



Merchant Shipping Act 1894

1894 CHAPTER 60

PART III

PASSENGER AND EMIGRANT SHIPS.

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EMIGRANT SHIPS.

Survey of Emigrant Ships.

289 Preliminary survey of emigrant ship.

- (1) An emigrant ship, in respect of which a passenger steamer's certificate is not in force, shall not clear outwards or proceed to sea on any voyage unless she has 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 at any port in the British Islands where there is an emigration officer by the Board of Trade, and at other ports by the Commissioners of Customs, and has been reported by such surveyors to be in their opinion seaworthy and fit for her intended voyage.
- (2) The survey shall be made before any portion of the cargo is taken on board, except so much as may be necessary for ballasting the ship, and such portion of cargo if laden on board shall be shifted, if required by the emigration officer or the surveyors, so as to expose to view successively every part of the frame of the ship.
- (3) If any such surveyors report that the ship is not seaworthy, or not fit for her intended voyage, the owner or charterer may, if he thinks fit, by writing under his hand require the emigration officer to appoint three other competent surveyors (of whom two at least must be shipwrights) to survey the ship at the expense of the owner or charterer, and the said officer shall thereupon appoint such surveyors, and they shall survey the ship and if by unanimous report under their hands, but not otherwise, they declare the

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ship to be seaworthy and fit for her intended voyage, the ship shall for the purposes of this Part of the Act be deemed seaworthy and fit for that voyage.

- (4) If any requirement of this section is not complied with in the case of any emigrant ship, the owner charterer or master of the ship or any of them shall for each offence be liable to a fine not exceeding one hundred pounds.

Equipments.

290 Equipment with compasses, chronometers, fire engine, anchors, &c.

- (1) Every emigrant ship shall, in addition to any other requirement under this Act, be provided with the following articles; namely,—
- (a) With at least three steering compasses, and one azimuth compass; and
 - (b) If proceeding to any place north of the Equator, with at least one chronometer; and
 - (c) If proceeding to any place south of the Equator, with at least two chronometers; and
 - (d) With a fire engine in proper working order and of such description and power, and either with or without such other apparatus for extinguishing fire as the emigration officer may approve; and
 - (e) With three bower anchors of such weight and with cables of such length, size, and material, as in the judgment of the emigration officer are sufficient for the size of the ship; and
 - (f) If a foreign ship, with four properly fitted lifebuoys kept ready at all times for immediate use; and
 - (g) Adequate means, to be approved by the emigration officer at the port of clearance, of making signals by night.
- (2) If any requirement of this section is not complied with in the case of any emigrant ship, the master of that ship shall for each offence be liable to a fine not exceeding fifty pounds.

Number of, and Accommodation for, Passengers.

291 Regulations as to carrying of passengers generally.

- (1) A ship shall not carry passengers, whether cabin or steerage passengers, on more than two decks, except that cabin passengers not exceeding one for every hundred tons of the ship's registered tonnage, and sick persons placed in hospital as hereinafter provided may be carried in a poop or deck house, although passengers are carried on two other decks.
- (2) If steerage passengers are carried under the poop, or in a round house, or deck house, the poop, round house, or deck house shall be properly built and secured to the satisfaction of the emigration officer at the port of clearance.
- (3) If any requirement of this section is not complied with in the case of any ship, the master of the ship shall for each offence be liable to a fine not exceeding five hundred pounds.

292 Limit of number of steerage passengers to be carried on emigrant ships.

- (1) The number of steerage passengers carried in an emigrant ship shall not exceed the number limited by the regulations in the Tenth Schedule to this Act.
- (2) If there is on board any emigrant ship at or after the time of clearance a greater number of steerage passengers than the number so limited (except as increased by births at sea), the master of the ship shall be liable to a fine not exceeding twenty pounds for each steerage passenger constituting such excess.

293 Regulations as to accommodation of steerage passengers.

- (1) The regulations as to the accommodation for steerage passengers in the Eleventh Schedule to this Act, relating to the construction of passenger decks, to berths, to hospitals, to privies, and to the supply of light and ventilation, shall be observed in the case of all emigrant ships as if they were contained in this section.
- (2) If any requirement of this section is not complied with in the case of any emigrant ship, the owner charterer or master of the ship or any of them shall for each offence be liable to a fine not exceeding fifty pounds, except that the master shall alone be liable to the fine where he is in any such regulation expressed to be alone liable.

294 Stowage of goods.

- (1) No part of the cargo or of the steerage passengers luggage, or of the provisions, water, or stores, whether for the use of the steerage passengers or of the crew, shall be carried on the upper deck or on the passenger decks, unless in the opinion of the emigration officer at the port of clearance the same is so placed as not to impede light or ventilation or to interfere with the comfort of the steerage passengers, nor unless the same is stowed and secured to the satisfaction of the emigration officer; and the space thereby occupied or rendered in the opinion of such officer unavailable for the accommodation of the steerage passengers, shall (unless occupied by the said steerage passengers luggage) be deducted in calculating the space by which the number of steerage passengers is regulated.
- (2) If any requirement of this section is not complied with in the case of any emigrant ship, the owner charterer or master or any of them shall for each offence be liable to a fine not exceeding three hundred pounds.

Provisions, Water, and Medical Stores.

295 Supply of provisions and water.

- (1) There shall be placed on board every emigrant ship, for the steerage passengers provisions and water of good and wholesome quality and in sweet and good condition, and in quantities sufficient to secure throughout the voyage the issues required by this Part of this Act.
- (2) In addition to the allowance of pure water for each steerage passenger, water shall be shipped for cooking purposes sufficient to supply ten gallons for every day of the length of the voyage as determined under this Part of this Act for every one hundred statute adults on board.

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- (3) There shall also be shipped for the use of the crew and all other persons on board an ample amount of wholesome provisions and pure water, not inferior in quality to the provisions and water provided for the steerage passengers.
- (4) All such water and provisions shall be provided and stowed away by and at the expense of the owner, charterer, or master of the ship.
- (5) If any emigrant ship obtains a clearance without being provided with the requisite quantities of water and provisions in accordance with this section, the owner charterer or master of that ship or any of them shall for each offence be liable to a fine not exceeding three hundred pounds.
- (6) Before an emigrant ship is cleared outwards, 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 steerage passengers, and shall satisfy himself that the same are of good and wholesome quality and in sweet and good condition, and in the quantities required by this Act.
- (7) If the emigration officer considers that any part of the-provisions or water is not of a good and wholesome quality, or is not in sweet and good condition, he may reject and mark the same, or the packages or vessels in which it is contained, and direct the same to be forthwith landed or emptied.
- (8) If the same are not forthwith landed or emptied, or if after being landed the same or any part thereof are reshipped in the ship, the owner charterer or master of the ship or any of them or, if the same are shipped in any other emigrant ship, then the person causing the same to be so shipped, shall for each offence be liable to a fine not exceeding one hundred pounds.

296 Mode of carrying water.

- (1) The water to be placed on board emigrant ships as herein-before provided shall be carried in tanks or casks approved by the emigration officer at the port of clearance, and the casks, shall be sweet and tight, of sufficient strength, and if of wood properly charred inside, and the staves shall not be made of fir, pine, or soft wood, and each cask shall not be capable of containing more than three hundred gallons.
- (2) If any requirement of this section is not complied with in. the case of any emigrant ship, the owner charterer or master of the ship, or any of them, shall for each offence be liable to a fine-not exceeding fifty pounds.

297 Provision for touching at intermediate ports to take in water.

If an emigrant ship is intended to call at any intermediate port during the voyage for the purpose of taking in water, and if an engagement to that effect is inserted in the master's bond herein-after mentioned, it shall be sufficient to place on board at the port of clearance such supply of water as is required by this Part of this Act for the voyage to the intermediate port, subject to the following conditions ; (that is to say,)

- (i) The emigration officer at the port of clearance shall approve in writing the arrangement, and the approval shall be carried among the ship's papers, and shall be exhibited at the intermediate port and delivered on the arrival of the ship at her final port of discharge to the chief officer of customs, or British consular officer, as the case may be:

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- (ii) If the length of either portion of the voyage, whether to the-intermediate port, or from the intermediate port to the final port of discharge, is not determined under this Part of this Act, the emigration officer at the port of clearance shall declare the same in writing as part of his said approval of the arrangement:
- (iii) The ship shall have on board at the time of clearance such tanks and water casks of the description by this Part of this Act, required, as are sufficient for stowing the quantity of water required for the longest of the aforesaid portions of the voyage.

