



SUPPLEMENT  
TO THE  
NEW SOUTH WALES  
**Government Gazette.**

OF TUESDAY, 14 OCTOBER, 1851.

PUBLISHED BY AUTHORITY.

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THURSDAY, 16 OCTOBER, 1851.

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*Colonial Secretary's Office,  
Sydney, 17th October, 1851.*

**H**IS Excellency the GOVERNOR-GENERAL is pleased to direct the publication, for general information, of the following Despatch from the Right Honorable the Secretary of State, together with the accompanying Act of Parliament.

*By His Excellency's Command,*  
E. DEAS THOMSON.

(CIRCULAR.)

*Downing-street,  
16th April, 1851.*

SIR,

I transmit herewith two copies of an Act passed in the present Session of the Imperial Parliament, intituled "*An Act to amend the Passengers' Act of 1849.*"

In doing so I have to call your attention more particularly to the 6th and 7th clauses of the Act.

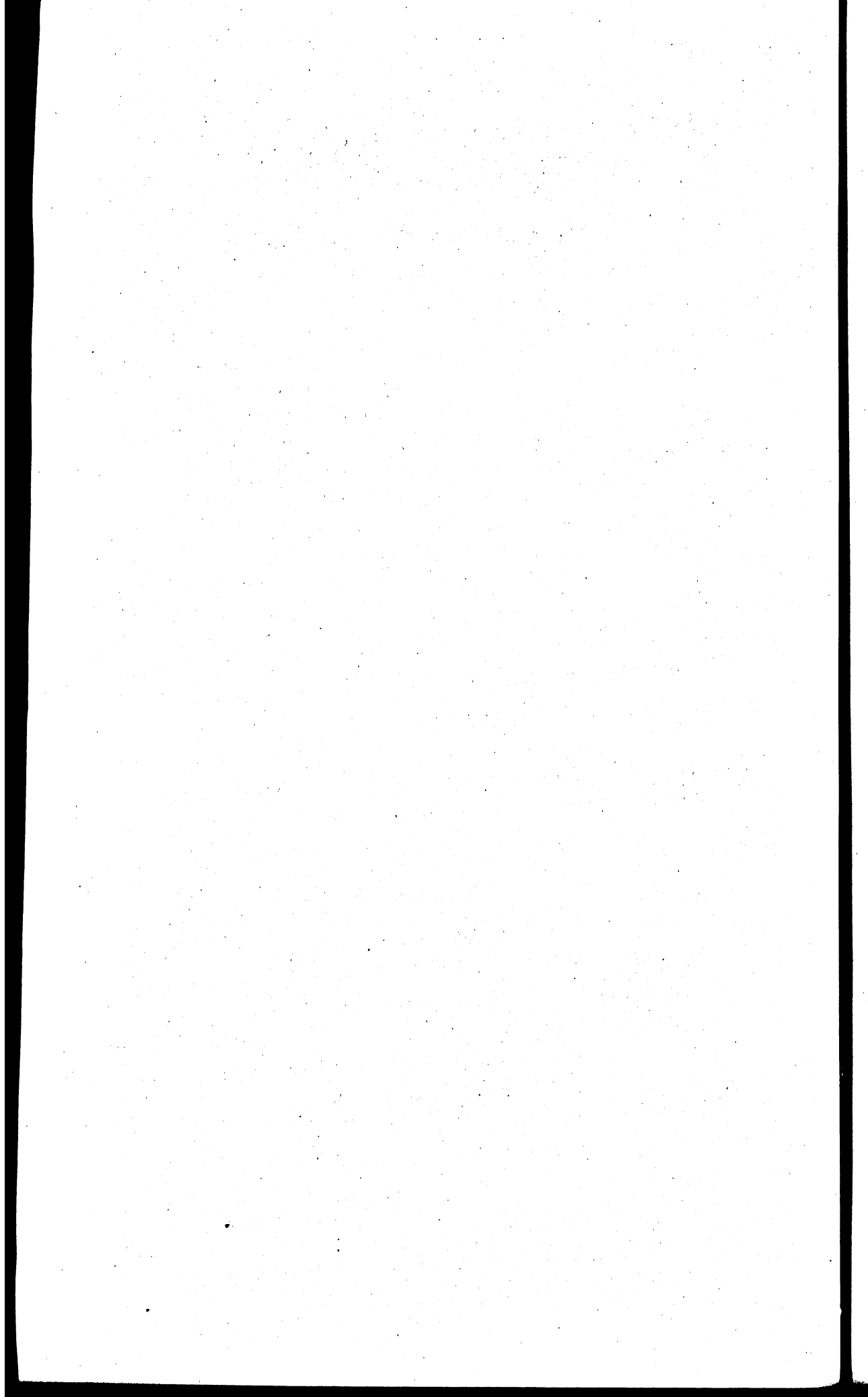
I have the honor to be,

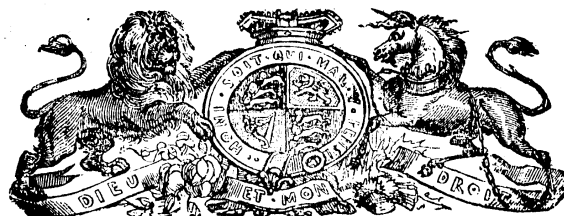
Sir,

Your most obedient humble servant,

GREY.

GOVERNOR SIR CHARLES FITZ ROY,  
&c., &c., &c.





ANNO DECIMO QUARTO

# VICTORIÆ REGINÆ.

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## CAP. I.

An Act to amend the Passengers Act, 1849.

[1st April, 1851.]

**W**HEREAS 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,

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.

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

II.

*Passengers Act Amendment.*

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

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 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.

*Passengers Act Amendment.*

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.

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.

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.

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

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

## SCHEDULE

*Passengers Act Amendment.*

## 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 Suc-  
cessors; 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 Ma-  
jesty 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 pre-  
scribed by the said Passengers Act, 1849, and of any Order in 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.

\*The Clause  
within Brackets  
is to be inserted  
only when the  
Ship is to call at  
an intermediate  
Port to take in  
Water, as pro-  
vided by s. 23,  
of the Act.

†This Clause to  
be inserted only  
in the Case of a  
Foreign Pas-  
senger Ship  
proceeding to  
any of the Bri-  
tish Colonies.

‡Insert Names  
and Addresses  
in full of the  
Witnesses.

§Certificate to  
be signed by  
the Chief Officer  
of Customs in  
case of a  
Foreign Pas-  
senger Ship.

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

§[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 ]

(Signature)

{ Chief Officer of  
Customs for the  
Port of

(Date)