *London* of the said Commissioners, or is a Sworn Broker of the City of *London,* and has in either Case given Notice to the said Commissioners Fourteen clear Days at least before such Application of his Intention to apply for the same, which Notice shall be transmitted by the Post to the Office in *London* of the said Commissioners, and shall be according to the Form contained in the Schedule (F.) hereto annexed: Provided also, that any Justices of the Peace who shall adjudicate on any Offence against this Act, or on any Breach or Nonperformance of any of the Requirements thereof, are hereby authorized, if they shall think fit, and the Offender is a Passage Broker, to order his Licence to be forfeited, and the same shall thereupon be forfeited accordingly; and the said Justices making such Order shall forthwith cause Notice of such Forfeiture, in the Form contained in the Schedule (G.) hereunto annexed, to be transmitted by the Post to the said Commissioners at their Office in *London:* In *Scotland,* where any Person wishing to obtain such Licence shall make Application for the same to the Sheriff or Steward or Sheriff Substitute or Steward Substitute in place of to such Justices of the Peace as aforesaid, the Forms given in the said Schedule shall still be adhered to, with such Alterations as may be necessary.

Justices to give Notice to Emigration Commissioners of Licence granted.

Notice to be given to Emigration Commissioners of intended Application for Licences.

Power to Justices to order Licences to be forfeited, who shall give Notice of the same to Emigration Commissioners.

As to Application for Licences in Scotland.

Existing Licences to continue in force until 1st Feb. 1853.

LXIII. Every Passenger Broker's Licence in force at the Commencement of this Act shall, unless adjudged to be forfeited, continue in force until the First Day of *February* One thousand eight hundred and fifty-three, but no longer; and all Acts done under such Licence while in force shall be as valid as if done under any Licence granted under this Act.

Contract Tickets for Passages.

LXIV. If any Owner, Charterer, or Master of a Ship, or any Passage Broker or Agent, or other Person, shall receive Money from any Person for or in respect of a Passage or intended Passage from the United Kingdom to any Port or Place out of *Europe,* and not being within the *Mediterranean Sea,* the Person so receiving such Money shall give to the Party from whom the same shall have been received, a Contract Ticket in plain and legible Characters, and made out upon a printed Form, which shall be in all respects according to the Form in the Schedule (H.) hereto annexed, or according to such other Form as may from Time to Time be prescribed by the said Colonial Land and Emigration Commissioners, in any Notice issued under their Hands or the Hands of any Two of them, and published in the "*London Gazette,*" and shall also comply with all the Directions contained on the Face of such Form, and in default thereof shall be liable to a Penalty, not exceeding Ten Pounds nor less than Five Pounds, in respect of each Passenger on account of whose Passage such Money shall have been received, to be sued for and recovered as herein-after is mentioned: Provided always, that such Contract Ticket shall not be liable to any Stamp Duty.

Penalty for Default.

Penalty for inducing any one to part with Contract Ticket.

LXV. Any Person who shall fraudulently alter or cause to be altered, after it is once issued, or shall induce any Person to part with, render useless, or destroy, any such Contract Ticket, during the Continuance of the Contract which it is intended to evidence, shall be liable in each Case to a Penalty not exceeding Five Pounds nor less than Two Pounds, to be recovered as herein-after mentioned.

Penalties on Agents acting without written Authority from Principals;

and on Persons fraudulently in-

LXVI. If any licensed Passage Broker shall, as Agent for any Person, whether a licensed Broker or not, receive Money for or on account of the Passage of any Passenger from the United Kingdom to any Port or Place out of *Europe,* and not being within the *Mediterranean Sea,* without having a written Authority to act as such Agent, or shall, on the Demand of any Emigration Officer, refuse or fail to exhibit his Licence and such written Authority, or if any Person whatever, whether licensed or not, shall receive Money for or on account of any such Passage, or if any Person, whether as Principal or Agent, shall by any Fraud, or by false Representation as to the Size of the Ship or otherwise, or by any false Pretence whatsoever,

whatsoever, induce any Person to engage any Passage as aforesaid, every such Broker or other Person shall be liable, upon Conviction, as herein-after is mentioned, in respect of every such Offence, to a Penalty not exceeding Twenty Pounds nor less than Five Pounds, to be sued for and recovered in manner herein-after mentioned. ducing others to engage Passages.

LXVII. No Person, unless acting under the written Authority and as the Agent or Runner of a licensed Passage Broker, duly qualified at the Time to act in that Capacity, (which Authority shall be countersigned by an Emigration Officer,) shall be entitled to recover by legal Process from any intending Emigrant, or from any Passage Broker or other Person, any Fee, Commission, or Reward for or in consideration of any Service rendered or performed to or for any Passenger or Person seeking Information or Assistance in any way relating to Emigration; and every such Runner shall exhibit such Authority, when required so to do by any Justice of the Peace, or any Constable or Police Officer, or any Owner, Charterer, Master, or Mate of a "Passenger Ship," or by any such intending Emigrant, and if he shall refuse or omit to produce the same, when so required, he shall be liable to a Penalty for every such Offence not exceeding Twenty Shillings, to be sued for and recovered in manner herein-after mentioned. No Runner entitled to Commission or Fee for Services to Emigrants, unless acting with Authority from a Broker.

LXVIII. Every licensed Passage Broker shall exhibit and keep constantly exhibited in some conspicuous Place in his Office or Place of Business a correct List containing the Names and Addresses in full of every Person for the Time being holding such Authority to act as Agent or Runner for him as aforesaid, and shall at least once in every Month transmit a true Copy of such List duly signed by him to the Emigration Officer stationed nearest to the Place of Business of such licensed Passage Broker; and in case of any Default herein such licensed Passage Broker shall be liable, on Conviction, as herein-after mentioned, to a Penalty not exceeding Five Pounds nor less than Two Pounds for each Offence. List of Runners to be exhibited by Brokers, and sent to Emigration Officers.

LXIX. It shall be lawful for the Trustees or other Persons charged with the Management of any Docks or Basins in any Port within the United Kingdom from which "Passenger Ships" are despatched to make, and from Time to Time to alter, amend, or repeal, such Rules and Byelaws as may be necessary for prescribing the Docks, Basins, or other Places at which Persons arriving by Sea at such Ports for the Purpose of emigrating, or actually emigrating therefrom, shall be landed and embarked, and the Mode of their Landing and Embarkation, and for licensing Porters to carry their Luggage and otherwise to attend upon them, and for the Storing and safe Custody of their Luggage, and for admitting Persons to and excluding Persons from Access to such Docks or Basins, and for attaching a Penalty not exceeding Five Pounds for the Breach of any of such Rules or Byelaws, such Penalty to be sued for and recovered as other Penalties are by this Act directed to be recovered: And it shall further be lawful for such Trustees, by their Officers or Servants, or by any Police Officer, to arrest and detain any Person charged with the Breach of any such Rule or Byelaw until brought before any Justice of the Peace, who is hereby authorized to adjudicate on the Offence in a summary Way: Provided that no such Rules or Byelaws shall take effect until they shall have been approved by One of Her Majesty's Principal Secretaries of State, and published by his Authority in the *London Gazette*, which Publication shall for all Purposes be deemed conclusive Evidence of such Rules and Byelaws, and of the Approval thereof by such Secretary of State. Trustees of Docks may pass Byelaws for regulating the Landing and Embarkation of intending Emigrants, and for licensing Emigrant Porters. Byelaws to be approved by Secretary of State, and published in London Gazette.

