

ANNO QUARTO

GEORGII IV. REGIS.

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CAP. LXXXIV.

An Act to repeal the Laws for regulating Vessels carrying Passengers from the United Kingdom to Foreign Parts, and to make other Provisions in lieu thereof. [18th *July* 1823.]

WHEREAS it is expedient that the Regulations established by various Acts for carrying Passengers from the United Kingdom of *Great Britain* and *Ireland* to Foreign Parts should be repealed, and other Regulations substituted; be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the First Day of *August* One thousand eight hundred and twenty-three, an Act passed in the Forty-third Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for regulating Vessels carrying Passengers from the United Kingdom to His Majesty's Plantations and Settlements abroad, or to Foreign Parts, with respect to the Number of such Passengers;* and also an Act passed in the Fifty-third Year of the Reign of His said late Majesty for amending the said Act of the said Forty-third Year of His said late Majesty's Reign; and also an Act passed in the Fifty-sixth Year of the Reign of His said late Majesty, intituled *An Act for regulating the carrying of Passengers to and from the Island of* Newfoundland *and Coast of* Labrador; and also an Act passed in the Fifty-sixth Year of the Reign of His said late Majesty, intituled

The following Acts repealed, viz.

43 G. 3. c. 56.

53 G. 3. c. 36.

56 G. 3. c. 83.

56G.3.c.114. *An Act to regulate the Conveyance of Passengers from the United Kingdom to the United States of America in* British *Vessels;* and also an Act passed in the Fifty-seventh Year of the Reign of His said 57 G. 3. c. 10. late Majesty, intituled *An Act to regulate the Vessels carrying Passengers from the United Kingdom to certain of His Majesty's Colonies in* North America, shall be and the same are hereby repealed.

No Foreign Vessel carrying Passengers shall sail for any Port out of Europe, &c. with more Persons on board than One for every Five Tons Burthen, without special Permission of the Commissioners of the Customs:

II. And be it further enacted, That from and after the First Day of *August* One thousand eight hundred and twenty-three, no Foreign Ship or Vessel carrying any Passenger or Passengers shall sail from any Port or Place in the United Kingdom, to or for any Port or Place out of *Europe*, and not being within the Streights of *Gibraltar*, with more Persons on board, including the Master and Crew, than One (whether Children or Adults) for every Five Tons Burthen of such Ship or Vessel (unless special Permission shall be given for that Purpose by the Commissioners of His Majesty's Customs, or any Three or more of them, under such Regulations and Conditions as may appear to them expedient), under Penalty of Fifty Pounds for every Person exceeding such Proportion, to be paid by the Master or other Person having or taking the Charge or Command of such Ship or Vessel.

No British Vessel carrying Passengers shall sail with a greater Number of Persons than as aforesaid, without a Licence from Commissioners of Customs.

Penalty 50*l.* for each Person exceeding the Proportion.

Restriction as to Licence.

III. And be it further enacted, That no *British* Ship or Vessel carrying any Passenger or Passengers shall sail from any Port or Place in the United Kingdom, to or for any Port or Place out of *Europe*, and not being within the Streights of *Gibraltar*, with more Persons on board, including the Master and Crew, than One (whether Children or Adults) for every Five Tons of her Burthen, without a Licence under the Hands and Seals of the Commissioners of His Majesty's Customs, under the Penalty of Fifty Pounds for every Person exceeding such Proportion, to be paid by the Master or other Person having or taking the Charge or Command of such Ship or Vessel: Provided always, that no such Licence shall be granted for any Ship or Vessel to carry any greater Number of Persons, including the Master and Crew, than in the Proportion of One Adult Person (or of Two Children under Fourteen Years of Age, or of Three Children under Seven Years of Age) for every Two Tons of the Burthen of such Ship or Vessel: Provided also, that no such Licence shall be granted for any Ship or Vessel which shall not have Two Decks, nor unless the Height between such Decks shall be Five Feet Six Inches at least.

Number of Persons permitted to be taken on board of Vessels laden with Goods for Exportation to be in Proportion of One Adult Person to every Two Tons, &c.