298 Issue of water or provisions during voyage.

- (1) The master of every emigrant ship shall during the voyage, including the time of detention at any place before the termination thereof, issue to each steerage passenger, or where the steerage, passengers are divided into messes, to the head man for the time being of each mess, on behalf and for the use of all the members thereof, an allowance of pure water, and sweet and wholesome provisions of good quality, in accordance with the dietary scales in the Twelfth Schedule to this Act, which shall have effect as if they were contained in this section.
- (2) The Board of Trade may, by notice published in the London Gazette, add to the dietary scales in the said schedule any dietary scale which in their opinion contains in the whole the same amount of wholesome nutriment as any scale in that schedule, and any dietary scale so added, inclusive of any regulations relating thereto, shall have effect as if they were contained in the said schedule as an alternative of the dietary scales therein contained, and accordingly a master of a ship may issue provisions according to the latter scales or to any scale so added, whichever is mentioned in the contract ticket of the steerage passengers.
- (3) If any requirement of this section is not complied with in the case of any emigrant ship the master of the ship shall for each offence be liable to a fine not exceeding fifty pounds.

299 Power of Board of Trade to exempt ships.

The Board of Trade if satisfied that the food, space, accommodation, or any other particular or thing provided in an emigrant ship for any class of passengers, whether cabin or steerage, is superior to the food, space, accommodation, or other particular or thing required by this Part of this Act, may exempt that ship from any requirement of this Part of this Act with respect to food, space, or accommodation, or other particular or thing, in such manner and upon such conditions as the Board think fit.

300 Medical stores.

- (1) The owner or charterer of every emigrant ship shall provide for the use of the steerage passengers a supply of the following things (in this Part of this Act referred to as medical stores), namely, medicines, medical comforts, instruments, disinfectants, and other things proper and necessary for diseases and accidents incident to sea voyages and for the medical treatment of the steerage passengers during the voyage, with written directions for the use of such medical stores.
- (2) The medical stores shall, in the judgment of the emigration officer at the port of clearance, be good in quality and sufficient in quantity for the probable exigencies of

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the intended voyage, and shall be properly packed, and placed under the charge of the medical practitioner, when there is one on board, to be used at his discretion.

- (3) If any of the above requirements of this section is not complied with in the case of an emigrant ship, the master of the ship shall for each offence be liable to a fine not exceeding fifty pounds.
- (4) An emigrant ship shall not clear outwards or proceed to sea unless a medical practitioner appointed by the emigration officer at the port of clearance has inspected the said medical stores, and certified to the emigration officer that they are sufficient in quantity and quality, or unless the emigration officer, in case he cannot on any particular occasion obtain the attendance of a medical practitioner, gives written permission for the purpose.
- (5) If an emigrant ship clears outwards or proceeds to sea without such certificate or permission, the master of the ship shall for each offence be liable to a fine not exceeding one hundred pounds.

Dangerous Goods, and Carriage of Cattle.

301 Regulations as to carnage of dangerous goods, and of horses and cattle.

- (1) Subject to the provisions of this Part of this Act as to military stores, an emigrant ship shall not clear outwards or proceed to sea, if there is on board—
 - (a) as cargo, any article which is an explosive within the meaning of the Explosives Act, 1875, or any vitriol, lucifer matches, guano, or green hides, or
 - (b) either as cargo or ballast, any article or number of articles which by reason of the nature, quantity, or mode of stowage thereof are, either singly or collectively, in the opinion of the emigration officer at the port of clearance, likely to endanger the health or lives of the steerage passengers or the safety of the ship, or
 - (c) as cargo, horses or cattle or other animals mentioned in the Thirteenth Schedule to this Act, except they are carried on the conditions stated in that schedule, which shall have effect as if contained in this section.
- (2) If any requirement of this section is not complied with in the case of any ship, the owner charterer or master of the ship or any of them, shall for each offence be liable to fine not exceeding three hundred pounds.

302 Carriage of military stores.

- (1) A Secretary of State may, by order under his hand, authorise the carriage as cargo in any emigrant ship (subject to such conditions and directions as may be specified in the order) of naval and military stores for the public service, and those stores may be carried accordingly.
- (2) The order shall be addressed to the emigration officer and shall be by him countersigned, and delivered to the master of the ship to which it refers, and shall be delivered up by the master to the chief officer of customs at the port where the stores are discharged.

- (3) The master shall comply with all the conditions and directions in the order, and, if he fails to do so, shall for each offence be liable to a fine not exceeding three hundred pounds.

Medical Officer, Staff, and Crew.

303 Medical practitioners.

- (1) Subject to any regulations made by Order in Council under this Part of this Act, a duly authorised medical practitioner shall be carried on board an emigrant ship—
- (a) where the number of steerage passengers on board exceeds fifty ; and also
 - (b) where the number of persons on board (including cabin passengers, officers, and crew) exceeds three hundred.
- (2) A medical practitioner shall not be considered to be duly authorised for the purposes of this Act unless—
- (a) he is authorised by law to practise as a legally qualified medical practitioner in some part of Her Majesty's dominions, or, in the case of a foreign ship, in the country to which that ship belongs: and
 - (b) his name has been notified to the emigration officer at the port of clearance, and has not been objected to by him: and
 - (c) he is provided with proper surgical instruments to the satisfaction of that officer.
- (3) When the majority of the steerage passengers in any emigrant ship, or as many as three hundred of them, are foreigners, any medical practitioner whether authorised or not may, if approved by the emigration officer, be carried therein.
- (4) Where a medical practitioner is carried on board an emigrant ship he shall be rated on the ship's articles.
- (5) If any requirement of this section is not complied with in the case of any emigrant ship, the master of the ship shall for each offence be liable to a fine not exceeding one hundred pounds.
- (6) If any person proceeds or attempts to proceed as medical practitioner in any emigrant ship without being duly authorised, or contrary to the requirements of this section, that person and any person aiding and abetting him shall for each offence be liable to a fine not exceeding one hundred pounds.

304 Steerage passengers stewards, cooks, and interpreters.

- (1) Every emigrant ship, if carrying as many as one hundred steerage passengers, shall carry a steerage steward, who shall be a seafaring man, and rated in the ship's articles as steerage steward, and approved by the emigration officer at the port of clearance : he shall be employed in messing and serving out the provisions to the steerage passengers, and in assisting to maintain cleanliness, order, and good discipline among them, and shall not assist in any way in navigating or working the ship.
- (2) Every emigrant ship carrying as many as one hundred steerage passengers shall also carry a steerage cook, and if carrying more than three hundred statute adults two steerage cooks, who shall be seafaring men, and be rated and approved as in the

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case of steerage stewards, and shall be employed in cooking the food of the steerage passengers.

- (3) In every such ship a convenient place for cooking shall be set apart on deck, and a sufficient cooking apparatus, properly covered in and arranged, shall be provided, to the satisfaction of the emigration officer at the port of clearance, together with a proper supply of fuel adequate, in his opinion, for the intended voyage.
- (4) Every foreign emigrant ship in which as many as one half of the steerage passengers are British subjects, shall, unless the master and officers or not less than three of them understand and speak intelligibly the English language, carry, if the number of steerage passengers does not exceed two hundred and fifty, one person, and if 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: those persons shall act as interpreters, and be employed exclusively in attendance on the steerage passengers, and not in working the ship; and any such ship shall not clear outwards or proceed to sea without having such interpreter on board.
- (5) If any requirement of this section is not complied with in the case of any emigrant ship, the master of the ship shall for each offence be liable to a fine not exceeding fifty pounds.