Penalties.

LXX. A Penalty not exceeding Fifty Pounds nor less than Five Pounds Sterling is hereby imposed on the Master of any Ship or "Passenger Ship," as the Case may be, coming within the Provisions of this Act, who shall be convicted in manner herein-after mentioned of any One of the following Offences; that is to say, Penalties on Masters of Ships for Offences herein named.

If in any Ship, whether a "Passenger Ship" or otherwise, fitting or intended for the Carriage of Passengers, or which shall carry Passengers on any Voyage to which any of the Provisions of this Act may extend, every such Facility for Inspection shall not be afforded as herein-before required; or if Passengers be carried on any other than the "Passenger Decks," as herein-before required; or if a Clearance be demanded for any Ship, whether a "Passenger Ship" or otherwise, before such Lists of Passengers shall be signed and delivered to the proper Officer as herein-before required; or if at any Time during the Voyage all such Additions to the "Masters Lists" shall not be made, Inspection of Ships. Carriage of Passengers on other than Passenger Decks. Passengers Lists.

or

Additional Passengers Lists. or if such additional or separate Lists shall not be duly signed and delivered to the proper Officer, as herein-before required, or if any such List or any Additions to the same shall not be duly exhibited to or deposited with the proper Officer at any Port or Place as herein-before required, or if any of such Lists, or the Additions thereto respectively,

Survey. shall be wilfully false; or if any "Passenger Ship" shall clear out or proceed to Sea without having been duly surveyed as herein-before required; or if at the Time of

Beams. Clearance or at any Time during the Voyage the Beams on which the "Passenger

Decks. Decks" are supported in any such "Passenger Ship" shall not form Part of her permanent Structure, and be secured as herein-before required; or if the "Passenger

Height between Decks. Decks" shall not be of the Thickness and laid or secured in such Manner as herein-before required; or if the Height between any Deck on which Passengers may lawfully

Berths. be carried and the Deck immediately above it shall be less than Six Feet; or if there shall be more than Two Tiers of Berths on any One Deck, or if such Berths shall not be securely constructed, or shall not be of such Dimensions as herein-before required, or if there shall not be such an Interval between the Deck and the Floor of the Berths as is herein-before required; or if the Passengers be berthed contrary to the Requirements of this Act; or if the unmarried Male Passengers of Fourteen Years of Age and upwards shall not be berthed in such separate Compartments as herein-before required; or if any of the Berths shall be taken down, contrary to the Requirement in that Behalf

Hospital. herein-before contained; or if in any "Passenger Ship" a Space shall not be properly divided off and set apart for a Hospital, as herein-before required; or if before Clearance

Privies. any Passenger Ship shall not be fitted with Privies, or if the same shall not throughout the Voyage be maintained in a serviceable Condition, as herein-before required; or if

Access to the Between Decks. the Passengers shall not have free Access to or from the Between Decks, in the Manner herein-before required; or if any "Passenger Ship," at the Time of Clearance, or at

Boats, Life Buoys, Night Signals, and Fire Engines. any Time during the Voyage, shall not have on board such Boats and Life Buoys, and such adequate Means for making Signals by Night, and for extinguishing Fire, as herein-

Manning. before required; or if any "Passenger Ship" shall proceed to Sea without being properly manned, or shall have on board as Cargo, or as Ballast, any Articles by this

Cargo. Act prohibited, or any Articles likely by reason of their Nature or Quality to endanger the Health or Lives of the Passengers, or the Safety of the Ship, as herein-before mentioned, or if any Part of the Cargo, or of the Provisions, Water, or Stores, shall be

Issue of Provisions and Water. carried on the Upper Deck or on the "Passengers Decks," contrary to the Provisions of this Act; or if in any "Passenger Ship," at any Time during the Voyage, Water and Provisions of the Description, Quantity, and Quality required by or under this Act, shall not be issued in the Quantities and in manner herein-before required; or if bad or unwholesome Provisions be issued to any Passenger, contrary to the Requirements

Water Casks. of this Act; or if the Water shall not be carried in such Tanks or Casks as herein-before

Cook and Cooking Apparatus. required; or if, in the Cases respectively herein-before mentioned, there shall not be on board of any "Passenger Ship" at the Time of Clearance, and at all Times during the Voyage, such Passengers Steward and such Passengers Cook or Cooks, as the Case may

Surgeon. be, and such Place for cooking, and cooking Apparatus, as herein-before required; and such duly qualified Medical Practitioner as herein-before required; or if there shall not

Medicines. be on board of any "Passenger Ship" such Medicines, disinfecting Fluid or Agent, Instruments, and Medical Apparatus, and such printed or written Directions for the Use of the same respectively, as may at any Time be required by or under the Provisions of

Medical Inspection. this Act; or if any "Passenger Ship," except as herein-before provided, shall clear out or proceed to Sea before such Medical Inspection of the Medicines and Passengers shall have taken place, and such Certificate of the Medical Inspector shall have been

Relanding of diseased Passengers. granted, as herein-before required; or if any diseased Person on board of any "Passenger Ship," or the Members of his Family, shall not be relanded as herein-

Wrongfully landing Passengers. before required; or if any Passenger shall, without his previous Consent, be landed at any Place other than the Place at which he may have contracted to land; or if any

Maintenance of Passengers on Arrival. Passenger shall not be allowed to sleep and be maintained on board the Ship after Arrival for the Period and in manner herein-before provided; or if there shall not be

Keeping Act on board, &c. kept on board a Copy of this Act, or if the same shall not be produced, on Demand, as herein-before required.

LXXI. 'And

Penalties.

Penalty for falsifying Documents to obtain free Passages, and for Personation.

LXXI. 'And whereas certain Forms are from Time to Time issued by the said Colonial 'Land and Emigration Commissioners, for the Use of Persons applying to them, or to 'Persons acting under their Authority, for Passages from the United Kingdom to the *British* 'Colonies wholly or partially at the Expense of *British* or Colonial Funds: And whereas 'it is expedient to afford additional Security against false Representations in such Forms, 'and in any Certificate of Marriage, Baptism, or otherwise adduced in support thereof, and 'against the forging or fraudulently altering of any Signature or Statement in such Forms or 'Certificates, and against Personation:' Be it therefore enacted, That if any Person shall wilfully make any false Representation in any such Form or Certificate as aforesaid, or shall forge or fraudulently alter any Signature or Statement in any such Form or Certificate, or shall personate any Person named in any such Form or Certificate, or in any Embarkation Order issued by or under the Authority of the said Commissioners, such Person shall be liable, for and in respect of each and every such Offence, on such Conviction as herein-after mentioned, to a Penalty not exceeding Fifty Pounds nor less than Two Pounds Sterling.