IV. And be it further enacted, That it shall not be lawful for the Master or other Person having or taking the Charge or Command of any *British* or Foreign Ship or Vessel, laden with Goods and Merchandize for Exportation, which shall sail from any Port or Place in the United Kingdom to or for any Port or Place out of *Europe*, and not being within the Streights of *Gibraltar*, to receive or take on board a greater Number of Persons, including the Master and Crew, than in the Proportion of One Adult Person, or of Two Children under Fourteen Years of Age, or of Three Children under Seven Years of Age, for every Two Tons of such Merchant Ship or Vessel remaining unladen with Goods and Merchandize, under the Penalty of

of Fifty Pounds, to be paid by the Master or other Person having or taking the Charge or Command of such Ship or Vessel. Penalty 50*l.*

V. Provided always, and be it enacted, That every integral Space below the Deck of every Ship or Vessel which shall have but One Deck, or between the Decks of any Ship or Vessel having more Decks than One, such Space being unoccupied with Goods or Merchandize, or with Stores, Provisions, Water, or Baggage, and being Six Feet in Length, Two Feet Six Inches in Breadth, and being of the whole of the Height between Decks, or being Five Feet Six Inches in Height if there be only One Deck, shall be deemed to be and shall be equivalent to Two Tons of such Ship or Vessel remaining unladen; and that in every such Ship or Vessel, whether laden with Goods or Merchandize for Exportation or not, One such integral Space shall be separately apportioned as the Room or Birth for every adult Passenger, or for every Two Children under Fourteen Years of Age, or for Three Children under Seven Years of Age respectively: Provided always, that if One Bed be placed over another, so that each sleeping Place shall not have the whole Height between Decks, or the full Height of Five Feet Six Inches if there be only One Deck, such further adjoining Space in Width, and not being less than Five Feet Six Inches in Height shall be given, as shall make the whole equal to Two such Spaces, or Four Tons to every Two Births. Apportionment of Space for the Passengers.

VI. And be it further enacted, That every *British* Ship or Vessel shall be deemed and taken to be of such Tonnage or Burthen as is described and set forth in the respective Certificate of the Registry of each and every such Ship or Vessel, granted in pursuance of the several Acts now in force, or hereafter to be made in *Great Britain* and *Ireland* respectively, relating to such Certificates; and the Tonnage of every Foreign Vessel or Vessels shall be ascertained by Admeasurement, in the Mode and Manner prescribed and directed by any Act now in force, or hereafter to be made, respecting the Admeasurement of *British* Ships or Vessels for the Purpose of being registered. Tonnage deemed to be according to Registry.

VII. And be it further enacted, That the Master or other Person having or taking the Charge or Command of such *British* Ship or Vessel, having more Persons on board, including the Master and Crew, than One for every Five Tons of the Burthen of such Ship or Vessel, previously to his leaving the Port from whence he shall be bound, shall and he is hereby required to deliver to the Collector and Comptroller, or other principal Officer of His Majesty's Customs at such Port, a List containing the full Number of the Crew, and also the Number of the Passengers, with their Names, Ages, and Descriptions, and the Places to which they are to be respectively conveyed, for the Purpose of being registered at such Port. List of Persons on board to be delivered to the Collector.

VIII. And be it further enacted, That no *British* Ship or Vessel shall be cleared out, unless the Owner or Owners, or the Master or other Person having or taking the Charge or Command thereof, shall have given Bond to His Majesty, His Heirs and Successors, with Two sufficient Sureties, such Bond to be without Stamp, and to be taken Bond to be given that the Vessel is seaworthy, and properly stored, &c.

taken by and left in the Hands of the Collector or Comptroller, or other proper Officer of the Customs, in the Port or Place from whence such Ship or Vessel shall be cleared out, in an Amount equal to the Sum of Twenty Pounds for each Passenger on board such Ship or Vessel, with Condition that such Ship or Vessel is seaworthy, and properly stored with Water and Provisions, and having a Surgeon, with a Medicine Chest properly stored with Medicines, as therein provided; and that every such Passenger if alive shall be landed at the Port or Ports to which such Passenger shall have contracted to be conveyed, unless landed elsewhere at his own Desire.

Passengers only to be taken on board at a Custom House Port, on Penalty of 50*l.* for each Passenger.

IX. And be it further enacted, That no Passenger shall be received on board of any *British* Ship or Vessel, unless at a Port where a Custom House is or shall be established, and a Collector and Comptroller of the Customs stationed, unless special Permission for that Purpose be first had and obtained from the Commissioners of Customs, or any Three or more of them; and if any Passenger or Passengers shall be taken on board any such Ship or Vessel at any other Place, unless with Permission as aforesaid, the Master or other Person having or taking the Charge or Command of such Ship or Vessel, shall forfeit and pay the Sum of Fifty Pounds for every Passenger so taken on board at any other Place.