305 Crew of emigrant ship.

- (1) Every emigrant ship shall be manned with an efficient crew for her intended voyage, to the satisfaction of the emigration officer from whom a certificate for clearance for such ship is demanded : after the crew have been passed by the emigration officer, the strength of the crew shall not be diminished nor any of the men changed without the consent in writing either of that emigration officer or of the superintendent at the port of clearance,
- (2) Where the consent of a superintendent has been obtained, it shall, within twenty-four hours thereafter, be lodged with the said emigration officer.
- (3) If the emigration officer considers the crew inefficient, the owner or charterer of the ship may appeal in writing to the Board of Trade, and the Board shall, at the expense of the appellant, appoint two other emigration officers or two competent persons to examine into the matter, and the unanimous opinion of the persons so appointed, expressed under their hands, shall be conclusive on the point.
- (4) If any requirement of this section is not complied with in the case of any emigrant ship, the master of that ship shall for each offence be liable to a fine not exceeding fifty pounds

Medical Inspection.

306 Medical inspection of steerage passengers and crew.

- (1) An emigrant ship shall not clear outwards or proceed to sea until—
 - (a) either a medical practitioner, appointed by the emigration officer at the port of clearance, has inspected all the steerage passengers and crew about to proceed in the ship, and has certified to the emigration officer, and that officer is satisfied, that none of the steerage passengers or crew appear to be by reason

- of any bodily or mental disease unfit to proceed, or likely to endanger the health or safety of the other persons, about to proceed in the ship; or :
- (b) the emigration officer, if he cannot on any particular occasion obtain the attendance of a medical practitioner, grants written permission for the purpose.
- (2) The inspection shall take place either on board the ship, or, in the discretion of the emigration officer, at such convenient place on shore before embarkation, as he appoints, and the master, owner, or charterer of the ship shall pay to the emigration officer in respect of the inspection such fee not exceeding twenty shillings for every hundred persons or fraction of a hundred persons inspected, as the Board of Trade determine.
- (3) If this section is not complied with in the case of any emigrant ship, the master of the ship shall for each offence be liable to a fine not exceeding one hundred pounds.

307 Re-landing of persons for medical reasons.

- (1) If the emigration officer is satisfied that any person on board or about to proceed in any emigrant ship is by reason of sickness unfit to proceed, or is for that or any other reason in a condition likely to endanger the health or safety of the other persons on board, the emigration officer shall prohibit the embarkation of that person, or, if he is embarked, shall require him to be re-landed ; and if the emigration officer is satisfied that it is necessary for the purification of the ship or otherwise that all or any of the persons on board should be re-landed, he may require the master of the ship to re-land all those persons, and the master shall thereupon re-land those persons, with so much of their effects and with such members of their families as cannot in the judgment of such emigration officer be properly separated from them.
- (2) If any requirement of this section is not complied with in the case of any emigrant ship, the master owner or charterer of the ship, or any of them, shall for each offence be liable to a fine not exceeding two hundred pounds.
- (3) If any person embarks when so prohibited to embark, or fails without reasonable cause to leave the ship when so required to be re-landed, that person may be summarily removed, and shall be liable to a fine not exceeding forty shillings for each day during which he remains on board after the prohibition or requirement.
- (4) Upon such re-landing the master of the ship shall pay to each steerage passenger so re-landed, or, if he is lodged and maintained in any hulk or establishment under the superintendence of the Board of Trade, then to the emigration officer at the port, subsistence money at the rate of one shilling and sixpence a day for each statute adult until he has been re-embarked or declines or neglects to proceed, or until his passage money, if recoverable under this Part of this Act, has been returned to him.

308 Return of passage money to persons re-landed for medical reasons.

When a person has been re-landed from an emigrant ship on account of the sickness of himself or of any member of his family, and is not re-embarked or does not finally sail in that ship, he, or any emigration officer on his behalf, shall be entitled, on delivery up of his contract ticket, and notwithstanding that the ship has not sailed, to recover summarily, in the case of a steerage passenger the whole, and in the case of a cabin passenger one half, of the money paid by or on account of the passenger and of the members of his family re-landed, from the person to whom the same was paid, or from

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the owner, charterer, or master of the ship, or any of them, at the option of the person recovering the same.

Master's Bond.

309 Bond to be given by master of emigrant ship.

- (1) Before an emigrant ship clears outwards or proceeds to sea, the master, together with the owner or charterer, or in the event of the owner or charterer being absent or being the master, one other good and sufficient person approved by the chief officer of customs at the port of clearance, shall enter into a joint and several bond (in this Act referred to as the master's bond) in the sum of two thousand pounds, to the Crown.
- (2) The bond shall be executed in duplicate, and shall not be liable to stamp duty.
- (3) Where neither the owner nor the charterer of an emigrant ship resides in the British Islands, the bond shall be for the sum of five thousand instead of two thousand pounds, and shall contain an additional condition for the payment to the Crown, as a Crown debt, of all expenses incurred under this Act in rescuing, maintaining, and forwarding to their destination, any steerage passengers carried in the ship who by reason of shipwreck or any other cause, except their own neglect or default, are not conveyed by or on behalf of the owner, charterer, or master of the ship to their intended destination.

310 Evidence of bond.

- (1) Where an emigrant ship is bound to a British possession the chief officer of customs at the port of clearance shall certify on one part of the master's bond that it has been duly executed by the master of the ship and the other person bound, and shall forward the same to the governor of the said possession or to such person as the governor may appoint for that purpose.
- (2) The certificate shall, in any court of a British possession in which the bond may be put in suit, be conclusive evidence of the due execution of the bond by the master and the other person bound, and it shall not be necessary to prove the handwriting of the officer of customs who signed the certificate, nor that he was at the time of signing it chief officer of customs at the port of clearance.
- (3) Any such bond shall not be put in suit in a British possession after the expiration of three months next after the arrival of the ship in that possession, nor in the British Islands after the expiration of twelve months next after the return of the ship and of the master to the British Islands.

Passengers Lists.

311 Passengers lists.

- (1) The master of every ship carrying steerage passengers on a voyage from the British Islands to any port out of Europe and not within the Mediterranean Sea, or on a colonial voyage as herein-before defined, shall, before demanding a clearance for his ship, sign in duplicate a passengers list, that is to say a list correctly setting forth the name and other particulars of the ship and of every passenger, whether cabin or steerage, on board thereof.

- (2) The passengers lists shall be countersigned by the emigration officer if there is one at the port, and then delivered by the master to the officer of customs from whom a clearance is demanded, and that officer shall thereupon countersign and return to the master one duplicate (in this Part of this Act referred to as the "master's list"), and shall retain the other duplicate.
- (3) If any requirement of this section to be observed by the master is not complied with in the case of any ship or any passengers list is wilfully false, the master of the ship shall for each offence be liable to a fine not exceeding one hundred pounds.

312 Lists of passengers embarked after clearance.

- (1) If at any time after the passengers list has been signed and delivered as aforesaid any additional passenger (whether cabin or steerage) is taken on board, the master shall add to the master's list, and also enter on a separate list signed by him the names and other particulars of every such additional passenger.
- (2) The separate list shall be countersigned by the emigration officer, where there is one at the port, and shall, together with the master's list to which the addition has been made, be delivered to the chief officer of customs at the port, who shall thereupon countersign the master's list, and return the same to the master, and shall retain the separate list, and so on in like manner whenever any additional passenger is taken on board.
- (3) If there is no officer of customs stationed at the port where an additional passenger is taken on board, the said lists shall be delivered to the officer of customs at the next port having such an officer at which the vessel arrives, to be dealt with as hereinbefore mentioned.
- (4) When any additional passenger is taken on board the master shall, before the ship proceeds to sea, obtain a fresh certificate from the emigration officer of the port that all the requirements of this Part of this Act have been complied with.
- (5) If any requirement of this section is not complied with in the case of any ship, the master of that ship shall for each offence be liable to a fine not exceeding fifty pounds.

