

DESPATCH

D—No. 4A

TRANSMITTING

THE IMPERIAL STATUTE

AMENDING

“THE PASSENGER ACT, 1855,”

AS REGARDS THE AUSTRALASIAN COLONIES.

PRESENTED TO THE HOUSE OF REPRESENTATIVES BY COMMAND OF HIS EXCELLENCY.

DESPATCH ENCLOSING IMPERIAL STATUTE AMENDING "THE PASSENGER ACT, 1855."

No. 1.

COPY OF A DESPATCH FROM HIS GRACE THE DUKE OF NEWCASTLE TO THE OFFICER
ADMINISTERING THE GOVERNMENT.

Downing Street,
26th August, 1861.

SIR,—

My attention having been called by the Governor of Victoria to what was represented to be an inconvenient operation of the Imperial "Passengers Act, 1855," upon the steam boats plying between that and the other Australian Colonies with regard to the limitation which it imposed in respect of the number of passengers who could be conveyed on board such vessels, it was determined by Her Majesty's Government, after a full consideration of the question, to introduce into Parliament a Bill to amend the Imperial Passengers Act in the manner suggested.

I transmit to you a copy of the Act which has been passed to effect this object, and to which Her Majesty's assent has been given.

Copies of the Act will be forwarded by the present Mail to the Governors of the other Australian Colonies.

I have, &c.,

NEWCASTLE.

The Officer Administering the Government,

&c., &c., &c.
New Zealand.

NEW ZEALAND.

Circular.

Enclosure in No. 1.

ANNO VICESIMO QUARTO & VICESIMO QUINTO
VICTORIÆ REGINÆ.

Cap. LII.

*An Act to empower the Governors of the several Australian Colonies to regulate the Number of
Passengers to be carried in Vessels plying between Ports in those Colonies.*

[1st August, 1861.]

Whereas by the Thirteenth and Fourteenth Sections of the Passengers Act, 1855, certain Rules are prescribed for determining the number of passengers to be carried in passenger ships, and the decks on which passengers may be carried: And whereas it is expedient to empower the Governor of any of Her Majesty's Colonies in Australasia to substitute, if he shall think fit, other rules on these points for vessels carrying passengers from any such possession to any other of Her Majesty's possessions in Australasia: 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 as follows:

1. It shall be lawful for the Governor of each of Her Majesty's Colonies already or hereafter to be established in Australasia, by any Proclamation to be by him from time to time issued for the purpose (which Proclamation shall take effect from the issuing thereof, if no day shall be named therein for the purpose), to prescribe such rules as he shall think proper for determining the number of passengers to be carried in any passenger ship which shall proceed from any such Colony to any other of Her Majesty's possessions for the time being in Australasia, and for determining on what deck or decks, and subject to what reservations or conditions, passengers may be carried, and also to prescribe such penalties for the infraction or non-observance of such rules as to such Governor may seem proper.

2. From the time when any such Proclamation shall take effect, and so long as the same shall continue in force, the rules and enactments contained in the Passengers Act, 1855, relating to the number of passengers to be carried in any "passenger ship," and the deck or decks whereon they are to be carried, shall cease to apply to any vessel to which such Proclamation shall be applicable, save only as to the recovery and application of any penalty for any offence committed against the said Act before such Proclamation shall take effect.

3. The provisions and requirements of every such Proclamation shall be enforced in the same manner, and in all Her Majesty's dominions, as if they were incorporated in the said Passengers Act, or in any Act of a like nature which may hereafter be passed by the Legislature of the United Kingdom, and a copy of any such Proclamation, purporting to be under the hand of the Governor of the

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Colony wherein the same may have been issued, and under the Public Seal of such Colony, shall in any part of Her Majesty's dominions wherein the same shall be produced be received as good and sufficient evidence of the due and issuing of the contents of such Proclamation, unless it shall be proved that such copy is not genuine.

4. The expression "Governor," "Passenger Ship," "Passenger," shall in this Act have respectively the same signification as in the said Passengers Act, 1855; and the term "Australasia" shall signify and include New Zealand and Tasmania as well as Australia Proper; and words of one number shall import both numbers, unless inconsistent with the context.