

ANNO DECIMO QUARTO

VICTORIÆ REGINÆ.

****

CAP. I.

An Act to amend the Passengers Act, 1849.

[1st *April* 1851.]

WHEREAS it is expedient to amend the Passengers Act, 1849, as herein-after mentioned: 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,

Commissioners may fix different Lengths of Voyage for Steam and Sailing Vessels.

I. The Power given by the Twentieth Section of the said Act to the 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 to declare what shall be deemed the Length of Voyage from the United Kingdom to any of the therein-mentioned Places, or to any other Port or Place whatsoever, shall be extended so as to authorize the said Commissioners, acting by and under the Authority aforesaid, from Time to Time, by such Notice and to be published in such Manner as in the same Section mentioned, to declare such a Number of Weeks or Days to be deemed to be the Length of Voyage of a Steam Vessel, different from the Number of Weeks or Days to be deemed to be the Length of Voyage of a Sailing Vessel, and to distinguish, where they think fit, between

Vessels having Steam Engines to be used occasionally, or in aid of their Sails, and Vessels having Engines of full Power for constant Use, and to fix such different Lengths of Voyage as they may think reasonable for such different Descriptions of Vessels.

Power to substitute different Dietary extended.

II. The Power given by the Twenty-fifth Section of the said Act to the said Commissioners, acting under the Authority of One of Her Majesty's Principal Secretaries of State, from Time to Time to substitute for any of the Articles of Food mentioned in the said Act any other Articles of Food, as to the said Commissioners shall seem meet, shall be extended so as to authorize the said Commissioners, by such Notice and to be published in such Manner as in the said Twenty-fifth Section mentioned, from Time to Time to determine and specify such Quantity or Quantities of One or more Articles of Food to be substituted for a given Quantity of any Article of Food specified in the said Act as the Commissioners may think necessary to secure to each Passenger an equivalent Amount of wholesome Nutriment, and the said Commissioners may in such Notice authorize the Supply by the Master of any Passenger Ship of the substituted Articles or any of them in the Quantities specified in this Behalf, or of the Articles of Food mentioned in the said Act in the Quantities therein mentioned, at his Option, during all or any Part of a Voyage.

Notices may be amended or revoked.

III. Any Notice issued and published under either of the Powers herein-before referred to of the said Act, or under either of such Powers as extended by this Act, may be altered, amended, or revoked as Occasion may require by the said Commissioners, acting under the Authority aforesaid, by Notice to be issued and published in like Manner.

Passenger Ships putting into Port damaged not to proceed without a Certificate of Fitness.

IV. No Passenger Ship putting into or touching at any Port of the United Kingdom after having sustained any Damage shall again put to Sea until such Damage has been effectually repaired, nor until the Master of such Ship has 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 that such Ship is fit in all respects to proceed on her Voyage; and in case of any Default herein the Master of such Ship shall be liable to a Penalty not exceeding One hundred Pounds, to be sued for and recovered, with Costs, and applied as a Penalty imposed by the said Act.

Powers of Governors of Colonies and Governor

V. The Powers given by the Sixty-second and Sixty-fourth Sections of the said Act to the Governor of any of Her Majesty's Possessions abroad and to the Governor General of *India* in Council respectively to

to declare the Rule of Computation of the Length of any Voyage, or to substitute or authorize the Substitution for the Articles of Food and Provisions specified in the said Act other Articles of Food, shall be extended so as to enable such Governor and Governor General in Council respectively by Proclamation or Act (as the Case may require), subject to the Provisions of the said Passengers Act concerning Confirmation or Disallowance and Disallowance and Repeal respectively, to make, do, and authorize all such Declarations, Acts, and Matters with respect to any Voyage to which such Powers respectively extend as the Land and Emigration Commissioners, acting under the Authority aforesaid, may, under the Powers given by the Twenty-first and Twenty-fifth Sections of the said Act as extended by this Act, make, do, and authorize with respect to any Voyage to which their Powers extend.

General of India in Council, as to Length of Voyage and Dietary, extended.

VI. Before any "Passenger Ship" shall clear out or proceed on any Voyage to which the said Act shall extend, 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, in lieu of the Bond required by the Forty-third Section of the said Act, 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 (A.) hereto annexed, the Condition of which Bond shall be, that the said Ship is in all respects seaworthy, and that all and every the Requirements of the said Act and of this Act, and of the said Commissioners acting in the Manner prescribed by the said Act, and of any Order which may at the Date of such Bond have been passed by Her Majesty in Council in virtue of the said Act, shall in all respects be well and truly fulfilled and performed, and, in the Case of any Foreign Passenger Ship which shall proceed 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 the said Act empowered to adjudicate on Offences committed against the said 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 the said Act: Provided always, that such Bond shall not be liable to Stamp Duty, and shall be executed in duplicate.

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

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

VII. It shall be the Duty of the Chief Officer of Customs at the Port of Clearance of any such Passenger Ship to certify on One Part of such Bond that it has been duly executed by the said Master 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; 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.

Recited Act and this Act to be construed as One Act.

VIII. The said Act and this Act shall be construed together as One Act.

SCHE-

SCHEDULE (A.)

FORM of BOND to be given by OWNER or CHARTERER and 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 in the Year of the Reign of said Majesty, and in the Year of our Lord One thousand eight hundred and

WHEREAS by an Act passed in the Year of the Reign of Her Majesty Queen Victoria, intituled "An Act to amend the "Passengers Act, 1849," it is amongst other things enacted, that before any "Passenger Ship" shall clear out or proceed on any Voyage to which the Provisions of the Passengers Act, 1849, shall extend, 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 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 Passenger for the Period of Weeks on the Voyage from such Port to the final Port or Place of Discharge of such Vessel,] and if all and every the Requirements of the said Passengers Act, 1849, and of the said recited Act, and of the Colonial Land and Emigration Commissioners acting in the Manner prescribed by the said Passengers Act, 1849, and of any Order in Council

* 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. 23. of the Act.

Council passed in virtue of the said last-mentioned 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 Passengers Act of 1849 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 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.

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

(*Date*) _____

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