By whom Penalties are to be recovered.

LXXII. All Penalties and Forfeitures imposed by this Act shall be sued for in the United Kingdom by any Emigration Officer or his Assistant, or by any Collector or Comptroller of Her Majesty's Customs, or by any other Officer of Her Majesty's Customs authorized in Writing by the Commissioners of Her Majesty's Customs to sue for Penalties and Forfeitures under this Act, and in any of Her Majesty's Possessions abroad by any Government Emigration Agent, or by any such Collector or Comptroller of Customs, or other Officer of Customs so authorized as aforesaid, or by any Officer authorized to sue for Penalties and Forfeitures under this Act by Writing under the Hand and Seal of the Governor of any such Possession, and the Commissioners of Her Majesty's Customs and every such Governor are hereby respectively empowered to grant such Authority as aforesaid: And all Sums of Money made recoverable by this Act as Return of Passage Money, Subsistence Money, or Compensation may be sued for and recovered by and for the Use of any Passenger entitled thereto under this Act, or by any of such Officers as aforesaid, for and on behalf and to the Use of any such Passenger or any Number of such Passengers respectively, and in any Case either by One or several Informations or Complaints.

By whom Passage, Subsistence, and Compensation Monies may be recovered.

Tribunal for adjudicating on Offences and Complaints under this Act.

LXXIII. All Penalties and Sums of Money by this Act made recoverable shall and may be sued for and recovered before any Two or more Justices of the Peace acting in any Part of Her Majesty's Dominions or Possessions in which the Offence shall have been committed or the Cause of Complaint shall have arisen, or in which the Offender or Party complained against shall happen to be, or acting in any County or Borough or Place adjacent to any navigable River or Inlet of the Sea on which such Offence shall have been committed or Cause of Complaint have arisen; and upon Information or Complaint made before any One Justice of the Peace acting as aforesaid, he shall issue a Summons, according to the Form in the Schedule (J.) hereto annexed, requiring the Party offending or complained against to appear at a Time and Place to be named therein; and every such Summons shall be served on the Party offending or complained against, or shall be left at his last known Place of Abode or of Business, or on board any Ship to which he may belong; and if such Party shall not appear accordingly, then (upon Proof of the due Service of the Summons by delivering the Summons or a Copy thereof to the Party, or at his last known Place of Abode or of Business, or on board any Ship to which he may belong, to the Person in charge of any such Ship,) any Two of such Justices so acting as aforesaid may either hear and determine the Case in the Absence of the Party, or either of them may issue his Warrant for apprehending and bringing such Party before them or any Two Justices so acting as aforesaid; or the Justice before whom the Charge shall be made, if he shall have Reason to suspect, from Information upon Oath, that the Party is likely to abscond, may issue such Warrant in the first instance, without any previous Summons; and either upon the Appearance of the Party offending or complained against, or in his Absence as aforesaid, any Two of such Justices so acting as aforesaid may hear and determine the Case, either with or without any written Information or Complaint; and upon Proof of the Offence, or of the Complainant's Claim, (as the Case may be,) either by Confession of the Party offending or

Penalties.

complained against, or upon the Oath of One or more credible Witness or Witnesses (and the Justices are hereby authorized to summon and swear any Witnesses who may be deemed necessary), it shall be lawful for such Justices so acting as aforesaid to convict the Offender, or adjudicate upon the Complaint (such Conviction or Adjudication to be drawn up according to One of the Forms of Conviction or Adjudication contained in Schedule (K.) hereto annexed, or as near thereto as the Circumstances of the Case will admit,) and upon every such Conviction to order the Offender to pay such Penalty as they may think proper, not exceeding the Penalties herein-before imposed, and upon every such Adjudication to order the Party complained against to pay to the Party suing for the same the Sum of Money sued for, or so much thereof as such Justices shall think the Complainant justly entitled to, together with, in every Case, the Costs of the Proceedings; and if the Monies and Costs mentioned in such Conviction or Adjudication be not paid immediately or within the Time limited thereby, it shall be lawful for any Two of such Justices so acting as aforesaid, by Warrant, (and although the written Order of Conviction or Adjudication, or any Minute thereof, may not have been served,) to cause the Party offending to be committed to Gaol, there to be imprisoned, with or without Hard Labour, according to the Discretion of such Justices, for any Term not exceeding Three Calendar Months, unless such Monies and Costs be sooner paid and satisfied: Provided always, that in all Proceedings taken under this Act for which no Form is herein expressly provided it shall be lawful to use Forms similar, as nearly as Circumstances will admit, to those contained in the Schedule to an Act passed in the Session of Parliament holden in the Eleventh and Twelfth Years of the Reign of Her present Majesty, Chapter Forty-three.

Police and Stipendiary Magistrates, and in Scotland Sheriffs, &c., to have the same Powers as Justices of the Peace.

LXXIV. Every Police or Stipendiary Magistrate, and in *Scotland* every Sheriff or Steward and Sheriff Substitute or Steward Substitute of a County or Stewartry within his own County or Stewartry, shall have such and the like Powers, Privileges, and Functions, and be entitled to exercise such and the like Jurisdiction under this Act, as any Justice or Two Justices, or Justices at Petty Sessions, have or is or are entitled to exercise under the Provisions of this Act; and all Acts, Matters, and Things competent to be done under the Provisions of this Act by or before any Justice or Two Justices of the Peace, or Justices at Petty Sessions, or otherwise, may be done by and before any Police or Stipendiary Magistrate, and in *Scotland* by and before any Sheriff or Steward or Sheriff Substitute or Steward Substitute within his own County or Stewartry.

No Objection to be allowed, nor Convictions to be quashed for Want of Form.

LXXV. No Objection shall be taken or allowed to any Complaint, Information, Summons, or Warrant under this Act, for any alleged Defect therein, either in Substance or in Form, or for any Variance between such Complaint or Information and the Evidence adduced on the Hearing thereof; but if any Variance shall appear to the Justice or Justices present and acting at such Hearing to be such that the Party so summoned and appearing has been thereby deceived or misled, it shall be lawful for such Justice or Justices, upon such Terms as he or they shall think fit, to adjourn the Hearing of the Case to some future Day, and in the meantime to commit the Defendant to such safe Custody as the said Justice or Justices may think fit, or to discharge him upon his Recognizance, with or without Sureties, to appear at such Time and Place as may be appointed: No Conviction, Order, Adjudication, or other Proceeding under or in pursuance of this Act shall be quashed or vacated for Want of Form.

Application of Penalties.

LXXVI. All Penalties imposed by this Act shall, when recovered, be paid to the Party at whose Suit the same shall have been recovered, for the Use of Her Majesty and Her Successors, and if recovered in the Colonies shall be paid over by the Party receiving the same into the Colonial Treasury, and shall form Part of the general Revenue of the Colony, and if recovered in the United Kingdom shall be paid over to the Colonial Land and Emigration Commissioners if the Party at whose Suit the same shall have been recovered be an Emigration Officer or his Assistant, and to Her Majesty's Commissioners of Customs if the Party at whose Suit the same shall have been recovered be an Officer of Customs, to be by such Colonial Land and Emigration Commissioners and Commissioners of Customs respectively duly accounted for; and all such Penalties as may be recovered in the United Kingdom

Penalties.