Penalty on Masters taking more Passengers than allowed, 50*l.* for each Person.

X. And be it further enacted, That if any Master or other Person having or taking the Charge or Command of any *British* Ship or Vessel shall take on board, or if he, or the Owner or Owners of any such Ship or Vessel, shall engage to take on board any Person or Persons exceeding the Number mentioned and specified in the Licence hereinbefore directed to be granted, such Master or other Person, or Owner or Owners as aforesaid, shall severally forfeit and pay the Sum of Fifty Pounds for each and every Person so taken or engaged to be taken beyond the Persons specified in such Licence.

Allowance of Provisions.

XI. And be it further enacted, That every such *British* Ship or Vessel shall be provided at the Time of her Departure (to commence the Voyage), with such a Supply of good and wholesome Water as will afford an Allowance of Five Pints of Water daily during the Voyage for every Person (including the Master and Crew), which Supply of Water shall be stowed below the lower Deck; and every such Ship or Vessel shall also be provided with such a Supply of Provisions as will afford an Allowance for every Person (including the Master and Crew) during the Voyage, of One Pound Weight of Bread or Biscuit, and One Pound Weight of Beef, or Three Quarters of a Pound Weight of Pork, daily, and also Two Pounds Weight of Flour, and Three Pounds Weight of Oatmeal, or of Pease, or of Pearl Barley, and Half a Pound Weight of Butter, weekly; the said Allowance to commence on the Day the Ship or Vessel takes her Departure from the Port or Place at which such Ship or Vessel shall be cleared outwards.

Penalty on Master failing to give

XII. And be it further enacted, That the Master or other Person having or taking the Charge or Command of such *British* Ship or Vessel, failing to give out the Allowance of Provisions and Water herein-

herein-before specified, if required to do so, shall forfeit the Sum of Ten Pounds of lawful Money for each and every such Neglect and Omission. the Allowance of Provisions, 10*l.*

XIII. Provided always, and be it enacted, That if any Passenger who has entered into any Contract or Agreement for such Voyage, shall signify to the Collector or Comptroller, or other proper Officer of the Customs, or to any Justice of the Peace or other Magistrate in the United Kingdom, that he or she is desirous of being relanded, and of not proceeding on any such Voyage, it shall and may be lawful to and for such Collector or Comptroller, or other proper Officer of the Customs, or for such Justice of the Peace or other Magistrate, and they are hereby empowered and required to take such Passenger, together with his Baggage, out of the Ship or Vessel, and to set such Passenger free from his or her Engagement, reserving to either Party any legal Claim which may arise in consequence thereof. Passengers may be relanded on Application to the Collector, &c.

XIV. And be it further enacted, That if after any such *British* Ship or Vessel shall have been cleared out, any Master or other Person having or taking the Charge or Command of any such Ship or Vessel shall unship or reland, or permit or suffer to be unshipped or relanded, any Water or Provisions, such Master or other Person shall forfeit the Sum of Five hundred Pounds. Penalty on Master relanding Provisions, 500*l.*

XV. Provided always, and be it enacted, That if any Passenger or Passengers who may be desirous not to proceed on such Voyage shall be relanded, and shall not proceed in the Manner herein-before directed, then it shall and may be lawful for such Master or other Person aforesaid, to unship or reland, under the Inspection of the proper Officers of the Customs, at the Port where such Passenger shall be relanded, a Quantity of Water and Provisions, not exceeding the Proportion sufficient for the Allowance of such Passenger or Passengers so relanded. But Provisions of any Passenger relinquishing the Voyage may be relanded.

XVI. And be it further enacted, That the Bedding of each and every Passenger on board any such *British* Ship or Vessel shall be aired by Exposure upon the Deck, when the Weather will permit, daily during the Voyage; and such Ship or Vessel shall be fumigated with Vinegar at least Twice in every Week during the Voyage; and every such Master or other Person having or taking such Charge or Command shall forfeit and pay the Sum of Twenty Pounds for each Failure or Neglect in airing the said Bedding, or in fumigating the Ship or Vessel. Bedding to be aired, and Vessel fumigated, on Penalty of 20*l.*

XVII. And be it further enacted, That no such *British* Ship or Vessel carrying Fifty Persons or upwards, whether Children or Adults, including the Master and Crew, shall be cleared out at any Port of the United Kingdom, unless such Ship or Vessel shall be provided with a Surgeon, who is to continue during the whole of the Voyage, and who shall produce to the Officer of the Customs, at the Port of the United Kingdom where the Ship or Vessel shall be cleared, a Certificate of his having passed his Examination at Surgeons Hall in *London*, or at the Royal College of Surgeons of *Edinburgh* or *Dublin*, or before the Medical Faculty of the University of *Glasgow*. No British Vessel carrying 50 Persons shall be cleared out unless provided with a Surgeon.

