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## To make further Provision for the Carriage of Passengers by Sea to North America.

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[Note.—The Words printed in *Italics* are proposed to be inserted  
in the Committee.]

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**W**<sup>H</sup>**E**<sup>R</sup>**E**<sup>E</sup>**R**<sup>E</sup>**S** it is expedient to make further provision respect-  
ing the Carriage of Passengers by Sea to certain parts of  
North America and the Islands adjacent thereto, and for that purpose  
to alter certain provisions of an Act passed in the Session of Parlia-  
ment held in the fifth and sixth years of the reign of Her present  
Majesty, intituled, “An Act for regulating the Carriage of Passen-  
gers in Merchant Vessels,” and of an Act passed in the Session of Parli-  
ament held in the tenth and eleventh years of the reign of Her present  
Majesty, intituled, “An Act to amend the Passengers’ Act, and to  
make further Provision for the Carriage of Passengers by Sea;” ~~and~~ **it**  
**therefore Enacted**, by The QUEEN’s most Excellent MAJESTY,  
by and with the Advice and Consent of the Lords Spiritual and Tem-  
poral, and Commons, in this present Parliament assembled, and by  
the Authority of the same, THAT no Ship carrying Passengers  
on any voyage from any port or place in the United Kingdom, or  
in the Islands of Guernsey, Jersey, Alderney, Sark or Man, to any  
port or place on the Eastern Coast of North America, or in the  
Islands adjacent thereto, or in the Gulf of Mexico, shall proceed on  
such voyage with, or shall carry more Passengers on board than in the  
proportion of One Passenger to every Two Tons of the registered Ton-  
nage of such Ship, and that no such Ship shall, whatever be the

Preamble.

1.  
Limitation of  
number of  
Passengers  
according to  
space and  
tonnage.

tonnage thereof, proceed on such voyage with, or carry more Passengers on board than in the following proportion to the space occupied by them and appropriated to their use, and unoccupied by stores not being the personal luggage of the Passengers ; (that is to say) on the lower deck or platform One Passenger for every Twelve clear superficial Feet, and under the poop, or on the orlop deck, if any, One Passenger for every Thirty such superficial Feet, and that if any Ship carrying Passengers upon any such voyage as aforesaid shall carry any person or passenger beyond such proportions, or any of them, the Master of the Ship shall, for and in respect of every person or Passenger constituting such excess, be liable to the payment of a penalty not exceeding *Five Pounds* sterling.

2.  
How children  
are to be  
computed  
under this  
Act.

Provided always, and be it Enacted, That for the purposes of this Act, Two children, each being under the age of *Fourteen Years*, shall be computed as one person or Passenger, anything in the hereinbefore recited Acts to the contrary notwithstanding.

3.  
Her Majesty  
in Council  
may prescribe  
rules to be  
observed on  
board, and  
the duties of  
the Superin-  
tendent of  
Emigrants.

And be it Enacted, That it shall be lawful for Her Majesty, by any Order or Orders to be by Her made, with the Advice of Her Privy Council, to prescribe any such Rules and Regulations as to Her Majesty may seem fit for preserving order, and for securing cleanliness and ventilation on board of such Ships, and also for determining the duties and powers of the " Superintendent of Emigrants " hereinafter mentioned, and the nature and form of the Certificate hereinafter mentioned, and the said Rules and Regulations, from time to time, in like manner, to alter, amend or revoke as occasion may require.

4.  
Provisions  
and water

And be it Enacted, That on board every such Ship there shall be issued to the Passengers, daily, throughout the whole voyage, including the time of detention, if any, at any port or place before the end of such voyage, a supply of water, at the rate of at least *Three quarts* for each Passenger per day, and that there shall also be issued at convenient times, not less often than *Twice* a week, a supply of provisions, after the following rate per week ; that is to say, *Three pounds and a half* of Beef or Pork, and *Three pounds and a half* of Bread or Biscuit, and in addition thereto *Six pounds* of Bread, Biscuit, Flour, Oatmeal or Rice : Provided nevertheless, That Potatoes may be substituted for all or any part of the said additional *Six pounds*, at the rate of *Five pounds* of Potatoes for *One pound* of such Bread, Biscuit, Flour, Oatmeal or Rice ; and further, that no Ship proceeding on any such voyage as aforesaid shall be cleared out until there shall be laden on board, at the expense of the owner or charterer thereof, such quantity of pure water, and  
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of good and wholesome provisions of the requisite kind, as shall be sufficient to allow of the issues aforesaid during the period of *Ten Weeks*.