Kingdom shall be appropriated to such Purposes and in such Manner as the Lord High Treasurer or the Commissioners of Her Majesty's Treasury may from Time to Time direct and appoint: Provided always, that it shall be lawful for the Justices of the Peace who shall impose any such Penalty at the same Time to direct, if they shall think fit, that a Part, not exceeding One Moiety thereof, be applied to compensate any Passenger for any Wrong or Damage which he may have sustained by the Act or Default in respect of which such Penalty or Forfeiture shall have been imposed.

Justices may award Compensation out of Penalties to Party aggrieved.

LXXVII. If in any Suit, Action, Prosecution, or other legal Proceeding under this Act any Question shall arise whether any Ship was or was not exempted from the Provisions of this Act or any of them, the Burden of proving that such Ship was so exempted shall lie on the Party claiming the Benefit of the Exemption, and failing such Proof it shall for any such Purpose as aforesaid be taken and adjudged that the Ship did come within the Provisions of this Act; and it shall not be necessary, in any Information, Complaint, or other Process or Proceeding, to negative any Exemption, Proviso, or Condition contained in any Section of this Act on which such Information, Complaint, or other Process or Proceeding shall be framed, neither shall it be necessary for the Complainant to prove the Negative, but the Defendant may prove the Affirmative thereof, if he will have Advantage of the same.

Burden of Proof to be on Persons claiming Exemption from Act.

Proof of Negatives.

LXXVIII. If in any Proceeding before any Justice or Justices of the Peace under this Act, or upon any Action, Suit, or other Proceeding whatsoever, against any Person, for anything done either contrary to or in pursuance of this Act, a Question should arise whether any Person is an Emigration Officer or Assistant Emigration Officer, or an Officer of Customs, *vivâ voce* Evidence may be given of such Fact by the Officer himself, and shall be deemed legal and sufficient Evidence.

Proof of a Party being an Emigration Officer, &c.

LXXIX. Any Passenger suing under this Act for any Sum of Money made recoverable by this Act as Passage Money, Subsistence Money, or Compensation, shall not be deemed an incompetent Witness in any Proceeding for the Recovery thereof, notwithstanding the same, if recovered, shall be applicable to his own Use and Benefit.

Passengers suing not incompetent Witnesses.

LXXX. No Plaintiff shall recover in any Action against any Emigration Officer, his Assistant, Government Emigration Agent, or Officer of Customs, or other Person, for anything 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, by or on behalf of the Defendant.

Tender of Amends.

LXXXI. No Action or Suit shall be commenced against any Emigration Officer, his Assistant, Government Emigration Agent, Officer of Customs, or other Person, for anything done in pursuance of or under the Authority of this Act, until Ten clear Days Notice has been given thereof in Writing to the Officer, Agent, or Person as aforesaid 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 Ten clear Days Notice thereof given as aforesaid, or if any Action or Suit shall not be commenced within the Time herein-before 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 full Costs of Suit as between Solicitor and Client, 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 against Officers executing the Act.

Defendant may plead the General Issue, &c.

Costs.

LXXXII. Where

Penalties.

Limitation of legal Proceedings generally.

LXXXII. Where no Time is expressly limited within which any Complaint or Information is to be made or laid for any Breach or Nonperformance of any of the Requirements of this Act, the Complaint shall be made or the Information laid within Twelve Calendar Months from the Time when the Matter of such Complaint or Information respectively arose, or in case the Master of any Ship is the Offender or Party complained against, within Twelve Calendar Months next after his Return to the Country in which the Matter of Complaint or Information arose.

Colonial Voyages.

Colonial Voyages defined.

LXXXIII. 'And whereas it is expedient to provide in certain Cases for the Carriage of 'Passengers by Sea from Her Majesty's Possessions abroad:' Be it therefore enacted as follows: For the Purposes of this Act the Term "Colonial Voyage" shall signify any Voyage from any Port or Place within any of such Possessions (except the Territories under the Government of the *East India* Company) to any Port or Place whatever, of which the Duration, to be prescribed as herein-after mentioned, shall exceed Three Days.

This Act to apply to Colonial Voyages, except as relates to Matters herein named.

LXXXIV. This Act shall apply, so far as the same is applicable, to all Ships carrying Passengers on any such "Colonial Voyage," except as to such Parts of the Act as relate to the following Matters; (that is to say,)

1. To Passage Brokers and their Licences:
2. To Passengers Contract Tickets:
3. To the giving Bond to Her Majesty:
4. To the keeping on board a Copy of this Act:
5. To Orders in Council prescribing Rules for Cleanliness, Order, and Ventilation.

If any Colonial Voyage be less than Three Weeks, this Act not to apply to Subjects herein named.

Provided that if the prescribed Duration of any "Colonial Voyage" be less than Three Weeks, then, in addition to the Matters lastly herein-before excepted, the Provisions of this Act shall not extend or apply so far as they relate to the following Subjects; (namely,)

The Construction or Thickness of the Decks:
The Berths and Berthing:
The Height between Decks:
Privies:
Hospitals:
Light and Ventilation:
Manning:
Passengers Stewards:
Passengers Cooks and cooking Apparatus:
The Surgeon, and Medicine Chest:
The Maintenance of Passengers for Forty-eight Hours after Arrival:

Provided also, that in the Case of such "Colonial Voyages" whereof the prescribed Duration is less than Three Weeks, the Requirements of this Act respecting the Issue of Provisions shall not, except as to the Issue of Water, be applicable to any Passenger who may have contracted to furnish his own Provisions.

Governor of Colonies may, by Proclamation, declare Length of Voyage, and substitute other Articles of Food and Medicine.

Proclamations to be transmitted for Confirmation or Disallowance.

Copies to be Evidence in the Colony in which they may be produced.

LXXXV. It shall be lawful for the Governor of any of Her Majesty's Possessions abroad, by any Proclamation to be by him from Time to Time issued for that Purpose (which shall take effect from the issuing thereof), to declare what shall be deemed for the Purposes of this Act to be the Length of the Voyage of any Ship carrying Passengers from such Possession to any other Place whatsoever, and to substitute for the Articles of Food and Provisions specified in this Act such other Articles of Food and Provisions as he shall deem to be a full Equivalent for the same, and also to declare what Medicines, Medical Instruments, and other Matters shall be deemed necessary for the Medical Treatment of the Passengers during such "Colonial Voyage:" Every such Proclamation shall be transmitted, by the Governor by whom the same may have been issued, to Her Majesty, through One of Her Majesty's Principal Secretaries of State, for Her Majesty's Confirmation or Disallowance; and a Copy of any such Proclamation, purporting to be under the Hand of the Governor of the Colony wherein the same may have been issued, and under the public Seal of such Colony, shall in any other Colony wherein the same shall be so produced be received

as

as good and sufficient Evidence of the issuing and of the Contents of such Proclamation, unless it shall be proved that such Copy is not genuine.

