

V. And whereas by a Warrant under Her Majesty's Sign Manual, bearing Date on the Twenty seventh Day of *November* One thousand eight hundred and forty seven, Her Majesty was pleased to appoint certain Persons therein named to be, during Her Majesty's Pleasure, Commissioners in the United Kingdom for the Sale of the Waste Lands of the Crown in Her Majesty's Colonies, and for superintending the Emigration of the poorer Classes of Her Majesty's Subjects to such Colonies: And whereas it is expedient that such Commissioners should be empowered to carry this Act into execution: Be it therefore enacted, That the said Commissioners, and their Successors for the Time being, shall and they are hereby empowered to carry this Act into execution; and that for all legal Purposes it shall be sufficient to describe such Commissioners by the Style of the "Colonial Land and Emigration Commissioners."

VI. The Colonial Land and Emigration Commissioners for the Time being may sue and be sued in the Name of their Secretary, or of any one of such Commissioners for the Time being, and legal or equitable Proceedings taken by or against the said Commissioners in the Name of any One of them or of their Secretary shall not abate nor be discontinued by the Death or Removal of such Secretary or Commissioner, but the Secretary for the Time being, or any One of such Commissioners, shall always be deemed to be the Plaintiff or Defendant (as the Case may be) in any such Proceedings: Provided always, that the said Commissioners and their Secretary respectively shall in no Case be personally liable, nor shall the private Estate and Effects of any of them be liable, for the Payment of any Moneys or Costs or otherwise in respect of any Contract made or hereafter to be made by them or any of them, or in respect of any legal or equitable Proceedings taken against them or any of them, or for any Act, Deed, or Matter done or executed by them or any of them in their or his official Capacity and on the Public Service.

VII. In the United Kingdom the said Commissioners acting under the Sanction of One of Her Majesty's Principal Secretaries of State, and in Her Majesty's Possessions abroad the respective Governors thereof, may from Time to Time appoint, and the said Commissioners and Governors may at pleasure from Time to Time remove, such Emigration Officers and Assistant Emigration Officers as they may respectively think necessary, for the Purpose of carrying this Act into execution, under the Direction of the said Commissioners or Governors, as the Case may be: Provided nevertheless, that all existing Appointments of Emigration Officers and of their Assistants, as well in the United Kingdom as in Her Majesty's Possessions abroad, shall continue in force under this Act until duly revoked.

VIII. All Powers, Functions, and Duties to be exercised or performed by any such Emigration Officer shall be exercised and performed respectively by his Assistant, or, at any Port where there shall be no such Emigration Officer or Assistant, or in their Absence, by the Chief Officer of Customs for the Time being at such Ports.

IX. The Master of every Ship, whether a "Passenger Ship" or otherwise, fitted or intended for the Carriage of Passengers, or which shall carry Passengers upon any Voyage to which this Act extends, shall afford to such Emigration Officer or his Assistant as aforesaid at any Port or Place in Her Majesty's Dominions, and, in the Case of *British* Ships, to Her Majesty's Consul at any Foreign Port or Place at which such Ship shall be or arrive, every Facility for inspecting such Ship, and for communicating with the Passengers, and for ascertaining that the Provisions of this Act, so far as the same may be applicable to such Ships, have been duly complied with.

X. No Ship fitted or intended for the Carriage of Passengers as a "Passenger Ship" shall clear out or proceed to Sea until the Master thereof shall have obtained from the Emigration Officer at the Port of Clearance a Certificate under his Hand that all the Requirements of this Act, so far as the same can be complied with before the Departure of such Ship, have been duly complied with, nor until the Master shall have joined in executing such Bond to the Crown as required by the Fifty ninth Section of this Act.

XI. If any "Passenger Ship" shall clear out or proceed to Sea without the Master's having first obtained such Certificate, or without his having joined in executing such Bond, as by this Act is required, such Ship shall be forfeited to the Use of Her Majesty, and may be seized by any Officer of Customs, if found, within Two Years from the Commission of the Offence, in any Port or Place in the United Kingdom or in Her Majesty's Possessions abroad; and such Ship shall thereupon be dealt with in the same Manner as if she had been seized as forfeited under any of the Laws relating to the Customs for an Offence incurring Forfeiture under those Laws.

XII. No Ship shall clear out or shall proceed to Sea with a greater Number of Passengers on Board (exclusive of *bona fide* Cabin Passengers) than will allow of the Appropriation to them of the following Space on the "Passenger Decks," unoccupied by Stores, not being the personal Luggage of the Passengers; (that is to say,) if the Ship is not intended to pass within the Tropics, Twelve clear superficial Feet for every Statute Adult; but if the Ship is intended to pass within the Tropics, Fifteen such clear superficial Feet for every Statute Adult: Nor (unless the Ship be propelled by Steam) with a greater Number of Persons on board (including the Master and Crew, and Cabin Passengers, if any, and counting Two Children above the Age of One Year and under that of Fourteen as One Person,) than in the Proportion of One Person to every Two Tons of the registered Tonnage of such Ship. If there shall be on board of any Ship at or after the Time of Clearance a greater Number either of Persons or of Passengers than in the Proportions respectively herein before mentioned, the Master of such Ship shall be liable, on such Conviction as herein-after is mentioned, to a Penalty not exceeding Five Pounds nor less than Two Pounds Sterling for each Person or Passenger constituting any such Excess.

XIII. The Master of every Ship, whether a "Passenger Ship" or otherwise, carrying Passengers on any Voyage to which this Act extends, shall, before demanding a Clearance for such Ship, sign two Lists, made out according to the Form contained in Schedule (A.) hereto annexed, correctly setting forth in the Manner therein directed the Name and other Particulars of the Ship, and of every Passenger on board thereof; and the said Lists, when countersigned by the Emigration Officer, where there is One at the Port, shall be delivered by the Master to the Officer of the Customs from whom a Clearance of the said Ship shall be demanded, and such Officer shall thereupon also countersign and return to the said Master One of such Lists, herein-after called "The Master's List;" and the said Master shall exhibit such last-mentioned List, with any Additions which may from Time to Time be made thereto, as herein-after directed, to the Chief Officer of Her Majesty's Customs at any Port or Place in Her Majesty's Possessions, or to Her Majesty's Consul at any Foreign Port at which the said Passengers or any of them shall be landed, and shall deposit the same with such Chief Officer of Customs, or such Consul, as the Case may be, at the final Port or Place of Discharge.

XIV. If at any Time after such Lists shall have been signed and delivered as aforesaid any additional Passenger shall be taken on board, in every such Case