5 And be it Enacted, That all the penal and other provisions of the said recited Acts which relate to the issuing of food or water to the passengers, or to the lading and having on board such food and water, or to the inspection and approval of the same by the officers therein mentioned, shall apply to the food and water hereinbefore required to be laden on board and issued to the passengers.

5. Former enactments relating to food and water, to apply to the food and water issued under this Act.

10 And be it Enacted, That every Ship carrying as many as One hundred Passengers on such voyage as aforesaid shall have on board a "Superintendent of Emigrants," appointed by writing under the hands of Two of Her Majesty's Colonial Land and Emigration Commissioners acting under the authority of one of Her Majesty's Principal  
15 Secretaries of State ; and that the Owner or Charterer of every such Ship shall give to the said Commissioners at least Eight clear days' previous notice, or if the ship shall be about to proceed from any port or place in Ireland at least *Fourteen* clear days' previous notice of her intended departure.

6. A Superintendent of Emigrants to be taken in every ship carrying as many as 100 passengers.

Notice to be given to the Colonial Land and Emigration Commissioners of the sailing of such Ship.

20 And be it Enacted, That no such Ship shall be allowed to clear out or proceed on such voyage unless there shall be on board a duly appointed "Superintendent of Emigrants."

7. No Ship to clear without such Superintendent.

And be it Enacted, That while such "Superintendent of Emigrants" shall remain on board the Ship to which he shall be so appointed as  
25 aforesaid, he shall receive, at the expense of the Owner or Charterer thereof such accommodation and messing as shall be approved by the Emigration Officer at the port of clearance, or his assistant, or when there is no such officer, or in his absence, by the Officer of Customs, from whom a clearance shall be demanded, and the said Superin-  
30 tendent, on producing such certificate of the performance of his duties as may be required by such Order in Council as aforesaid, shall also receive from the Master of the Ship the sum of *Twenty Pounds*, together with the sum of *One Shilling* for every Passenger landed alive therefrom.

8. Remuneration of such Superintendent.

35 And be it Enacted, That it shall be lawful for the said Superintendent to punish any passenger who shall fail to obey any rules or regulations made by or under authority of any such Order in Council as aforesaid, by depriving him of any part not exceeding  
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9. Powers of such Superintendent.

exceeding *One-half* of the daily rations to which he may be entitled ; and it shall be lawful for the Master of the Ship, if he shall think fit, on the requisition of the said Superintendent, to confine any such Passenger in irons for any period not exceeding Hours for any  
one offence, and the said Master shall otherwise aid and assist the said Superintendent in the enforcement of all such rules or regulations as aforesaid ; and in case he shall neglect or refuse so to do he shall be liable to a penalty not exceeding *Two Pounds* sterling for each offence. 5

10.  
Penalties for not obeying Rules prescribed by Order in Council, or directions of Superintendent.  
Penalties for obstructing Superintendent.  
Penalty on Master for depriving Superintendent of his accommodation and mess.

And be it Enacted, That any person on board of such Ship who shall neglect or refuse to obey any rule or regulation made by or under authority of such Order in Council, as aforesaid, or any direction issued or given by the said Superintendent within the limits of his lawful authority, shall be liable to the payment of a penalty not exceeding *Two Pounds* sterling ; and any such person who shall obstruct or resist the said Superintendent in the execution of his lawful authority shall be liable to the payment of a penalty not exceeding *Five Pounds* sterling ; and if the Master of such Ship shall deprive the said Superintendent wholly or in part of the benefit of such accommodation and messing as aforesaid, he shall be liable to the payment of a penalty not exceeding *Twenty Pounds* sterling ; and the convicting Justices shall apply the whole or such part of the last-mentioned penalty as to them shall seem fit, to compensate the said Superintendent for any such deprivation : Provided always, That it shall be lawful for the Justices of the Peace in any part of Her Majesty's dominions, before whom any person shall be convicted of obstructing or resisting such Superintendent as aforesaid in the execution of his duty, to order such person, in addition to the penalty hereinbefore mentioned, to be confined to the common gaol for any period not exceeding *Three* calendar Months. 10  
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Empowers Magistrates to imprison any person obstructing or resisting Superintendent.