313 Attempt to gain passage without payment.

- (1) If a person is found on board an emigrant ship with intent to obtain a passage therein without the consent of the owner, charterer, or master thereof, he and any person aiding and abetting him, shall be liable to a fine not exceeding twenty pounds, and in default of payment to imprisonment for a period not exceeding three months, with or without hard labour.
- (2) Any person so found on board may, without warrant, be taken before a justice of the peace to be dealt with according to law, and that justice may try the case in a summary manner.

Certificate for Clearance.

314 Certificate for clearance.

- (1) A ship fitted or intended for the carriage of steerage passengers as an emigrant ship shall not clear outwards or proceed to sea until the master has obtained from the

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emigration officer at the port of clearance a certificate for clearance, that is to say a certificate that all the requirements of this Part of this Act, so far as the same can be complied with before the departure of the ship, have been duly complied with, and that the ship is in his opinion seaworthy, in safe trim, and in all respects fit for her intended voyage, and that the steerage passengers and crew are in a fit state to proceed, and that the master's bond has been duly executed.

- (2) If the emigration officer refuses to grant such certificate, the owner or charterer of the ship may appeal in writing to the Board of Trade, and that Board shall thereupon appoint any two other emigration officers or any two competent persons to examine into the matter at the expense of the appellant, and if the officers or persons so appointed grant the master of the ship under their joint hands a certificate to the same purport as the certificate for clearance, it shall be of the same effect as a certificate for clearance.

315 Facilities to be given for the inspection of ships.

- (1) The master of every ship, whether an emigrant ship or not, which is fitting or intended for the carriage of steerage passengers, or which carries steerage passengers on a voyage from the British Islands to any port out of Europe and not within the Mediterranean Sea, or on a colonial voyage as herein-before defined, shall afford to the emigration officer at any port in Her Majesty's dominions, and, in the case of British ships, to the British consular officer at any port elsewhere at which the ship is or arrives, every facility for inspecting the ship, and for communicating with the steerage passengers and for ascertaining that this Part of this Act, so far as applicable to the ship, has been duly complied with.
- (2) If the master of any ship fails to comply with this section, he shall for each offence be liable to a fine not exceeding fifty pounds.

316 Ships putting back to replenish provisions, &c.

- (1) If any emigrant ship, after clearance, is detained in port for more than seven days, or puts into or touches at any port in the British Islands, she shall not proceed to sea again until—
 - (a) there has been laden on board, at the expense of the owner, charterer, or master of the ship, such further supply of pure water, wholesome provisions of the requisite kinds and qualities, and medical stores, as is necessary to make up the full quantities of those articles required under this Part of this Act to be laden on board for the intended voyage; and
 - (b) any damage which the ship has sustained has been effectually repaired; and
 - (c) the master of the ship has obtained from the emigration officer a certificate for clearance to the same effect as the certificate for clearance at her port of departure.
- (2) If any requirement of this section is not complied with in the case of any emigrant ship, the master shall for each offence be liable to a fine not exceeding one hundred pounds.

317 Emigrant ships putting back to be reported to emigration officer.

- (1) If any emigrant ship, after clearance, puts into or touches-at any port in the British Islands, the master shall, within twelve hours thereafter, report in writing his arrival, and the cause of his putting back, and the condition of his ship and of her provisions;

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water, and medical stores to the emigration officer at the port, and shall produce to that officer the master's list of passengers.

- (2) If the master of an emigrant ship fails to comply with this section, he shall for each offence be liable to a fine not exceeding twenty pounds.

318 Appeal to Court of Survey.

- (1) If the owner of an emigrant ship is aggrieved by the refusal by an emigration officer of a certificate for clearance, he may appeal to a court of survey for the port or district where the ship for the time being is in manner directed by the rules of that court.
- (2) The judge of the court of survey shall report to the Board of Trade on the question raised by the appeal, and that Board, if satisfied that the requirements of the report and of this Part of this Act have been complied with, may grant or direct the emigration officer to grant a certificate for clearance.
- (3) Subject to any order made by the judge of the court of survey, the costs of and incidental to the appeal shall follow the event.
- (4) "Where a survey of a ship is made for the purpose of a certificate for clearance, the person so appointed to make the survey shall, if so required by the owner, be accompanied on the survey by some person appointed by the owner, and in such case if the said two persons agree there shall be no appeal to the court of survey in pursuance of this section.

319 Forfeiture of ship proceeding to sea without certificate for clearance.

- (1) If any emigrant ship—
 - (a) proceeds to sea without the master having obtained the certificate for clearance ; or
 - (b) having proceeded to sea, puts into any port in the British Islands in a damaged state, and leaves or attempts to leave that port with steerage passengers on board without the master having obtained the proper certificate for clearance ;that ship shall be forfeited to the Crown, and may be seized by any officer of customs if found within two years from the commission of the offence in any port in Her Majesty's dominions, and shall thereupon be dealt with as if she had been seized as forfeited under the laws relating to the customs.
- (2) The Board of Trade may release, if they think fit, any such forfeited ship, on payment, to the use of the Crown, of such sum not exceeding two thousand pounds as the Board specify.

Passengers Contracts.

320 Contract tickets for passengers.

- (1) If any person, except the Board of Trade and persons acting for them and under their direct authority, receives money from any person for or in respect of a passage as a steerage passenger in any ship, or of a passage as a cabin passenger in any emigrant ship, proceeding from the British Islands to any port out of Europe and not within the Mediterranean Sea, he shall give to the person paying the same a contract ticket

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signed by or on behalf of the owner, charterer, or master of the ship, and printed in plain and legible characters.

- (2) The contract ticket shall be in a form, approved by the Board of Trade and published in the London Gazette, and any directions contained in that form of contract ticket not being inconsistent with this Act shall be obeyed as if set forth in this section.
- (3) If any person fails to comply with any requirement of this section, he shall for each offence be liable to a fine not exceeding fifty pounds.
- (4) Contract tickets under this section shall not be liable to stamp duty.

321 Summary remedy for breach of contract.

- (1) Any question which arises respecting the breach or non-performance of any stipulation in any such contract ticket may, at the option of any passenger interested, whether a steerage or a cabin passenger, be tried before a court of summary jurisdiction, and the court may award to the complainant such damages and costs as they think just, not exceeding the amount of the passage money specified in the contract ticket and twenty pounds in addition.
- (2) But if a passenger has obtained compensation or redress under any other provision of this Act, he shall not be entitled to recover damages under this section in respect of the same matter.

322 Penalty for failure to produce contract ticket.

If a passenger whether a steerage or a cabin passenger fails, without reasonable cause, on demand of any emigration officer, to produce his contract ticket, and if any owner, charterer, or master of a ship, on like demand, fails without reasonable cause to produce for the inspection of such emigration officer and for the purposes of this Act the counterpart of any contract ticket issued by him or on his behalf, the passenger, owner, charterer, or master, as the case may be, shall for each offence be liable to a fine not exceeding ten pounds.

323 Penalty for altering, or inducing anyone to part with, contract ticket.

If any person, after the issue of a contract ticket and during the continuance of the contract of which that ticket is evidence, alters that ticket, or induces any person to part with it, or renders useless, or destroys it, he shall (except it is the contract ticket of a cabin passenger who consents) for each offence be liable to a fine not exceeding twenty pounds.

Regulations as to Steerage Passengers.

324 Sanitary and other regulations by Order in Council.

Her Majesty may by Order in Council make regulations—

- (i) for preserving order, promoting health, and securing cleanliness and ventilation on board emigrant ships proceeding from the British Islands to any port in a British possession ; and

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- (ii) for prohibiting emigration from any port at any time when choleraic or any epidemic disease is generally prevalent in the British Islands or any part thereof ; and
- (iii) for reducing the number of steerage passengers allowed to be carried in any emigrant ship, either generally or from any particular ports in the British Islands ; and
- (iv) for permitting the use on board emigrant ships of apparatus for distilling water and for defining in such case the quantity of fresh water to be carried in tanks and casks for the steerage passengers under the foregoing provisions of this Part of this Act; and
- (v) for requiring duly authorised medical practitioners to be carried in emigrant ships where they would not otherwise under this Part of this Act be required to be carried.