Surgeon to be provided with a Medicine Chest properly stored with Medicines.

XVIII. And be it further enacted, That every such Surgeon shall have a Medicine Chest, properly stored with Medicines, in proportion to the Number of Persons on board of such Ship or Vessel, of the Kind and according to the Assortment generally used and made for such Voyages on board of His Majesty's Ships of War; and before any such Ship or Vessel shall be allowed to be cleared out, every such Surgeon shall specify, upon Oath, before the Collector or Comptroller, or other Chief Officer of the Customs, at the Port from whence such Ship or Vessel is to be cleared out, the Contents of such Medicine Chest; and shall further make Oath, that the Medicines are of good and proper Quality, and of the Assortment generally used and made for such Voyages on board of His Majesty's Ships of War, to the best of his Knowledge and Belief; which Oath such Collector, Comptroller, or other Chief Officer of Customs, is hereby required and empowered to administer; and the Affidavit of every such Surgeon shall be deposited and preserved in the Custom House where the Clearance of such Ship or Vessel shall be granted; and the Owner or Master of every such Ship or Vessel failing to provide a Surgeon so qualified, and a Medicine Chest properly stored as aforesaid, shall forfeit and pay the Sum of Twenty Pounds for every Person on board, including the Master and Crew.

Penalty on Master not providing a Surgeon, &c. 20*l.* for each Person on board.

Vessels to be marked with a P.

XIX. And whereas it is expedient that some certain Mark should be placed on certain *British* Ships or Vessels carrying Passengers, that they may at all Times be known at Sea by His Majesty's Ships and Vessels of War, or Revenue; be it enacted, That the Letter P. shall be painted in White, at least Three Feet in Length, and in proportionate Inches in Width, on the Quarters of every *British* Ship or Vessel carrying Passengers, and having more Persons on board, (whether Children or Adults) including the Master or other Person having or taking the Charge or Command of such Ship or Vessel, and the Crew, than One for every Five Tons Burthen of such Ship or Vessel, under the Penalty of the Forfeiture of One hundred Pounds, by the Master or other Person having or taking the Charge or Command of such Ship or Vessel.

Penalty on Master having more than the allowed Number on board, 100*l.*

Printed Copy of the Act to be provided and kept on board, on Penalty of 20*l.*

XX. And be it further enacted, That a printed Copy of this Act shall be provided and kept on board during the whole of the Voyage, by the Master or other Person having or taking the Charge or Command of every such *British* Ship or Vessel, under the Penalty of Twenty Pounds; and such Master or other Person having or taking the Charge or Command of every such Ship or Vessel is hereby required to produce such printed Copy to any Passenger for his Inspection at reasonable Hours.

Officers of the Navy, Consuls, &c. may inquire into the Execution of the Act.

XXI. And be it further enacted, That all Captains and Officers commanding His Majesty's Ships of War or Revenue Vessels, who shall meet any such *British* Ships or Vessels at Sea, and the Collectors and Comptrollers of His Majesty's Customs at any Port in the United Kingdom, or in the *British* Plantations and Settlements, and the Governors and Lieutenant Governors and Naval Officers at any such Plantation and Settlement, and His Majesty's Consuls at any Foreign Port, shall and may and they are hereby empowered and required to call upon the Master or other Person having or taking

the Charge or Command of any such Ship or Vessel, to produce the printed Copy of this Act, required to be kept on board, and the Licence granted by the Commissioners of His Majesty's Customs, for the Purpose of Inspection and Examination, and to ascertain whether the Regulations of this Act have been duly complied with; and in case the Master or other Person having or taking the Charge or Command of any such Ship or Vessel, shall refuse or fail to produce the said Copy and Licence, he shall forfeit the Sum of Two hundred Pounds.

Penalty on Master refusing to produce the Act and Licence, 200*l.*

XXII. Provided always, and be it enacted, That nothing in this Act contained shall extend or be deemed or construed to extend to Ships or Vessels in the Service of His Majesty, or of His Majesty's Postmaster General, or of the *East India* Company.