11.  
Colonial Land and Emigration Commissioners to prepare an abstract of Acts and Orders in Council.

And be it Enacted, That the said Colonial Land and Emigration Commissioners shall from time to time prepare such abstract as they may think proper of the whole or part of this and of the said recited Acts, and of any Order in Council to be made as aforesaid ; and that Six copies of the said Abstract, together with Two copies of this and of the said recited Acts, shall, on demand, be delivered by the Collector or Comptroller of the Customs of the port of clearance to the Master of every Ship carrying Passengers on such voyage as aforesaid ; and that such Master shall, so long as any Passenger be entitled to remain in the Ship, keep posted in at least Two conspicuous places between the decks of the said Ship, copies of such Abstract, and shall be liable to a penalty not exceeding *Forty Shillings* sterling for every day during any part of which by his act or default such Abstract shall fail 35  
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Such abstract to be posted up in each ship.

Penalties.

fail to be so posted ; and that any person displacing or defacing such Abstract so posted shall be liable to a penalty not exceeding *Forty Shillings* sterling.

And be it Enacted, That all penalties imposed by this Act shall be sued for and recovered by such persons only, and in such manner, as in the said first-recited Act is provided in the case of the penalties thereby imposed.

12.  
How Penalties to be recovered.

And be it Enacted, That the bond required by the said hereinbefore firstly-recited Act to be given in certain cases to Her Majesty in respect of Ships carrying more than Fifty Passengers shall include and be a security not only for the matters and payments in the said Act mentioned but also for the faithful observance of the provisions as well of the said hereinbefore secondly-recited Act as of this Act, and of any rules and regulations to be prescribed by any such Order in Council as aforesaid, and further for the due payment by the Master of any such Vessel of all penalties which he may be adjudged to pay under or by virtue of the said hereinbefore secondly-recited Act or of this Act.

13.  
Bond.

And be it Enacted, That in the interpretation of this Act, the term " Passenger " shall be held not to include the class of Passengers commonly known by the name of Cabin Passengers, and the term " Ship " shall include every description of sea-going vessel whether British or foreign, and the term " Master " shall include any person being in command of such Vessel for the time being ; and that unless there be something in the subject-matter or context, repugnant to such construction, every word importing the singular number or the masculine gender only shall be construed to include several persons, matters or things, as well as one person, matter or thing, and females as well as males respectively :

14.  
Interpretation of Act.

Provided always, and be it Enacted, That nothing in this Act contained shall apply to any Ship in which the number of Passengers shall not bear to the registered tonnage a greater proportion than that of one passenger to every Twenty-five tons ; Provided also, that if in any action, prosecution or other legal proceeding under this Act, any question shall arise whether any Ship carrying Passengers on any such voyage as aforesaid did or did not carry a greater number of Passengers than aforesaid in proportion to the tonnage thereof, the burden of proving that the number of Passengers so carried in proportion to the tonnage of the Ship was not greater than that of One person to every Twenty-five tons, shall lie upon the person against whom any such action, prosecution or other legal proceeding may be brought, and failing such proof it shall, for any such purpose as aforesaid,

15.  
Exemption of ships carrying fewer than One passenger to 25 tons. Onus Probandi on defendant.

aforesaid be taken and adjudged that the number of Passengers so carried did exceed that proportion.

16.  
Short Title  
of Act.

And be it Enacted, That in all proceedings it shall be sufficient to cite this Act by the title of "The North American Passengers Act."

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17.  
Act may be  
amended, &c.

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

*Passengers.*

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To make further Provision for the Carriage  
of Passengers by Sea to North America.

*(Prepared and brought in by  
Mr. Labouchere and the Chancellor of the  
Exchequer.)*

*Ordered, by The House of Commons, to be Printed,  
11 February 1848.*

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*Under 1 oz.*