325 Discipline on board.

- (1) In every emigrant ship the medical practitioner aided by the master or, in the absence of the medical practitioner, the master, shall exact obedience to all regulations made by any such Order in Council as aforesaid.
- (2) If any person on board—
 - (a) fails without reasonable cause to obey, or offends against, any such regulation or any provision of this Part of this Act, or
 - (b) obstructs the master or medical practitioner in the execution of any duty imposed upon him by any such regulation, or
 - (c) is guilty of riotous or insubordinate conduct,that person shall for each offence be liable to a fine not exceeding two pounds, and in addition to imprisonment for any period not exceeding one month.

326 Sale of spirits prohibited on emigrant ships.

- (1) Spirits shall not during the voyage be sold directly or indirectly in any emigrant ship to any steerage passenger.
- (2) If any person acts in contravention of this section, he shall for each offence be liable to a fine not exceeding twenty pounds.

Maintenance after Arrival.

327 Maintenance of steerage passengers after arrival.

- (1) Every steerage passenger in an emigrant 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 that period the ship leaves the port in the further prosecution of her voyage.
- (2) If this section is not complied with in the case of any emigrant ship, the master shall for each offence be liable to a fine not exceeding five pounds.

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Detention and Wrongful Landing of Passengers.

328 Return of passage money and compensation to passengers when passage not provided according to contract.

Where a contract has been made by or on behalf of any steerage passenger for a passage in a ship proceeding on a voyage from the British Islands to any port out of Europe and not within the Mediterranean Sea, or proceeding on any colonial voyage as defined by this Part of this Act, and—

(i) the steerage passenger is at the place of embarkation before the hour of six o'clock in the afternoon of the day of embarkation appointed in the contract; and

(ii) the stipulated passage money has, if required, been paid,

then if the steerage passenger from any cause whatever (other than his own refusal, neglect, or default, or the prohibition under this Act of an emigration officer, or the requirement of an Order in Council),

(a) is not received on board the ship before the said hour; or,

(b) having been received on board, does not either obtain a passage in the ship to the port at which he has contracted to land or, together with all the immediate members of his family who are included in the contract, obtain a passage to the same port in some other equally eligible ship to sail within ten days from the expiration of the said day of embarkation, and is not paid subsistence money from the time and at the rate herein-after provided ;

the steerage passenger or any emigration officer on his behalf, may recover summarily all money paid by or on account of the steerage passenger for his passage, together with such further sum not exceeding ten pounds in respect of each such steerage passenger as is in the opinion of the court a reasonable compensation for the loss or inconvenience occasioned to the steerage passenger by the loss of his passage, and such money and sum may be recovered, either from any person to whom or on whose account any money has been paid under the contract, or if the contract has been made with the owner, charterer, or master of the ship, or with any person acting on behalf or by the authority of any of them, then, at the option of the steerage passenger or emigration officer, from the owner, charterer, or master, or any of them.

329 Subsistence in case of detention.

(1) If any ship, whether an emigrant ship or otherwise, does not actually put to sea and proceed on her intended voyage before three o'clock in the afternoon of the day next after the day of embarkation appointed in the contract, the owner, charterer, or master of the ship, or his agent, or any of them shall, until the ship finally proceeds on her voyage, pay to every steerage passenger entitled to a passage in the ship, or (if the steerage passenger is lodged and maintained in any hulk or establishment under the superintendence of the Board of Trade) to the emigration officer at the port of embarkation, subsistence money at the following rate ;. (that is to say,)

(a) For each of the first ten days of detention, one shilling and sixpence; and

(b) For every subsequent day, three shillings

for each statute adult.

(2) Where the steerage passengers are maintained on board in the same manner as if the voyage had commenced—

- (a) Subsistence money shall not be payable for the first two days next after the said day of embarkation, and
- (b) If the ship is unavoidably detained by wind or weather, or by any cause not attributable in the opinion of the emigration officer to the act or default of the owner, charterer, or master, subsistence money shall not be payable during any part of that period of detention.

330 Penalty for landing steerage passengers at wrong place.

If a steerage passenger is landed from any ship, whether an emigrant ship or not, at any port other than the port at which he has contracted to land, unless with his previous consent, or unless the landing is rendered necessary by perils of the sea or other unavoidable accident, the master of the ship shall for each offence be liable to a fine not exceeding fifty pounds.

Provisions in case of Wreck.

331 Provisions in case of an emigrant ship being wrecked or damaged in or near British Islands.

- (1) When any emigrant ship—
 - (a) has, while in any port of the British Islands, or after the commencement of the voyage, been wrecked or otherwise rendered unfit to proceed on her intended voyage, and any steerage passengers have been brought back to any port in the British Islands; or
 - (b) has put into any port in the British Islands in a damaged state;the master, charterer, or owner of that ship shall, within forty-eight hours thereafter, give to the nearest emigration officer a written undertaking to the following effect; (that is to say.)
 - (i) If the ship has been wrecked or rendered unfit to proceed on her voyage, that the owner, charterer, or master thereof will embark and convey the steerage passengers in some other eligible ship, to sail within six weeks from the date of the undertaking, to the port for which their passage had been taken :
 - (ii) If the ship has put into port in a damaged state, that she will be made seaworthy and fit in all respects for her intended voyage, and will within six weeks from the date of the undertaking sail again with the steerage passengers.
- (2) In either of the above cases, the owner, charterer, or master shall, until the steerage passengers proceed on their voyage, either lodge and maintain them on board in the same manner as if they were at sea, or pay either to the steerage passengers, or (if they are lodged and maintained in any hulk or establishment under the superintendence of the Board of Trade) to the emigration officer at the port, subsistence money at the rate of one shilling and sixpence a day for each statute adult.
- (3) If the substituted ship, or the damaged ship, as the case may be, does not sail within the above-mentioned time, or if default is made in compliance with any requirement of this section, any steerage passenger or any emigration officer on his behalf may recover summarily all money paid by or on account of the passenger for the passage from the person to whom or on whose account the same was paid, or from the owner, charterer, or master of the ship, at the option of the passenger or emigration officer.

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- (4) The emigration officer may, if he thinks it necessary, direct that the steerage passengers be removed from any damaged emigrant ship at the expense of the master thereof, and if after that direction any steerage passenger refuses to leave the ship, he shall for each offence be liable to a fine not exceeding forty shillings, or to imprisonment not exceeding one month.

332 Expenses of rescue and conveyance of wrecked passengers.

If any passenger, whether a cabin or a steerage passenger, is either taken off any ship which is carrying any steerage passenger on a voyage from any part of Her Majesty's dominions and is damaged, wrecked, sunk or otherwise destroyed, or if any such passenger is picked up at sea from any boat, raft, or otherwise, it shall be lawful—

- (a) if the port to which such passenger (in this Act referred to as a "wrecked passenger") is conveyed is in the United Kingdom, for a Secretary of State; and
 - (b) if the port is in a British possession for the governor of that possession, or any person authorised by him for the purpose; and
 - (c) if the port is elsewhere, for the British consular officer there ;
- to defray all or any part of the expenses thereby incurred.

333 Forwarding of passengers by governors or consuls.

- (1) If any passenger whether a cabin or a steerage passenger from any ship which is carrying any steerage passenger on a voyage from any port in Her Majesty's dominions finds himself without any neglect or default of his own at any port outside the British Islands other than the port for which the ship was originally bound, or at which he, or the Board of Trade, or any public officer or other person on his behalf, has contracted that he should land, it shall be lawful—

- (a) if the place is in a British possession, for the governor of that possession, or any person authorised by the governor for the purpose; and
- (b) if the place is elsewhere, for the British consular officer there;

to forward the passenger to his intended destination, unless the master of the ship, within forty-eight hours of the arrival of the passenger, gives to the governor or consular officer, as the case may be, a written undertaking to forward or convey within six weeks thereafter the passenger to his original destination, and forwards or conveys him accordingly within that period.