Colonial Voyages.

Provision for Survey of Ships in the Colonies, and for appointing Surgeons thereto.

LXXXVI. It shall be lawful for the Governors of any such Possessions respectively to authorize such Person or Persons as they may think fit to make the like Survey and Examination of "Passenger Ships" sailing from such Possessions respectively as is herein-before required to be made by Two or more competent Surveyors in respect of "Passenger Ships" sailing from the United Kingdom, and also to authorize in such Cases, as to such Governors may seem proper, any competent Person to act as Medical Practitioner on board any "Passenger Ship" proceeding on a "Colonial Voyage."

Power to the Governor General of India in Council, by any Act to be passed for that Purpose, to adopt this Act for India; and to make Rules respecting Food, Passengers, &c.;

LXXXVII. This Act shall not apply to any of the Territories or Places under the Government of the *East India* Company: It shall, however, be lawful for the Governor General of *India* in Council, from Time to Time by any Act or Acts to be passed for that Purpose, to declare that this Act or any Part thereof shall apply to the Carriage of Passengers upon any Voyage from any Ports or Places within such Territories, to be specified in such Act or Acts, to any other Places whatsoever, to be also specified in such Act or Acts; and also in like Manner to authorize the Substitution, as respects such Voyages, of other Articles of Food and Provisions for those herein-before enumerated; and to declare the Rule of Computation by which the Length of any such Voyage shall be estimated; and to determine the Persons or Officers who in such Territories shall be entitled to exercise or perform the Powers, Functions, or Duties herein-before given to or imposed upon the Emigration Officers and Officers of Customs in the United Kingdom; and to authorize the Employment on board any Ship of a Medical Practitioner duly qualified by Law to practise as a Physician, Surgeon, or Apothecary within such Territories; and to declare for the Purposes of this Act the Space necessary for Passengers, and the Age at which Two Children shall be considered equal to One Statute Adult, in Ships that may clear out from any Port or Place within such Territories; and also to declare in what Manner and before what Authorities, and by what Form of Proceedings, the Penalties imposed and the Sums of Money made recoverable by this Act shall be sued for and recovered within such Territories, and to what Uses such Penalties shall be applied: And on the passing of such *Indian* Act or Acts, and whilst the same shall remain in force, all such Parts of this Act as shall be adopted therein shall apply to and extend to the Carriage of Passengers upon such Voyages as in the said *Indian* Act or Acts shall be specified; and the same shall be enforced in all Her Majesty's Possessions in like Manner as the Provisions of this Act may be enforced: Every such *Indian* Act shall be subject to Disallowance and Repeal, and shall in the same Manner be transmitted to *England*, to be laid before both Houses of Parliament, as in the Case of any other Law made by the Governor General in Council.

and to declare in what Manner Penalties, &c. may be sued for and recovered.

Indian Act may be enforced in the Colonies in like Manner as this Act.

Voyages to the United Kingdom.

List of Passengers brought into the United Kingdom to be delivered by the Master of the Ship to Emigration Officer.

Penalty for Neglect.

LXXXVIII. The Master of every Ship bringing Passengers into the United Kingdom from any Port or Place out of *Europe* shall, within Twenty-four Hours after Arrival, deliver to the Emigration Officer or his Assistant, or in their Absence to the Chief Officer of Customs at the Port of Arrival, a correct List, signed by such Master, and specifying the Names, Ages, and Callings of all the Passengers embarked, and also the Port or Ports at which they respectively may have embarked, and showing which, if any of them, may have died or have been born on the Voyage; and if any Master shall fail so to deliver such List, or if the same shall be wilfully false, he shall, on Conviction, as herein-before mentioned, be liable to a Penalty not exceeding Fifty Pounds.

Penalty on Masters for having on board a greater Number of Persons than prescribed by Section 12 of this Act.

LXXXIX. If any Ship bringing Passengers into the United Kingdom from any Place out of *Europe* shall have on board a greater Number of Persons or Statute Adults than in the Proportions respectively prescribed in the Twelfth Section of this Act for Ships carrying Passengers from the United Kingdom, the Master of such Ship shall be liable, on such Conviction as herein-before mentioned, to a Penalty not exceeding Five Pounds nor less than Two Pounds for each such Person or Statute Adult constituting any such Excess.

Provisions and Water to be issued to Passengers brought

XC. The Master of every Passenger Ship bringing Passengers into the United Kingdom from any Place out of *Europe* shall make to each Statute Adult during the Voyage, including the

into the United Kingdom the same as in Ships carrying Passengers from the same. Penalty for Default.

the Time of Detention, if any, at any Port or Place before the Termination thereof, Issues of pure Water and of good and wholesome Provisions in a sweet Condition, in Quantities not less in Amount than is prescribed in the Thirty-second Section of this Act for Passengers proceeding from the United Kingdom; and in case of any Default herein, the Master of such Ship shall, on such Conviction as herein-before mentioned, be liable for each Offence to a Penalty not exceeding Fifty Pounds.

Schedules to be Part of the Act.

XCI. The Schedules to this Act shall be deemed to be Part of this Act, and all the marginal or other Directions therein shall be duly followed and enforced, under a Penalty not exceeding Ten Pounds on the Person failing to obey the same respectively.

SCHEDULES to which the foregoing Act refers.

SCHEDULE (A.)

FORM OF PASSENGERS LIST.

Ship's Name.	Master's Name.	Tons per Register.	Aggregate Number of Superficial Feet in the several Compartments set apart for Passengers other than Cabin Passengers.	Total Number of Statute Adults, exclusive of Master, Crew, and Cabin Passengers, which the Ship can legally carry.	Where bound.

I hereby certify, That the Provisions actually laden on board this Ship, according to the Requirements of the Passengers Act, are sufficient for Statute Adults.

(Signature)

_____ Master.

Date _____ 185 .

NAMES AND DESCRIPTIONS OF PASSENGERS.

Ports of Embarkation.	Names of Passengers.	Adults. Age. M.	Adults. Age. F.	Children between 14 and 1. Age. M.	Children between 14 and 1. Age. F.	Number of Infants not older than 1 Year.	Profession, Occupation, or Calling of Passenger.	State whether English, Scotch, or Irish.	Port at which Passengers have contracted to land.

SUMMARY.

SUMMARY.

	Number of Souls.				Equal to Statute Adults.
	English.	Scotch.	Irish.	Total.	
Adults - - -					
Children between 14 and 1 -					
Infants - - -					
TOTAL -					

We hereby certify, That the above is a correct List of the Names and Descriptions of all the Passengers who embarked at the Port of _____

(Signed) _____ Master.

_____ Emigration Officer.

(Countersigned) _____ Officer of Customs at _____.

Date _____ 185 .

N.B.—Lines should be ruled in the same Form for any Additions to the List after the Ship first clears out; and similar Certificates be subjoined to such Additions, according to the Requirements of the Act.

SCHEDULE (B.)

FORM of BOND to be given by the OWNER or CHARTERER and by the MASTER.