Act not to extend to Vessels in Service of His Majesty, &c.

XXIII. And be it further enacted, That during the Continuance of any Convention of Commerce and Navigation between His Majesty and any Foreign State, whereby the Privileges of *British* Ships or Vessels shall be conceded to the Ships or Vessels of such Foreign State, so much of this Act as relates to *British* Ships or Vessels shall extend and be construed to extend to Ships or Vessels belonging to such States, during the Existence of such Convention, and carrying more Passengers than other Foreign Ships or Vessels are by this Act permitted to carry.

Act to extend to Foreign Ships belonging to States in Amity.

XXIV. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to the Conveyance of any Persons on board of any such Ship or Vessel, whether Fishermen, Youngsters, or others, being hired Servants, employed on the Establishment of their respective Masters or Hirers, in the Prosecution of the Fisheries carried on from *Newfoundland* or *Labrador*.

Not to extend to the Conveyance of Fishermen, &c. employed in the Newfoundland Fisheries, &c.

XXV. And be it further enacted, That all Sums of Money, Penalties, and Forfeitures in this Act mentioned and contained, shall be calculated and paid and payable within *Great Britain* and *Ireland*, in lawful Money of *Great Britain*; and that any Penalty or Forfeiture inflicted by this Act may be prosecuted, sued for, and recovered by Action of Debt, Bill, Plaint, or Information, in any of His Majesty's Courts of Record at *Westminster* or *Dublin*, or in the Court of Exchequer or in the Court of Session in *Scotland*, in the Name of His Majesty's Attorney General for *England* or *Ireland*, or His Majesty's Advocate for *Scotland* respectively, or in the Name of any Person or Persons whatsoever, wherein no Essoign, Protection, Privilege, Wager of Law, or more than One Imparlance shall be allowed; and that a *Capias* in the first Process, specifying the Sum of the Penalty sued for by any such Action, Bill, Plaint, or Information, against any Person or Persons, shall and may issue against such Person or Persons, and such Person or Persons shall be obliged to give sufficient Bail or Security, by natural-born Subjects or Denizens, to the Person or Persons to whom such *Capias* shall be directed, to appear in the Court out of which such *Capias* shall issue, at the Day of the Return of such Writ, to answer such Writ and Prosecution, and shall likewise at the Time of such appearing give sufficient Bail or Security by

Recovery of Penalties.

by such Persons as aforesaid, in the said Court, to answer and pay all the Forfeitures and Penalties incurred by such Person or Persons for such Offence or Offences, in case he or they shall be convicted thereof, or to yield his or their Body or Bodies to Prison, in like Manner as is prescribed respecting *Capias* issuing in the first Process by an Act passed in the Parliament of *Great Britain*, in the Eighth Year of the Reign of His late Majesty King *George* the First, intituled 8 G. 1. c. 18. *An Act to prevent the clandestine Running of Goods, and the Danger of Infection thereby, and to prevent Ships breaking their Quarantine, and to subject Copper Ore of the* British *Plantations to such Regulations as other enumerated Commodities of the like Production are subject;* and by an Act passed in the Ninth Year of the Reign of His late Ma- 9 G. 2. c. 35. jesty King *George* the Second, intituled *An Act for indemnifying Persons who have been guilty of Offences against the Laws made for securing the Revenues of Customs and Excise, and for enforcing those Laws for the future;* and in every Action or Suit the Person against whom Judgment shall be given for any Penalty or Forfeiture under this Act, shall pay Double Costs of Suit; and every such Action or Suit shall and may be brought at any Time within Three Years after the Offence committed, and not afterwards; and One Moiety of every Penalty to be recovered by virtue of this Act shall go and be applied to His Majesty, His Heirs and Successors, and the other Moiety to the Use of such Person or Persons as shall first sue for the same, after deducting Charges of Prosecution from the whole.

Limitation of Actions.

XXVI. And be it further enacted, That if any Action or Suit shall be brought or commenced against any Person or Persons for any thing done in pursuance of this Act, the Defendant or Defendants in such Action or Suit may plead the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if it shall appear to be so done, then and in every such Case the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall become nonsuited, or discontinue his, her, or their Action, or if a Verdict shall pass against the Plaintiff or Plaintiffs, or upon Demurrer Judgment shall be given against such Plaintiff or Plaintiffs, the Defendant or Defendants shall and may recover Double Costs, and have the like Remedy for the same as any Defendant or Defendants hath or have for Costs of Suit in any other Cases by Law.

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