- (2) A passenger so forwarded by or by the authority of a governor or a British consular officer shall not be entitled under this Part of this Act to the return of his passage money, or to any compensation for loss of passage.

334 Recovery of expenses incurred in conveying wrecked passengers and forwarding passengers.

- (1) All expenses incurred under this Part of this Act by or by the authority of a Secretary of State, governor of a British possession, or consular officer, in respect of a wrecked passenger, or forwarding of a passenger to his destination, including the cost of maintaining the passenger, until forwarded to his destination, and of all necessary bedding, provisions, and stores, shall be a joint and several debt to the Crown from the owner, charterer, and master of the ship on board of which the passenger had embarked.

- (2) In any proceeding for the recovery of that debt a certificate purporting to be under the hand of a Secretary of State, governor, or consular officer, and stating the circumstances of the case, and the total amount of the expenses, shall be admissible in evidence in manner provided by this Act, and shall be sufficient evidence of the amount of the expenses, and of the fact that the same were duly incurred, unless the defendant specially pleads and duly proves that the certificate is false and fraudulent, or that the expenses were not duly incurred under this Act.
- (3) The sum recovered on account of the expenses shall not exceed twice the total amount of passage money which the owner, charterer, or master of the emigrant ship proves to have been received by him or on his account, or to be due to and recoverable by him or on his account in respect of the whole number of passengers whether cabin or steerage who embarked in the ship.

335 Validity of insurance of passage money.

A policy of assurance effected in respect of any steerage passage or of any steerage passage or compensation money by any person by this Part of this Act made liable, in the events aforesaid, to provide such passage or to pay such money, or in respect of any other risk under this Part of this Act, shall not be invalid by reason of the nature of the risk or interest sought to be covered by the policy of assurance.

Voyages to the United Kingdom.

336 List of steerage passengers brought to the British Islands.

- (1) The master of every ship bringing steerage passengers to the British Islands from any port out of Europe and not within the Mediterranean Sea shall, within twenty-four hours after arrival, deliver to the emigration officer at the port of arrival a correct list, signed by the master, and specifying the name, age, and calling of every steerage passenger embarked, and the port at which he embarked, and showing also any birth which has occurred amongst the steerage passengers, and if any steerage passenger has died, his name and the supposed cause of his death.
- (2) If the master of a ship fails so to deliver the list, or if the list is wilfully false, he shall for each offence be liable to a fine not exceeding fifty pounds.

337 Number of steerage passengers on ships bringing passengers to British Islands.

If any ship bringing steerage passengers to the British Islands from any port out of Europe and not within the Mediterranean Sea has on board a greater number of steerage passengers than is allowed by this Act in the case of emigrant ships proceeding from the British Islands, the master of that ship shall, for each statute adult constituting such excess, be liable to a fine not exceeding ten pounds.

338 Provisions and water in ships carrying steerage passengers to British Islands.

- (1) The master of every ship bringing steerage passengers to the British Islands from any port out of Europe and not within the Mediterranean Sea shall issue to each steerage passenger during the voyage, including the time of detention, if any, at any port before the termination thereof, pure water and good and wholesome provisions in a sweet

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condition, in quantities not less than the amount required by this Part of this Act in the case of emigrant ships proceeding from the British Islands.

- (2) If any requirement of this section is not complied with in the case of any emigrant ship, the master of that ship shall for each offence be liable to a fine not exceeding fifty pounds.

Registration of Births and Deaths.

339 Application to foreign ships carrying passengers of provisions respecting registration of births and deaths.

Where a ship which is not a British ship carries passengers, whether cabin or steerage, to or from any port of the United Kingdom as the port of destination or the port of departure of such ship, the provisions of Part Two of this Act with respect to the registration of births and deaths occurring on board, shall apply as if it were a British ship.

Saving of Right of Action.

340 Saving for right of action on contract for passage.

Nothing in this Part of this Act shall take away or abridge any right of action which may accrue to a steerage passenger in any ship, or to any other person, in respect of the breach or nonperformance of any contract made between, or on behalf of, such steerage passenger or other person and the master, charterer, or owner of any such ship, or his agent, or any passage broker.

Passage Brokers.

341 Passage broker.

- (1) Any person who sells or lets or agrees to sell or let, or is anywise concerned in the sale or letting of steerage passages in any ship proceeding from the British Islands to any place out of Europe not within the Mediterranean Sea shall for the purposes of this Part of this Act be a passage broker.
- (2) The acts and defaults of any person acting under the authority, or as an agent, of a passage broker, shall, for the purposes of this Act, be deemed to be also the acts and defaults of the passage broker.

342 Passage brokers to enter into bond and obtain licence.

- (1) A person shall not act directly or indirectly as a passage broker, unless he—
- (a) has entered, with two good and sufficient sureties approved by the emigration officer nearest to his place of business, into a joint and several bond to the Crown, in the sum of one thousand pounds; and
 - (b) holds a licence for the time being in force to act as passage broker.

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- (2) The bond shall be renewed on each occasion of obtaining a licence, and shall not be liable to stamp duty; it shall be executed in duplicate, and one part shall be deposited at the office of the Board of Trade, and the other part with the said emigration officer.
- (3) The emigration officer may, in lieu of two securities, accept the bond of any guarantee society approved by the Treasury.
- (4) There shall be exempted from this section—
 - (a) the Board of Trade, and any person contracting with them or acting under their authority ; and
 - (b) any passage broker's agent duly appointed under this Act.
- (5) If any person fails to comply with any requirement of this section, he shall for each offence be liable to a fine not exceeding fifty pounds.

343 Granting of licences to passage brokers.

- (1) Application for a licence to act as passage broker shall be made to the licensing authority for the place in which the applicant has his place of business.
- (2) The licensing authority, upon the applicant proving to their satisfaction that he
 - (a) has entered into and deposited one part of such bond as is required by this Act; and
 - (b) has given to the Board of Trade at least fourteen days clear notice of his intention to apply for a licence,may grant the licence, and shall forthwith send to the Board of Trade notice of such grant.
- (3) The licensing authority shall be—
 - (a) in the administrative county of London the justices of the peace at petty sessions;
 - (b) elsewhere in England, the council of a county borough or county district;
 - (c) in Scotland, the sheriff; and
 - (d) in Ireland, the justices in petty sessions.

344 Forfeiture of licence.

- (1) A passage broker's licence shall, unless forfeited, remain in force until the thirty-first day of December in the year in which it is granted, and for thirty-one days afterwards.
- (2) Any court, when convicting a passage broker of an offence under this Part of this Act or of any breach or non-performance of the requirements thereof, may order that his licence be forfeited, and the same shall be forfeited accordingly.
- (3) The court shall forthwith send to the Board of Trade a notice of any such order.

345 Passage brokers agents.

- (1) A passage broker shall not employ as an agent in his business of passage broker any person who does not hold from him an appointment, signed by the passage broker, and countersigned by the emigration officer at the port nearest to the place of business of the passage broker.

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- (2) Every such agent shall, upon request, produce his appointment to any emigration officer, or to any person treating for a steerage passage under this Part of this Act.
- (3) If any person acts in contravention of this section he shall for each offence be liable to a fine not exceeding fifty pounds.

346 List of agents and runners to be exhibited by brokers, and sent to emigration officers.

- (1) A passage broker shall keep exhibited in some conspicuous place in his office or place of business a correct list, in legible characters, containing the names and addresses in full of every person for the time being authorised to act as his agent or as an emigrant runner for him, and shall on or before the fifth day, or, if that day be a Sunday, on or before the fourth day in every month, transmit a true copy of that list, signed by him, to the emigration officer nearest to his place of business, and shall report to that emigration officer every discharge or fresh engagement of an agent or of an emigrant runner within twenty-four hours of the same taking place.
- (2) If a passage broker fails to comply with any requirement of this section he shall for each offence be liable to a fine not exceeding five pounds.

Emigrant Runners.