KNOW all Men by these Presents, That we, are held and firmly bound unto our Sovereign by the Grace of God of the United Kingdom of Great Britain and Ireland Defender of the Faith, in the Sum of One thousand Pounds of good and lawful Money of Great Britain, to be paid to our said the Heirs and Successors; to which Payment well and truly to be made we bind ourselves and every of us, jointly and severally, for and in the whole, our Heirs, Executors, and Administrators, and every of them, firmly by these Presents. Sealed with our Seals. Dated this Day of One thousand eight hundred and fifty .

WHEREAS by the "Passengers Act, 1852," it is amongst other things enacted, that before any "Passenger Ship" shall clear out or proceed to Sea, the Owner or Charterer, or in the Absence of such Owner or Charterer, One good and sufficient Person on his Behalf, to be approved by the Chief Officer of Customs at the Port of Clearance, shall, with the Master of the said Ship, enter into a Bond to Majesty, Heirs and Successors, in the Sum of One thousand Pounds:

Now the Condition of this Obligation is such, that if the Ship whereof is Master, bound to is in all respects seaworthy,

*[and

* The Clause within Brackets is to be inserted only when the Ship is to call at an intermediate Port to take in Water as provided by s. 31. of the Act.

*[and if the said Ship shall call at the Port of and there shall be shipped on board at such Port pure Water for the Use of the Passengers, sufficient in Quantity to afford an Allowance of Three Quarts daily to each Statute Adult for the Period of Days on the Voyage from such Port to the final Port or Place of Discharge of such Vessel,] and if (notwithstanding any Penalty by the said Act imposed, and whether the same may have been sued for and recovered or not,) all and every the Requirements of the said Passengers Act, 1852, (except such of them as relate exclusively to Passage Brokers,) and of the Colonial Land and Emigration Commissioners acting in the Manner prescribed by the said Act, and of any Order in Council passed in virtue of the said Act, shall in all respects be well and truly performed, † [and if the Master for the Time being of the said Ship shall submit himself, in like Manner as a British Subject being the Master of a British Passenger Ship, to the Jurisdiction of the Tribunals in Majesty's Possessions abroad, empowered by the said Act to adjudicate on Offences committed against the said Act,] and if moreover all Penalties, Fines, and Forfeitures which the Master of such Ship may be adjudged to pay for or in respect of the Breach or Nonfulfilment of any of such Requirements as aforesaid shall be well and truly paid, then this Obligation to be void, otherwise to remain in full force and virtue.

† This Clause to be inserted only in the Case of a Foreign Passenger Ship proceeding to any of the British Colonies.

Signed, sealed, and delivered by the above-bounden and in the Presence of ‡

‡ Insert Names and Addresses in full of the Witnesses.

§ [I hereby certify, that the above Bond was duly signed, sealed, and delivered according to the Law of Great Britain by the said Master of the said Ship and by the said].

§ Certificate to be signed by the Chief Officer of Customs in case of a Foreign Passenger Ship, and forwarded with the Bond to the Colony, according to s. 60. of the Act.

(Signature)_____ { Chief Officer of Customs for the Port of .

(Date)_____ 185 .

SCHEDULE (C.)

FORM of PASSAGE BROKER'S ANNUAL BOND, with Two Sureties, to be approved by the Emigration Officer at the nearest Port.

* Insert Christian and Surnames in full, with Occupations and Address of each of the Parties.

KNOW all Men by these Presents, That we, *A.B.** of *C.D.* of, *&c.* and *E.F.* of, *&c.* are held and firmly bound unto our Sovereign by the Grace of God of the United Kingdom of Great Britain and Ireland Defender of the Faith, in the Sum of Five hundred Pounds of good and lawful Money of Great Britain, to be paid to our said the Heirs and Successors; to which Payment, well and truly to be made, we bind ourselves and every of us, jointly and severally, for and in the whole, our Heirs, Executors, and Administrators, and every of them, firmly by these Presents. Sealed with our Seals. Dated this Day of One thousand eight hundred and fifty .

WHEREAS by the "Passengers Act, 1852," it is amongst other things enacted, that no Person whatever shall carry on the Business of a Passage Broker in respect of Passages from the United Kingdom to any Place out of Europe, and not being within the Mediterranean Sea, or shall sell or let, or agree to sell or let, or be in anywise concerned in the Sale or Letting of Passages in any Ship, whether a "Passenger Ship" or otherwise, proceeding from the United Kingdom to any such Place as aforesaid, unless such Person, with Two good and sufficient Sureties, to be approved by the Emigration Officer at the Port nearest the

the Place of Business of such Person, shall have previously entered into a joint and several Bond to Her Majesty, Her Heirs and Successors, in the Sum of Five hundred Pounds Sterling: And whereas the said *C.D.* and *E.F.* have been duly approved by the proper Emigration Officer as Sureties for the said *A.B.*:

Now the Condition of this Obligation is such, that if the above-bounden *A.B.* shall well and truly observe and comply with all the Requirements of the said recited Act, so far as the same relate to Passage Brokers, and further shall well and truly pay all Fines, Forfeitures, and Penalties, and also all Sums of Money, by way of Subsistence Money, or of Return of Passage Money and Compensation, to any Passenger, or on his Account, and also all Costs which the above-bounden *A.B.* may at any Time be adjudged to pay under or by virtue of any of the Provisions of the said recited Act, then and in such Case this Obligation to be void, otherwise to remain in full force.

Signed, sealed, and delivered by the above-bounden *A.B.*, *C.D.*, and *E.F.*, in the Presence of*

* Insert the Names and Addresses in full of the Witnesses.

N.B.—This Bond is to be executed in Duplicate, in the Presence of and to be attested by an Emigration Officer or his Assistant, or an Officer of Customs, or a Magistrate, or a Notary Public. One Part is to be deposited with the Colonial Land and Emigration Commissioners in London, and the other Part with the Chief Officer of Customs at the Port nearest to the Place of Business of the Broker.

[*The Bond is exempt from Stamp Duty, but must be renewed annually with the Licence.*]

SCHEDULE (D.)

Form of Passage Broker's Licence.

*A.B.** of in the having shown to the Satisfaction of me (*or* us) the undersigned, that he hath given Bond to Majesty, as by the "Passengers Act, 1852," required, and also given Fourteen Days previous Notice to the Colonial Land and Emigration Commissioners of his Intention to make Application for a Licence to carry on the Business of a Passage Broker in respect of Passages from the United Kingdom to any Place out of Europe, and not being within the Mediterranean Sea, I (*or* we), the undersigned, having had no sufficient Cause shown to me (*or* us), and seeing no valid Reason why the said *A. B.* should not receive such Licence, do hereby license and authorize the said *A. B.* to carry on the Business of a Passage Broker as aforesaid until the End of the present Year, and Thirty-one Days afterwards, unless this Licence shall be sooner determined by Forfeiture for Misconduct on the Part of the said *A.B.*, as in the "Passengers Act, 1852," is provided.

