

withstanding the same, if recovered, shall be applicable to his own Use and Benefit.

LXXX. No Plaintiff shall recover in any Action against any Emigration Officer, his Assistant, Government Emigration Agent, or Officer of Customs, or other Person, for anything done in pursuance of this Act, if Tender of sufficient Amends shall have been made before such Action brought, or if, after Action brought, a sufficient Sum of Money shall have been paid into Court, by or on behalf of the Defendant.

LXXXI. No Action or Suit shall be commenced against any Emigration Officer, his Assistant, Government Emigration Agent, Officer of Customs, or other Person, for anything done in pursuance of or under the Authority of this Act, until Ten clear Days Notice has been given thereof in Writing to the Officer, Agent, or Person as aforesaid, against whom such Action or Suit is intended to be brought, nor after Three Calendar Months next after the Act committed for which such Action or Suit shall be so brought; and every such Action shall be brought, laid, and tried where the Cause of Action shall have arisen, and not in any other Place; and the Defendant in such Action or Suit may plead the General Issue, and give this Act and any special Matter in Evidence, at any Trial which shall be had thereupon; and if the Matter or Thing shall appear to have been done under or by virtue of this Act, or if it shall appear that such Action or Suit was brought before Ten clear Days Notice thereof given as aforesaid, or if any Action or Suit shall not be commenced within the Time herein-before limited, or shall be brought or laid in any other Place than as aforesaid, then the Jury shall find a Verdict for the Defendant therein; and if a Verdict shall be found for such Defendant, or if the Plaintiff in such Action or Suit shall become nonsuited, or suffer a Discontinuance of such Action, or if upon any Demurrer in such Action Judgment shall be given for the Defendant thereon, then and in any of the Cases aforesaid, such Defendant shall and may recover full Costs of Suit as between Solicitor and Client, and shall have such Remedy for recovering the same as any Defendant may have for his Costs in any other Case by Law.

LXXXII. Where no Time is expressly limited within which any Complaint or Information is to be made or laid for any Breach or Nonperformance of any of the Requirements of this Act, the Complaint shall be made or the Information laid within Twelve Calendar Months from the Time when the Matter of such Complaint or Information respectively arose, or in case the Master of any Ship is the Offender or Party complained against, within Twelve Calendar Months next after his Return to the Country in which the Matter of Complaint or Information arose.

LXXXIII. And whereas it is expedient to provide in certain Cases for the Carriage of Passengers by Sea from Her Majesty's Possessions abroad: Be it therefore enacted as follows: For the Purposes of this Act the Term "Colonial Voyage" shall signify any Voyage from any Port or Place within any of such Possessions (except the Territories under the Government of the East India Company) to any Port or Place whatever, of which the Duration, to be prescribed as herein-after mentioned, shall exceed Three Days.

LXXXIV. This Act shall apply, so far as the same is applicable, to all Ships carrying Passengers on any such "Colonial Voyage," except as to such Parts of the Act as relate to the following Matters; (that is to say,)

1. To Passage Brokers and their Licences:
2. To Passengers Contract Tickets:
3. To the giving Bond to Her Majesty:
4. To the keeping on board a Copy of this Act:
5. To Orders in Council prescribing Rules for Cleanliness, Order, and Ventilation.

Provided that if the prescribed Duration of any "Colonial Voyage" be less than Three Weeks, then, in addition to the Matters lastly herein-before excepted, the Provisions of this Act shall not extend or apply so far as they relate to the following Subjects; (namely,)

- The Construction or Thickness of the Decks:
- The Berths and Berthing:
- The Height between Decks:
- Privies:
- Hospitals:
- Light and Ventilation:
- Manning:
- Passengers Stewards:
- Passengers Cooks and Cooking Apparatus:
- The Surgeon, and Medicine Chest:
- The Maintenance of Passengers for Forty eight Hours after Arrival:

Provided also, that in the Case of such "Colonial Voyages" whereof the prescribed Duration is less than Three Weeks, the Requirements of this Act respecting the Issue of Provisions shall not, except as to the Issue of Water, be applicable to any Passenger who may have contracted to furnish his own Provisions.

LXXXV. It shall be lawful for the Governor of any of Her Majesty's Possessions abroad, by any Proclamation to be by him from Time to Time issued for that Purpose (which shall take effect from the issuing thereof), to declare what shall be deemed for the Purposes of this Act to be the Length of the Voyage of any Ship carrying Passengers from such Possession to any other Place whatsoever, and to substitute for the Articles of Food and Provisions specified in this Act such other Articles of Food and Provisions as he shall deem to be a full Equivalent for the same, and also to declare what Medicines, Medical Instruments, and other Matters shall be deemed necessary for the Medical Treatment of the Passengers during such "Colonial Voyage." Every such Proclamation shall be transmitted, by the Governor by whom the same may have been issued, to Her Majesty, through One of Her Majesty's Principal Secretaries of State, for Her Majesty's Confirmation or Disallowance; and a Copy of any such Proclamation, purporting to be under the Hand of the Governor of the Colony wherein the same may have been issued, and under the public Seal of such Colony, shall in any other Colony wherein the same shall be so produced be received as good and sufficient Evidence of the issuing and of the Contents of such Proclamation, unless it shall be proved that such Copy is not genuine.

LXXXVI. It shall be lawful for the Governors of any such Possessions respectively to authorise such Person or Persons as they may think fit to make the like Survey and Examination of "Passenger Ships" sailing from such Possessions respectively as is herein-before required to be made by Two or more competent Surveyors in respect of "Passenger Ships" sailing from the United Kingdom, and also to authorise in such Cases, as to such Governors may seem proper, any competent Person to act as Medical Practitioner on board any "Passenger Ship" proceeding on a "Colonial Voyage."

LXXXVII. This Act shall not apply to any of the Territories or Places under the Government of