347 Emigrant runner.

If any person other than a licensed passage broker or his bona fide salaried clerk, in or within five miles of the outer boundaries of any port, for hire or reward or the expectation thereof directly or indirectly conducts, solicits, influences, or recommends any intending emigrant to or on behalf of any passage broker, or any owner charterer or master of a ship, or any keeper of a lodging-house tavern or shop, or any money changer or other dealer or chapman, for any purpose connected with the preparations or arrangements for a passage, or gives or pretends to give to any intending emigrant any information or assistance in any way relating to emigration, that person shall for the purposes of this Part of this Act be an emigrant runner.

348 Emigrant runner's licence.

- (1) The licensing authority for passage brokers for the place in which a person wishes to act as an emigrant runner, and to carry on his business, may, upon his application and on the recommendation in writing of an emigration officer, or of the chief constable or other head officer of police in such place (but not otherwise), grant, if they think fit, to the applicant a licence to act as emigrant runner.
- (2) The emigrant runner shall, within forty-eight hours after his licence is granted lodge the same with the nearest emigration officer, and that officer shall—
 - (a) register the name and abode of the emigrant runner in a book to be kept for the purpose, and number each name in arithmetical order; and
 - (b) upon receipt of a fee, not exceeding seven shillings, supply to the emigrant runner a badge of such form and description as the Board of Trade approve, but in case of a renewed licence, the officer need only note the renewal and its date in his registry book against the original entry of the emigrant runner's name.

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- (3) An emigrant runner's licence shall remain in force until the thirty-first day of December in the year in which it is granted, unless sooner revoked by any justice for any offence against this Act or for any other misconduct committed by the holder of such licence, or unless forfeited under the provisions herein-after contained.
- (4) When an emigrant runner changes his abode, the emigration officer shall register the change in his registry book.

349 Renewal of badge.

Where an emigrant runner, either satisfies the emigration officer for the port in which he is licensed to act that his badge is lost, or delivers his badge up to such officer in a mutilated or defaced state, and in either case pays such officer five shillings, the officer may, if he thinks fit, supply him with a new badge.

350 Penalties on persons acting without licence or badge, using badge not lawfully issued, or employing unlicensed person.

- (1) A person shall not—
 - (a) act as an emigrant runner without being duly licensed and registered; or
 - (b) retain or use any emigrant runner's badge not issued to him in manner by this Act required ; or
 - (c) counterfeit or forge any emigrant runner's badge ; or
 - (d) employ as an emigrant runner any person not duly licensed and registered.
- (2) If any person acts in contravention of this section, he shall for each offence be liable to a fine not exceeding five pounds.

351 Penalties on emigrant runners for certain acts of misconduct.

- (1) An emigrant runner—
 - (a) shall while acting as an emigrant runner wear his badge conspicuously on his breast; and
 - (b) shall lodge his licence with the emigration officer as required by this Act; and
 - (c) on changing his abode, shall within forty-eight hours give notice of the change to the emigration officer of the port in which he is licensed to act; and
 - (d) on losing his badge shall within forty-eight hours give notice to such emigration officer of the loss; and
 - (e) shall produce on demand his badge for inspection, or permit any person to take the number thereof ; and
 - (f) shall not mutilate or deface his badge; and
 - (g) shall not wear his badge while unlicensed ; and
 - (h) shall not wear any other badge than that delivered to him by the emigration officer; and
 - (i) shall not permit any other person to use his badge.
- (2) If an emigrant runner fails to comply with any requirement of this section, he shall for each offence be liable to a fine not exceeding forty shillings, and, if the court think fit, to the forfeiture of his licence.

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352 Emigrant runners commission and fees.

- (1) An emigrant runner shall not be entitled to recover from a passage broker any fee commission or reward for or in consideration of any service connected with emigration, unless he is acting under the written authority of that passage broker.
- (2) An emigrant runner shall not take or demand from any person about to emigrate any fee or reward for procuring his steerage passage, or in any way relating thereto, and if he does so he shall for each offence be liable to a fine not exceeding five pounds.

Frauds in procuring Emigration.

353 Frauds in procuring passages.

If any person by any false representation, fraud, or false pretence induces any person to engage a steerage, passage in any ship, he shall for each offence be liable to a fine not exceeding twenty pounds.

354 Penalties for fraud in connexion with assisting emigration.

If any person—

- (a) falsely represents himself to be, or falsely assumes to act as, agent of the Board of Trade in assisting persons who desire to emigrate; or
 - (b) sells any form of application, embarkation order, or other document or paper issued by the Board of Trade or by a Secretary of State for the purpose of assisting persons who desire to emigrate; or
 - (c) makes any false representation in any such application for assistance to the Board of Trade or a Secretary of State, or in any certificate of marriage, birth, or baptism, or other document or statement adduced in support of any such application; or
 - (d) forges or fraudulently alters any signature or statement in any such application, certificate, document, or statement, or personates any person named therein; or
 - (e) aids or abets any person in committing any of the foregoing offences ;
- that person shall, for each offence, be liable to a fine not exceeding fifty pounds.

Emigration Officers.

355 Emigration officers and assistants.

- (1) In the British Islands the Board of Trade, and in a British possession the governor of that possession, may appoint and remove such emigration officers and assistant emigration officers as seem necessary for carrying this Part of this Act into execution, under the direction of the Board or governor, as the case may be.
- (2) All powers, functions, and duties to be exercised or performed, and anything to be done in pursuance of this Part of this Act by, to, or before an emigration officer, may be exercised, performed, and done by, to, or before his assistant, or, at any port where there is no emigration officer or assistant, or in their absence, by, to, or before the chief officer of customs for the time being at such port, and in any such case it shall

be the duty of the chief officer of customs to do anything which it is the duty of the emigration officer or his assistant to do.

- (3) A person lawfully acting as an emigration officer under this Act shall in no case be personally liable for the payment of any money or costs or otherwise in respect of any contract made, or of any legal proceedings for anything done, by him in his official capacity as an emigration officer and on the public service.

Legal Proceedings.

356 Recovery of fines.

All fines and forfeitures under the provisions of this Part of this Act (other than the provisions relating to passenger steamers only) shall be sued for by the following officers; (that is to say,)

- (a) Any emigration officer ;
- (b) Any chief officer of customs; and also
- (c) In the British Islands, any person authorised by the Board of Trade and any officer of customs authorised by the Commissioners of Customs; and
- (d) In a British possession any person authorised by the governor of that possession, or any officer of customs authorised by the Government department regulating the customs in that possession.

357 Recovery of passage and subsistence money, compensation, and damages.

All sums of money made recoverable by this Part of this Act in respect of passage money, subsistence money, damages, compensation, or costs may be sued for and recovered before a court of summary jurisdiction by any person entitled thereto, or by any of the officers in the last preceding section mentioned on behalf of any one or more of such persons, and in any case either by one or several proceedings.

358 Protection of persons executing Act.

The Public Authorities Protection Act, 1893, shall for the purposes of the provisions of this Part of this Act (other than the provisions relating to passenger steamers only) apply to the whole of Her Majesty's dominions, and to every place where Her Majesty has jurisdiction.

Supplemental.

359 Owner responsible for default in absence of agreement.

- (1) In the absence of any agreement to the contrary, the owner of a ship shall be the person ultimately responsible as between himself and the other persons by this Part of this Act made liable in respect of any default in complying with any requirement thereof.
- (2) If any person so made liable pays any money by this Part of this Act made payable to or on behalf of a steerage passenger, he shall be entitled, in the absence of any such agreement as aforesaid, to sue for and recover from the owner the amount so paid, together with costs.

Status: This is the original version (as it was originally enacted).

360 Forms and fees.

- (1) The forms set out in the Fourteenth Schedule to this Act, or forms as near thereto as circumstances admit, shall be used in all cases to which such forms are applicable.
- (2) Such fees as the Board of Trade determine shall be paid in respect of the surveys of emigrant ships mentioned in Part II. of the Ninth Schedule to this Act not exceeding those specified therein.
- (3) If any person employed under this Part of this Act demands or receives, directly or indirectly, otherwise than by the direction of the Board of Trade, any fee, remuneration, or gratuity whatever in respect of any duty performed by him under this Part of this Act, he shall for each offence be liable to a fine not exceeding fifty pounds.

