

ANNO TERTIO & QUARTO

VICTORIÆ REGINÆ.

****

CAP. XXI.

An Act to extend to the *British* Colonies in the *West Indies* an Act passed in the Fifth and Sixth Year of His late Majesty King *William* the Fourth, for regulating the Carriage of Passengers in Merchant Vessels. [3d *July* 1840.]

WHEREAS it is expedient that the Provisions of an Act passed in the Fifth and Sixth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to repeal an Act of the Ninth Year of His late Majesty, for regulating the Carriage of Passengers in Merchant Vessels from the United Kingdom to the* British *Possessions on the Continent and Islands of* North America; *and to make further Provision for the regulating the Carriage of Passengers from the United Kingdom*, should be extended (except as herein-after excepted) to the Carriage of Passengers from Her Majesty's Dominions in the *West Indies* and *South America*, or from the *Bahama Islands*, or from *Bermuda*: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Act (except as herein-after excepted) shall be and the same is hereby extended to and shall be and the same is hereby declared to be in force in the *British* Colonies in

5 & 6 W. 4. c. 53.

Provisions of 5 & 6 W 4. c. 53. extended to the Bri-

tish Colonies in the West Indies and South America, and in the Bahama Islands, and in Bermuda, except as hereafter mentioned.

in the *West Indies* and *South America*, and in the *Bahama Islands*, and in *Bermuda*, in like Manner and as fully in all respects as the same is in force in the United Kingdom; and that all and every the Rules and Regulations required by the said recited Act to be observed in the Case of any Ship carrying Passengers from any Port or Place in the United Kingdom shall, except as herein-after excepted, be observed in the Case of every Ship carrying Twenty or more Passengers from any Port or Place in the *British* Colonies in the *West Indies* and *South America*, or in the *Bahama Islands*, or in *Bermuda*.

Collector or Chief Officer of Customs in the said Colonies to perform the Duties if there be no Comptroller.

II. Provided nevertheless, and be it enacted, That if at any of the Ports or Places aforesaid within the said *British* Colonies, or in the *Bahama Islands*, or in *Bermuda*, there should not be a Comptroller of Customs, then the Collector or the Chief Officer of Customs shall and may, for the Purposes of this Act, discharge all and every the Duties required by the before-recited Act to be discharged by the Officers of the Customs, or the Collector and Comptroller of the Customs, at any Port in the United Kingdom.

The Governor, &c. may issue Proclamation substituting other Articles of Food, &c. than those specified in recited Act, if equivalent to the same.

III. And be it enacted, That it shall be lawful for the Governor, or Officer administering the Government, of any of the *British* Colonies in the *West Indies* and *South America*, and in the *Bahama Islands*, or *Bermuda*, by any Proclamation or Proclamations to be by him from Time to Time issued for that Purpose, to substitute for the Articles of Food and Provisions specified in the said recited Act such other Articles of Food and Provisions as shall be a full Equivalent for the same, having regard to the average Duration of the Voyage, and to the Number of the Passengers to be conveyed in any such Ship, in such Manner that the Proportion prescribed in the said recited Act between the probable Number of Days to be occupied by the Voyage and the Number of Days during which Provision is made for the Subsistence of the Passengers shall be duly preserved.

Proclamation to be transmitted for Her Majesty's Confirmation or Disallowance.

IV. Provided always, and be it enacted, That every such Proclamation as aforesaid shall be transmitted by the Governor or Officer 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 in case the same shall be disallowed, by any Order to be made by Her Majesty for that Purpose with the Advice of Her Privy Council, then from and after the Promulgation of any such Order in Council within any such Colony any such Proclamation shall cease to be of any Force or Authority; but until so disallowed the same shall be duly observed and obeyed:

Attested Copy of such Proclamation to be received as Evidence in the Colony in which it may be produced.

Provided also, that on the Production, at any One of the Colonies aforesaid, of an attested Copy of any such Proclamation as aforesaid, under the Hand of the Governor or the Officer administering the Government of the Colony wherein the same may have been issued, and under the Public Seal of such Colony, such attested Copy shall, in the Colony wherein the same shall be so produced, be received as good and sufficient Evidence of the issuing and of the Contents of any such Proclamation.

V. And be it enacted, That the Powers vested by the said recited Act in the Courts, Magistrates, and Justices of the Peace of the United Kingdom, for the Recovery of any Fines, Penalties, or Forfeitures incurred under the said Act, shall be and the same are hereby vested in the Courts, Magistrates, and Justices of the Peace in Her Majesty's said Settlements or Colonies respectively.

Powers of recited Act for Recovery of Fines, &c. extended to said Colonies.

VI. And be it enacted, That all the Powers and Authorities which in and by the said recited Act are vested in the Collector and Comptroller of the Customs, for determinining the Seaworthiness of any Ship carrying Passengers from any Port in the United Kingdom, shall, in respect of any Ship carrying Passengers from any Port in any of the Colonies aforesaid, be and the same are hereby vested in the respective Governors or Officers administering the Government of the said Colonies respectively.

Powers for determining the Seaworthiness of any Ship vested in Governors, &c.

VII. And be it enacted, That nothing in this Act contained extends or shall be construed to extend to prevent the Enactment by the respective Governors, Councils, and Assemblies, or other Local Legislatures, in the *British West Indies* and *South America*, and in the *Bahama Islands*, and in *Bermuda*, or by Her Majesty, with the Advice of Her Privy Council, of any such Acts of General Assembly, or Ordinances, or Orders in Council, as may be requisite for making and establishing such several Rules and Regulations as are required by the said recited Act and by this present Act, or any of them, or for carrying the same into full and complete Effect: Provided nevertheless, that it shall not be lawful for any such Governor, Council, and Assembly, or for any such Local Legislature, or for Her Majesty in Council, by any such Acts of Assembly, Ordinances, or Orders in Council as aforesaid, to make or establish any Enactment, Provision, Rule, or Order which shall be in anywise repugnant or contradictory to the said recited Act and to this present Act, or any Part thereof, but that every such Enactment, Regulation, Provision, Rule, or Order shall be and is hereby declared to be absolutely null and void, and of no Effect.

This Act not to prevent the Enactment by Colonial Assemblies, or by Her Majesty in Council, of Laws necessary for establishing the Rules and Regulations required by said recited Act and this Act.

LONDON: Printed by GEORGE E. EYRE and ANDREW SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1840.