* The Christian and Surnames in full, with the Addresses and Trade or Occupation of the Party applying for the Licence, must be correctly inserted.

Given under my Hand and Seal (*or* our respective Hands and Seals), this Day of 185 at

Signature (L.S.) { Justices of the Peace, Police *or* Stipendiary Magistrate, *or* Sheriff, *or* Steward, *or* Sheriff *or* Steward Substitute, *as the Case may be.*

SCHEDULE (E.)

FORM of NOTICE to be given to the Colonial Land and Emigration Commissioners by Justices granting a Licence.

Gentlemen,

THIS is to give you Notice, That we (*or* I), the undersigned, did on the Day of 185 license *A.B.* of* to carry on the Business of a Passage Broker under the Provisions of the "Passengers Act, 1852."

Signatures _____ } Justices of the Peace, *or as the Case may be.*

_____ }

Place _____

Date _____

To the Colonial Land and Emigration Commissioners, London.

* Insert the Christian and Surnames in full, with the Address and Occupation of the Party.

SCHEDULE (F.)

FORM of NOTICE to be given to Her Majesty's Colonial Land and Emigration Commissioners, by any Applicant for a Passage Broker's Licence.

Gentlemen,

I, *A.B.** of in do hereby give you Notice, That it is my Intention to apply, after the Expiration of Fourteen clear Days from the putting of this Notice into the Post, to the Justices to be assembled in Petty Sessions to be held † (*or* to the Police or Stipendiary Magistrate for the City *or* Borough *or* District of *or if in Scotland* to the Sheriff *or* Steward of *as the Case may be*) for a Licence to carry on the Business of a Passage Broker under the Provisions of the "Passengers Act, 1852."

Signature _____

Date _____

To Her Majesty's Colonial Land and Emigration Commissioners, London.

* The Christian Names and Surname in full, with the Address and Trade or Occupation of the Party applying for a Licence, must be here correctly inserted.

† The Place or District in which the Party giving the Notice has his Place of Business.

SCHEDULE (G.)

FORM of NOTICE to be given to the Colonial Land and Emigration Commissioners of Forfeiture of a Licence.

Gentlemen,

THIS is to give you Notice, That the Licence granted on the Day of 185 to *A.B.** of in to act as a Passage Broker, was on the Day of now last past duly declared by me (*or* us) the undersigned Justices of the Peace in Petty Sessions assembled, to be forfeited.†

Signature _____

_____

Place and Date _____ 185

To the Colonial Land and Emigration Commissioners, London.

* The Christian and Surnames in full, with the Address and Trade or Occupation of the Party, to be here inserted.

† Here state generally the Reason of Forfeiture.

SCHE-

SCHEDULE (H.)

Passenger's Contract Ticket.

This Part of the Contract Ticket is to be separated from the other, and to be delivered by the Passenger to the Emigration Officer at the Port of Embarkation, (or, if no such Officer, to the Officer of Customs,) or to any one appointed by him to receive it.

These Directions, and the "Notices to Passengers" below, form Part of, and must appear on, each Contract Ticket.

1. A Contract Ticket in this Form must be given to every Passenger engaging a Passage from the United Kingdom to any Place out of Europe, and not being within the Mediterranean Sea.
2. The Victualling Scale for the Voyage must be printed in the Body of the Ticket.
3. All the Blanks must be correctly filled in, and the Ticket must be legibly signed with the Christian Names and Surname and Address in full of the Party issuing the same.
4. The Day of the Month on which the Ship is to sail must be inserted in Words and not in Figures.
5. When once issued this Ticket must not be withdrawn from the Passenger, nor any Alteration or Erasure made in it.

Contract Ticket.

Ship _____ to sail from _____ for _____ on the _____ Day of _____ 185__.

Names.	Ages.

_____ Souls, equal to _____ Statute Adults.

Passage Money including all Charges £

To be signed in full by the Party issuing the Ticket. _____

* Insert Number of Souls and of Statute Adults.

Ship _____ of _____ Tons Register, to sail from _____ for _____ on the _____ Day of _____ 185__.

Names.	Ages.	Equal to Statute Adults.

I engage that the Parties herein named shall be provided with a Steerage Passage to the Port of _____ in _____ in the Ship _____ with not less than Ten Cubic Feet for Luggage for each Statute Adult, and shall be victualled during the Voyage and the Time of Detention at any Place before its Termination, according to the subjoined Scale, for the Sum of £_____ including Government Dues before Embarkation, and Head Money, if any, at the Place of Landing, and every other Charge, except Freight for Excess of Luggage beyond the Quantity above specified, and I hereby acknowledge to have received the Sum of £_____ in { full / part } Payment.

In addition to any Provisions which the Passengers may themselves bring, the following Quantities, at least, of Water and Provisions, (to be issued daily,) will be supplied by the Master of the Ship, as required by Law; viz., to each Statute Adult 3 Quarts of Water daily; and a Weekly Allowance of Provisions according to the following Scale:

[Here insert the Victualling Scale intended to be used on the Voyage. This must be either the Scale prescribed in the 32d Section of the Passengers Act, 1852, or that Scale modified by the Introduction of Articles authorized by the Act, to be substituted for Oatmeal, Rice, and Potatoes.]

[N.B.—If Mess Utensils and Bedding are to be provided by the Ship, the Stipulation must be inserted here.]

Signature in full _____
Place and Date _____

[If signed by a Broker or Agent, state on whose Behalf.]

Deposit £_____
Balance £_____ to be paid at _____
Total £_____

Notices to Passengers.

1. If the Ship do not proceed to Sea on the Day specified above, Passengers, if ready to go on board, are entitled to Subsistence Money at the Rate of One Shilling a Day per Statute Adult (each Person of Fourteen or Two Children between One and Fourteen Years of Age being reckoned as a Statute Adult) for each Day of Delay until the final Departure of the Ship; but if the Passengers are lodged and maintained in any Establishment under the Superintendence of the Colonial Land and Emigration Commissioners, the Shilling a Day is payable to the Emigration Officer at the Port of Embarkation. In either Case the Money may be recovered by summary Process before Magistrates. If, however, the Ship is unavoidably detained by Wind or Weather, and if the Passengers be maintained on board in the same Manner as if the Voyage had commenced, no Subsistence Money is payable.
2. If Passengers fail to obtain a Passage in the Ship, according to their Contract, either from her having sailed before the appointed Time, or from there being no Room in her, or through any Default of the Owner, Charterer, or Master, and are not provided with a Passage in some other equally eligible Ship, to sail within 10 Days to the same Port, then they are entitled to a Return of their Passage Money, and to such Compensation, not exceeding £10, as the Justices may award.
3. Passengers should carefully keep this Part of their Contract Ticket till after the End of the Voyage.

N.B.—This Contract Ticket is exempt from Stamp Duty.

SCHEDULE (J.)

FORM of SUMMONS for a DEFENDANT or a WITNESS.

A.B. Complainant.
C.D. Defendant.

County, *or* City, *or* Borough, *or* Police District of , (*as the Case may be*).