361 Posting of abstracts of Part III in emigrant ships.

- (1) The Board of Trade shall prepare such abstracts as they think proper of all or any of the provisions of this Part of this Act, and of any Order in Council made thereunder, and four copies of the abstracts, together with a copy of this Part of this Act, shall, on demand, be supplied by the chief officer of customs at the port of clearance to the master of every emigrant ship proceeding from the British Islands to any British possession.
- (2) The master shall, on request, produce a copy of this Part of this Act to any steerage passenger for his perusal, and shall, before the embarkation of the steerage passengers, post copies of the abstracts in at least two conspicuous places between the decks on which steerage passengers may be carried, and shall keep them posted so long as any steerage passenger is entitled to remain in the ship.
- (3) The master shall be liable to a fine not exceeding forty shillings for every day during any part of which by his act or default such copies of the abstracts fail to be so posted.
- (4) If any person displaces or defaces any copy of the abstracts posted under this section he shall for each offence be liable to a fine not exceeding forty shillings.

362 Byelaws by harbour authority.

- (1) The authority having the control of any docks or basins at any port in the British Islands from which emigrant ships are despatched, may, with the approval of a Secretary of State, make byelaws—
 - (a) for specifying the docks, basins, or other places at which persons arriving by sea at the port for the purpose of emigration, or actually emigrating therefrom, shall be landed and embarked ;
 - (b) for regulating the mode of their landing and embarkation;
 - (c) for the storing and safe custody of their luggage;
 - (d) for licensing porters to carry their luggage or otherwise attend upon them ; and
 - (e) for admitting persons to and excluding persons from access to the docks and basins.
- (2) The authority may attach a fine not exceeding five pounds to a breach of any such byelaw, and instead of an emigration officer the authority shall sue for and recover the fine.

Status: This is the original version (as it was originally enacted).

- (3) The authority making a byelaw under this section may, by their officers or servants or by any constable, arrest without warrant any person charged with a breach of the byelaw, and detain him until he can be brought before a justice of the peace, and that justice may try the case in a summary manner.
- (4) A byelaw made under this section shall be published in the London Gazette.

363 Exemption from survey of foreign passenger steamer or emigrant ship in certain cases.

Where a foreign ship is a passenger steamer or emigrant ship within the meaning of this Part of this Act, and the Board of Trade are satisfied, by the production of a foreign certificate of survey attested by a British consular officer at a port out of Her Majesty's dominions, that the ship has been officially surveyed at that port, and are satisfied that any requirements of this Act are proved by that survey to have been substantially complied with, the Board may, if they think fit, dispense with any further survey of the ship in respect of any requirement so complied with, and grant or direct one of their officers to grant a certificate, which shall have the same effect as if given upon survey under this Part of this Act:

Provided that Her Majesty in Council may order that this section shall not apply in the case of an official survey at any port at which it appears to Her Majesty that corresponding advantages are not extended to British ships.

Application of Part III as regards Emigrant Ships.

364 Application to certain voyages.

The provisions of this Part of this Act respecting emigrant ships shall apply to all voyages from the British Islands to any port out of Europe and not within the Mediterranean Sea.

365 Limited application of Part III of Act to colonial voyages.

- (1) This Part of this Act, so far as the same is applicable, shall apply to every ship carrying steerage passengers on a colonial voyage as defined by this Part of this Act, provided that the enactments thereof relating to—
 - (a) master's bond;
 - (b) steerage passengers contract tickets;
 - (c) Orders in Council regulating emigration from the British Islands, or prescribing rules for promoting health, cleanliness, order, and ventilation;
 - (d) passage brokers;
 - (e) emigrant runners; and
 - (f) posting of abstracts, and production of a copy, of this Part of this Act,shall not apply.
- (2) Where the duration of a colonial voyage (as determined under this Part of this Act) is less than three weeks, the enactments relating to—
 - (a) the regulations scheduled to this Act as to the accommodation for steerage passengers;

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- (b) medical practitioner, stewards, cooks, cooking apparatus, and manning with an efficient crew; and
 - (c) maintenance of steerage passengers after arrival,
- shall also not apply.

- (3) Where the duration of a colonial voyage (as determined under this Part of this Act), is less than three weeks, the enactments relating to the issue of provisions shall not, except as to the issue of water, apply to any steerage passenger who has contracted to furnish his own provisions.

366 Modification of provisions of Part III in their application to British possessions.

- (1) The governor of a British possession may by proclamation—
- (a) determine what shall be deemed, for the purposes of this Part of this Act, to be the length of the voyage of any ship carrying steerage passengers from any port in that British possession to any other port; and
 - (b) fix dietary scales for steerage passengers during the voyage; and
 - (c) declare what medical stores shall be deemed necessary for the medical treatment of the steerage passengers during the voyage.
- (2) Every such proclamation shall take effect from the issue thereof, and shall have effect without as well as within the possession, as if enacted in this Part of this Act.
- (3) The governor of a British possession may authorise such persons as he thinks fit to make a like survey of emigrant ships sailing from that possession as is by this Act required to be made by two or more competent surveyors in the case of emigrant ships sailing from the British Islands.
- (4) The governor of a British possession may authorise any competent person to act as medical practitioner on board an emigrant ship proceeding on a colonial voyage.

367 Power of governors of colonies as to numbers of steerage passengers.

- (1) The governor of each of the Australasian colonies, that is to say, New South Wales, Victoria, South Australia, Western Australia, Queensland, Tasmania, New Zealand, and any colony hereafter established in Australia, may by proclamation make such rules as he thinks proper for determining the number of steerage passengers to be carried in any emigrant ship proceeding from one of such colonies to any other of those colonies, and for determining on what deck or decks, and subject to what reservations or conditions, steerage passengers may be carried in such ship.
- (2) The governor of any British possession may, if he thinks fit, declare by proclamation that ships intended to pass within the Tropics from any port in such possession may convey steerage passengers, being natives of Asia or Africa, after the rate of one for every twelve superficial feet of the passenger deck instead of after the rate specified in the Tenth Schedule to this Act.
- (3) Every such proclamation shall take effect from the issue thereof, or such other day as may be named therein, and shall have effect without as well as within the possession, as if it were enacted in this Part of this Act in substitution as respects the said ships for the Tenth Schedule to this Act.
- (4) The provisions of the Tenth Schedule to this Act with respect to the number of superficial feet to be allowed to each steerage passenger shall not apply to any ship

proceeding from any port in the island of Ceylon to any port in British India in the Gulf of Manar or Palk's Straits, and the legislature of Ceylon may regulate by law the number of steerage passengers who may be carried on board such ships.

368 Power for legislature of India to apply Part III.

- (1) The provisions of this Part of this Act (other than the provisions relating to passenger steamers only) shall not apply to British India, except as in this section provided.
- (2) The Governor-General of India in Council may, by any Act passed for the purpose, declare that all or any provisions of this Part of this Act shall apply to the carriage of steerage passengers upon any voyage from any specified port in British India to any other specified port whatsoever; and may for the purposes of this Part of this Act—
 - (a) fix dietary scales for the voyage, and authorise the substitution of those scales for the scale enacted by this Act;
 - (b) determine what shall be deemed to be the length of any such voyage;
 - (c) determine the persons or officers who in British India shall take the place of emigration officers and officers of customs in the British Islands;
 - (d) declare the space necessary for steerage passengers, and the age at which two children shall be treated as one statute adult, in ships clearing out from any port in British India; and
 - (e) authorise the employment on board any ship of a medical practitioner duly qualified according to Indian law ; and
 - (f) provide for the recovery and application in British India of fines and sums of money under this Part of the Act,and the provisions of any such Act while in force shall have effect without as well as within British India as if enacted by this Act.
- (3) Provided that any such Act shall be of no effect under this section, unless it be reserved for the signification of Her Majesty's pleasure thereon, or contain a suspending clause providing that the Act shall not come into operation until Her Majesty's pleasure thereon has been publicly signified in British India.