

CHAPTER 146.**SHIPWRECKED PASSENGERS.****ARRANGEMENT OF SECTIONS.**

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CHAPTER 146.**SHIPWRECKED PASSENGERS.**

10 of 1888.
32 of 1908.

An Ordinance to Consolidate and amend the Law relating to Shipwrecked Passengers.

[22ND SEPTEMBER, 1888.]

Short title.

1. This Ordinance may be cited as the Shipwrecked Passengers Ordinance.

Interpretation.

2. In this Ordinance the term "passenger ship" shall include every description of vessel used in navigation, "passenger" shall include any person carried in any passenger ship other than the master and crew, and the owner, his family, and servants.

Payment of expenses of passengers rescued at sea.

3. If any passengers, or cabin passengers, of any passenger ship shall be taken off from any such passenger ship, or shall be picked up at sea from any boat, raft, or otherwise, it shall be lawful, if the port or place to which they shall be conveyed shall be within the Colony, for the Governor, or for any person authorised by him for the purpose, to defray all, or any part of, the expenses thereby incurred.

Forwarding passengers to destination.

4. If any passenger, or cabin passenger, of any passenger ship shall, without any neglect or default of his own, find himself within any part of the Colony other than that for which the ship was originally bound, or at which he or the Emigration

Commissioners, or any public officer, or other person on his behalf, may have contracted that he should land, it shall be lawful for the Governor, or for any person authorised by him for the purpose, as the case may be, to forward such passenger to his intended destination, unless the master of such ship shall, within forty-eight hours of the arrival of such passenger, give to the Governor a written undertaking to forward, or carry on, within six weeks thereafter, such passenger, or cabin passenger, to his original destination, and unless such master shall accordingly forward or carry him on within that period.

5. (1) All expenses incurred under the two last preceding sections, or either of them, by, or by the authority of, the Governor, or other person as therein respectively mentioned, including the cost of maintaining the passengers until forwarded to their destination, and of all necessary bedding, provisions, and stores, shall become a debt to Her Majesty and Her successors from the owner, charterer, and master of such ship, and shall be recoverable from them, or from any one or more of them, at the suit and for the use of Her Majesty, in like manner as in the case of other Crown debts, and a certificate in the form in the schedule hereto annexed, or as near thereto as the circumstances of the case will admit, purporting to be under the hand of the Governor, stating the total amount of such expenses, shall, in any suit or other proceeding for the recovery of such debt, be received in evidence without proof of the handwriting or of the official character of the Governor, and shall be deemed sufficient evidence of the amount of such expenses, and that the same were duly incurred, nor shall it be necessary to adduce, on behalf of Her Majesty, any other evidence in support of the claim, but judgment shall pass for the Crown, with costs of suit, unless the defendant shall specially plead and duly prove that such certificate is false or fraudulent, or shall specially plead and prove any facts showing that such expenses were not duly incurred under the provisions of this Ordinance.

Expenses to be a debt due to the Crown.

(2) In no case shall any larger sum be recovered on account of such expenses than a sum equal to twice the total amount of passage money received, or due to, and recoverable by, or on account of, the owner, charterer, or master of such passenger ship, or any of them for, or in respect of, the whole number of passengers and cabin passengers who may have embarked in such ship, which total amount of passage money shall be proved by the defendant if he will have the advantage of this limitation of the debt, but if any such passengers are forwarded or conveyed to their intended destination under the provisions of the

Passengers not entitled to return of passage money.

last preceding section, they shall not be entitled to the return of their passage money, or to any compensation for loss of passage.

Summary
proceedings
by
Magistrate.

6. Any question which may arise under the provisions of this Ordinance shall be heard and determined in a summary way by a Magistrate in such manner as prosecutions are conducted in the Police Court.

Sec. 5.

SCHEDULE.

I hereby certify that, acting in conformity with the provisions of the Shipwrecked Passengers Ordinance, I have defrayed the expenses incurred in rescuing, maintaining, supplying with necessary bedding, provisions, and stores (a) and in forwarding to their destination.....passengers [including.....cabin passengers (b)] who were proceeding fromto.....in the ship.....which was wrecked at sea, etc. (c)

And I further certify that the total amount of such expenses is.....pounds, and that such expenses were duly incurred by me under the said Ordinance.

Given under my hand this.....day of.....19.....

.....Governor.

(a) If more passengers were rescued than forwarded, or if bedding, etc., was not supplied, alter the certificate to suit the facts of the case.

(b) Omit words in brackets when necessary.

(c) State generally the nature of the disaster and where it occurred. But if the passengers were only left behind without any default of their own, state the fact accordingly.