THIS is to command you to appear without fail on the Day of instant (*or* next) at o'Clock in the noon at before me, or other the Magistrate or Justices of the Peace then and there present (1) [to answer the Complaint of (an Emigration Officer, *or* Assistant Emigration Officer, *or* Officer of Customs, *or* (*in the Colonies*) a Government Emigration (*or* Immigration) Agent, *as the Case may be*,) for a Breach of the Section (*or* Sections, *as the Case may be*,) of the Passengers Act, 1852,] (2) [*or*, to give Evidence in the above-named Complaint of *A.B.* against *C.D.* for Breach of the Passengers Act, 1852.]

(1) Insert this when the Defendant is summoned.

(2) Insert this in case a Witness is summoned.

Signed _____ Justice of the Peace, *or* Police *or* Stipendiary Magistrate, *or* Sheriff, *or* Steward, *or* Sheriff Substitute, *or* Steward Substitute, *as the Case may be.*

Dated this Day of One thousand eight hundred and fifty-two.

SCHEDULE (K.)

FORM of CONVICTION and ORDER of ADJUDICATION under the Passengers Act, 1852, when the DEFENDANT appears.

A.B. Complainant.
C.D. Defendant.

County, *or* City, *or* Borough, *or* Police District, *or* Steward of (*as the Case may be*).

BE it remembered, That on the Day of instant, *C.D.* of personally came before me (*or* us, *as the Case may be*,) at to answer the Complaint of *A.B.* (1) for a Breach of the Section (*or* Sections, *as the Case may be*,) of the Passengers Act, 1852, in that (2)

Whereupon I (*or* we) did proceed to examine into the Complaint so made against the said *C.D.*, and the same having been (admitted to be true by the said *C.D. or as the Case may be*,) fully proved to my (*or* our) Satisfaction by the Testimony on Oath of *E.F.* (3) a credible Witness (*or* Witnesses), I (*or* we) (4) [do convict him the said *C.D.* of the Offence (*or* Offences) aforesaid; and I (*or* we)] do adjudge and order that he shall pay to the said *A.B.* as such (Emigration Officer, *or* Government Emigration Agent, *or* Officer of Customs, *or* Passenger of the Ship , *as the Case may be*,) the Sum of *l.* by way of Penalty (*or* by way of Subsistence Money, *or* of Return of Passage Money, *as the Case may be*,) [(5) and shall also pay to the said *A.B.* the further Sum of *l.* as Compensation for the Loss and Inconvenience occasioned to (6) by the Loss of Passage in the Ship .]

(7) [And I (*or* we) do also adjudge and order that the Licence granted to the said *C.D.* to act as a Passage Broker be forfeited.]

(8) [And I (*or* we) do hereby also adjudge and order that the Sum of *l.* being a Part not exceeding One Moiety of the said Penalty of *l.*, be applied to compensate (9) for the Wrong or Damage which he (she, *or* they) has (*or* have) sustained in this Matter.]

(1) State whether Emigration Officer, or Officer of Customs, or Government Emigration Agent, or Passenger of the Ship , as the Case may be.

(2) Here describe briefly and in general Terms the Requirement (or Requirements) of the Act which has not been fulfilled.

(3) Name the Witness, or Witnesses if more than One.

(4) Omit these Words where there is no Conviction, but only an Order of Adjudication.

(5) Insert this in Cases where Compensation is awarded.

(6) Name the Passenger or Passengers by or on whose Behalf the Compensation is awarded.

(7) Insert this where the Offender is a Passage Broker, and his Licence is declared forfeited.

(8) Insert this where Compensation out of the Penalty is awarded to any aggrieved Passenger.

(9) Name the Passenger or Passengers.

And

And I (*or* we) do further adjudge and order, that the said *C.D.* shall forthwith pay to the said *A.B.* the further Sum of *l.* for the Costs and Charges by him the said *A.B.* incurred in the Prosecution of this Matter.

Given under my Hand and Seal (*or* our Hands and Seal), this Day of One thousand eight hundred and fifty-

Signature _____ { Justice of the Peace, Police *or* Stipendiary Magistrate, *or* Sheriff, *or* Steward, *or* Sheriff *or* Stewards Substitute *as the Case may be*, for _____ (10)

(10) State County or District, &c. as the Case may be.

FORM of CONVICTION and ORDER of ADJUDICATION where the DEFENDANT does not appear.

A.B. Complainant.
C.D. Defendant.

County, *or* City, *or* Borough, *or* Police District, *or* Stewartry of , *as the Case may be.*

BE it remembered, That *C.D.* of being duly summoned to answer the Complaint of *A.B.* (1) for a Breach of the Section (*or* Sections) of the Passengers Act, 1852, in that, *&c.* (2) did not appear before me (*or* us,) pursuant to the said Summons. Nevertheless, I (*or* we) did proceed to examine into the Complaint so preferred against the said *C.D.*, and the same having been duly proved to my (*or* our) Satisfaction by the Testimony on Oath of *E.F.* (3) a credible Witness (*or* Witnesses), I (*or* we) do, &c. (*proceed as in preceding Form of Conviction according to the Circumstances of the Case.*)

(1) State whether Emigration Officer, or Officer of Customs, or Government Emigration Agent, or Passenger of the Ship _____, as the Case may be.
(2) Describe briefly and in general Terms the Requirement (or Requirements) of the Act which has not been fulfilled.
(3) Name the Witness or Witnesses.

CAP. XLV.

An Act for making a Turnpike Road between *Stone Creek* and *Sunk Island* Church in the County of *York*, and between *Sunk Island* Church and *Patrington Haven*, and for consolidating with such Roads the present Turnpike Road from *Sunk Island* Church to *Ottringham*, and for constructing Quays and Wharfs at *Stone Creek*. [30th *June* 1852.]

'WHEREAS under the Provisions of an Act passed in the Session of Parliament held in the Sixth and Seventh Years of King *William* the Fourth, Chapter Ninety-one, a Turnpike Road has been constructed from the Town of *Ottringham* in the East Riding of the County of *York* to the Church in the Parish of *Sunk Island* in the same Riding, and the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, together with such other Persons as should be appointed as therein mentioned, were by the said Act constituted the Trustees for carrying into execution the several Acts for regulating Turnpike Roads, together with the said Act now in recital; and it was by the said Act provided that it should be lawful for the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, to advance any Sum or Sums of Money not exceeding in the whole Five thousand Pounds towards the Payment of the Expenses of obtaining the same Act and of carrying the same into execution, such Sums to be repaid, with Interest after the Rate of Five *per Cent. per Annum*; and it was also enacted, that it should be lawful for the Commissioners for the Issue of Exchequer Bills to advance for the Purposes of the said Act any Sum or Sums in Exchequer Bills, not exceeding in the whole the Sum of Five thousand Pounds, to be secured by an Assignment to the said last-mentioned Commissioners of so much of the Tolls, Rates, and Duties thereby authorized to be raised as should be a sufficient Security for the Repayment of the said Exchequer Bills as therein is mentioned: And whereas the Costs of obtaining the said Act and of carrying the same into execution were paid by the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings out of Monies received by them

'on