

BERMUDA.

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Despatch from Earl Grey to Governor Elliot.

— No. 1. —

(No. 473.)

COPY of a DESPATCH from Earl Grey to Governor Elliot.

Earl Grey to
Governor Elliot.
8 February 1851.

3 February 1851.

Sir,

Downing-street, 8 February 1851.

I TRANSMIT for your information the copy of a Report of the Colonial Land and Emigration Commissioners, enclosing a correspondence with the Board of Customs relative to proceedings taken in Bermuda against the master of the brig "James," for an evasion of the Passengers Act.

Concurring in the opinion expressed by the Commissioners as to the course which it would be proper to take in this case, I have to instruct you to cause the penalties incurred under the bond which has been exacted from the master and owners of the vessel to be recovered from Mr. A. J. Musson, one of the owners, who resides in Bermuda.

I have, &c.
(signed) Grey.

Enclosure in No. 1.

Colonial Land and Emigration Office,
3 February 1851.

Sir,

WE beg leave to transmit to you, for Earl Grey's information, a copy of a letter from the secretary to the Board of Customs, with its enclosure, relative to proceedings taken in Bermuda against the master of the brig "James," for an evasion of the Passengers Act.

Encl. in No. 1.

23 January 1851.

2. In the course of last year, the same vessel took out to Bermuda 15 children and eight adults, who, with two exceptions, were paupers, under the designation of cabin passengers, in order that the vessel might not come within the provisions of the Act. The object of that evasion was, apparently, to enable the ship to carry gunpowder on board, an article prohibited by the Act. The Commissioners of Customs having applied to us for directions how their officer should proceed in any similar case which might occur, we suggested that he should be instructed to summon the master before two justices of the peace in the colony, for a breach of any of the regulations of the Passengers Act. This course has accordingly been adopted in the present instance, but instead of the penalty being enforced at the time, it will be seen that a bond was taken for the amount, to await the decision of the Commissioners of Customs.

3. We would submit our opinion, that the Governor should be instructed to recover the penalties in the present case from Mr. Augustus James Musson, one of the owners of the vessel, who resides in the colony, and who joined in the bond; and we have stated to the Board of Customs, for the information of their officers, that in any similar case which may hereafter occur, it would be desirable not to take a bond, but to enforce the penalty at the time of conviction.

We have, &c.

(signed) T. W. C. Murdoch.
Frederic Rogers.

H. Merivale, Esq.,
&c. &c. &c.

Sub-Enclosure 1, to Enclosure in No. 1.

Sir,

Custom-House, 23 January 1851.

WITH reference to your letter of the 30th August last, relative to the evasion of the provisions of the Passengers Act in the case of the brig "James," Richardson, master, which had arrived at Bermuda with certain pauper children, who had been shipped at this port under the denomination of "cabin passengers."

I am commanded to state, that the Board have recently received a Report from their officers at the Bermudas, from which it appears that the brig "James," Burrows, master, having arrived under similar circumstances at St. George's, proceedings had been taken against the master for an infringement of the Passengers Act, in conformity with the suggestion contained in your letter of the 30th August referred to, and that the master having been convicted in a penalty of 5 £, bond had been taken to abide our decision in the matter.