

Penalties for acting without written authority from Principals, and for obtaining passage money fraudulently.

XXI. And be it enacted, That if any licenced Broker or Dealer as aforesaid shall receive money for or on account of the passage of any passenger for any such voyage as aforesaid to any Port or place in North America, without having a written authority to act as Agent for the party on whose behalf the Contract for such passage purports to be made, or shall by any fraud or false pretence whatsoever induce any person to purchase, hire, or engage a passage in any Ship for any such voyage as aforesaid, every such Broker or Dealer shall be liable, upon conviction, as hereinafter is mentioned, in respect of every such offence, to a penalty not exceeding ten pounds, to be sued for and recovered in manner hereinafter mentioned; and it shall be lawful for the Justices before whom the penalty shall be sued for to declare, if they shall think fit, the licence of such Broker or Dealer to be forfeited, and the same shall upon such declaration be forfeited accordingly: Provided always, that in any case in which under the provisions of this Act any Justices shall declare the licence of any passage Broker or passage Dealer to be forfeited, such Justices shall cause notice of such forfeiture, in the form contained in the Schedule (E.) hereunto annexed, to be forthwith transmitted by the Post to the Colonial Land and Emigration Commissioners, at their office in London.

Return of passage money, and compensation to passengers in certain cases.

XXII. And be it enacted, That if any passenger or person on his behalf shall have entered into a Contract for a passage or passages for such passenger, or for him and his family, in any Ship, for any such voyage as aforesaid, from any Port in the United Kingdom or in the hereinbefore mentioned Islands, to or for any Port or place out of Europe, and not being in the Mediterranean Sea, and if such passenger, or such passenger and his family, (as the case may be,) shall be at the place of embarkation at the time appointed for that purpose in and by such Contract, and such passenger shall apply for such passage or passages, and shall, on demand, pay or tender such part of the passage money not already paid as shall be payable under such Contract previously to embarkation, and if, owing to the previous departure of the Ship in which such passage or passages shall have been engaged, or the neglect, refusal, or other default of the owner, charterer, or master thereof, or of the party with whom such passage or passages shall have been contracted for, such passenger shall not obtain such passage or passages, or shall not within a reasonable time obtain a passage or passages by some other equally eligible Vessel to the same Port or place, and in the meantime be paid subsistence money, or be provided with lodging and maintenance, as hereinafter mentioned, such passenger shall be entitled to recover, in manner hereinafter provided, all monies which he shall have paid for such passage or passages, from the party to whom he shall have paid the same, or from the owner or charterer of the Ship for whom such party shall be the Agent, and also such further sum not exceeding ten pounds in respect of each such passage as shall, in the opinion of the Justices who shall adjudicate on the complaint, be a reasonable compensation for the loss or inconvenience occasioned to such passenger or his family by the loss of such passage or passages.

Subsistence in case of detention.

XXIII. And be it enacted, That if any Ship shall not actually put to sea, and proceed upon any such intended voyage as aforesaid, on the day for that purpose appointed in and by any Contract made by the owner, master, or charterer of such Ship, or by their Agent, with any passenger who shall on that day be on board the same, or ready to proceed on such intended voyage, then and in every such case the master of such Ship shall victual each and every such passenger in like manner as if the voyage had commenced, and if the Ship does not put to sea after the interval of two clear working days from the day appointed for sailing, shall be liable to pay to each and every such passenger, instead of victualling him, subsistence money, after the rate of one shilling in respect of each day of delay, until the actual clearing out and final departure of such Ship on such voyage, and the same may be recovered in manner hereinafter mentioned; provided, however, that such subsistence money shall not be payable in lieu of victualling in respect of any unavoidable detention by wind or weather, and also shall not be payable to any passenger who shall, with his own consent, be suitably lodged and maintained on shore at the expense of the parties who are bound to provide him with a passage.

Passengers not to be landed without their consent at any other place.

XXIV. And be it enacted, That the master of any Ship carrying passengers under the provisions of this Act shall not land or put on shore, or cause to be landed or put on shore, any passenger, without his previous consent, at any Port or place other than the Port or place at which he may have contracted to land or put such passenger on shore.