ANNO QUINTO & SEXTO

GULIELMI IV. REGIS.

****

CAP. LIII.

An Act to repeal an Act of the Ninth Year of His late Majesty, for regulating the Carriage of Passengers in Merchant Vessels from the United Kingdom to the *British* Possessions on the Continent and Islands of *North America;* and to make further Provision for regulating the Carriage of Passengers from the United Kingdom.

[31st *August* 1835.]

WHEREAS it is expedient to make Provision respecting the Carriage of Passengers from the United Kingdom to distant Countries, and for that Purpose to repeal a certain Act passed in the Ninth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to regulate the Carriage of Passengers in Merchants Vessels from the United Kingdom to the Continent and Islands of* North America: 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Parliament assembled, and by the Authority of the same, That the said recited Act shall be and the same is hereby repealed: Provided nevertheless, that all Fines, Forfeitures, and Penalties to which any Person or Persons may have become liable under the said Act shall and may be sued for, prosecuted, and recovered; and that any

9 G. 4. c. 21.

Repeal of recited Act, except as to Penalties incurred, and to Rights of

Action which may have accrued.

any Right of Action which may have accrued to any Person or Persons by virtue of the said Act shall and may be enforced hereafter in such and the same Manner in all respects as if this present Act had not been made.

No Ship to sail with more than Three Persons on board for every Five Tons of Burthen.

Ships carrying Passengers to have a Height of Five Feet and a Half between Decks.

When only Two Tiers of Berths, the Floor of the lower Tier to be Six Inches above the Deck.

II. And be it further enacted, That no Ship carrying Passengers from any Port or Place in the United Kingdom, or in the Islands of *Guernsey*, *Jersey*, *Alderney*, *Sark*, or *Man*, on any Voyage to or for any Port or Place out of *Europe*, and not being within the *Mediterranean Sea*, shall proceed on her Voyage with more Persons on board than in the Proportion of Three Persons for every Five Tons of the registered Burthen of such Ship, the Master and Crew being included in and forming a Part of such prescribed Number; and that no such Ship having more than One Deck shall carry any Passengers upon any such Voyage as aforesaid unless she shall be of the Height of Five Feet and a Half at the least between Decks; and that no such Ship having only One Deck shall carry any Passengers upon any such Voyage as aforesaid unless a Platform shall be laid beneath such Deck in such a Manner as to afford a Space of the Height of at least Five Feet and a Half, and that no such Ship shall have more than Two Tiers of Berths; and that no such Ship having Two Tiers of Berths shall carry any Passengers on any such Voyage as aforesaid unless there shall be an Interval of Six Inches at the least between the Deck or Platform and the Floor of the lower Tier throughout the whole Extent thereof: Provided always, that, whatever may be the Tonnage of the Ship, no greater Number of Persons as Passengers shall be taken on board than shall be after the Rate of One such Person for every Ten Superficial Feet of the lower Deck or Platform unoccupied by Goods or Stores, not being the personal Luggage of such Persons, if such Ship shall not have to pass the Line on her Voyage, or after the Rate of One such Person for every Fifteen such clear Superficial Feet if such Ship shall have to pass the Line.

Regulating the Quantity of Water and Provisions to be carried by every Vessel with Passengers on board.

III. And be it further enacted, That no Ship carrying Passengers on any such Voyage as aforesaid shall be cleared out for such Voyage from any Port in the United Kingdom, or in the said Islands of *Guernsey*, *Jersey*, *Alderney*, *Sark*, or *Man*, unless and until there shall be actually laden and on board such Ship good and wholesome Provisions for the Use and Consumption of the said Passengers, over and above the victualling of the Crew, to the Amount or in the Proportion following; that is to say, a Supply of pure Water to the Amount of Five Gallons to every Week of the computed Voyage for every Passenger on board such Ship, such Water being carried in Tanks or sweet Casks, and a Supply of Bread, Biscuit, Oatmeal, or Bread Stuffs to the Amount of Seven Pounds Weight, to every Week of the computed Voyage for every such Passenger: Provided always, that to the Extent of One Third of such Supply, and no more, Seven Pounds Weight of Potatoes may be deemed and computed to be equivalent to One Pound Weight of Bread, Biscuit, Oatmeal, or Bread Stuffs in the Supply of any Ship bound to some Place in *North America*: Provided also, that when any Ship shall be destined to call at a Port or Place in the Course of her Voyage for the Purpose of

filling up her Water, a Supply of Water at the Rate before mentioned for every Week of the computed Voyage to such Port or Place of calling shall be deemed to be a Compliance with the Provisions of this Act.

Computed Number of Weeks requisite for Voyage of Vessel.

IV. And be it further enacted, That the Number of Weeks deemed to be necessary for the Voyage of any such Ship, according to her Destination, shall be determined by the following Rule of Computation; (that is to say,)

For a Voyage to *North America*, Ten Weeks:
For a Voyage to *South America* on the *Atlantic Ocean*, or to the West Coast of *Africa*, Twelve Weeks:
For a Voyage to the *Cape of Good Hope*, Fifteen Weeks:
For a Voyage to the *Mauritius*, Eighteen Weeks:
For any other Voyage, Twenty-four Weeks.

Officers of Customs to examine Provisions and Water before Departure of Vessel.

V. And be it further enacted, That, before any such Ship shall be cleared out for the Voyage, the Officers of the Customs shall survey, or cause to be surveyed by some competent Person, the Provisions and Water herein-before required for the Consumption of the Passengers, and shall ascertain that the same are in a sweet and good Condition, and shall also ascertain that, over and above the same, there is on board an ample Supply of Water and Stores for the victualling of the Crew of the Ship; and such Officers shall also ascertain that the Directions herein-before contained in respect of the Situations of Berths have been complied with.

A Table to be made of the Prices of Provisions to be sold on board.

VI. And be it further enacted, That the Master of every such Ship shall cause a Table to be drawn up of the respective Prices at which any Provisions or Stores that may be sold by any Person on board to any of the Passengers during the Voyage are to be supplied; and that a Copy of the same, printed or written in a fair and legible Manner, shall be affixed in some convenient and conspicuous Place on board the said Ship for the Perusal of all Parties, and that the same shall be maintained for continual Reference as well during the Period in which Passengers shall be engaged as during the whole of the Voyage; and that no higher Prices than are stated in such Table shall in any Case be charged for such Provisions or Stores as may be so supplied during the Voyage: Provided nevertheless, that nothing herein contained shall be construed as requiring the Master of any Ship to provide Provisions or Stores for the Purpose of Sale to any Passengers who may have contracted to victual themselves during the Voyage.

Seaworthiness of the Ship may be ascertained by Survey.

VII. And be it further enacted, That if Doubts shall arise whether any Ship about to proceed with Passengers as aforesaid is Sea-worthy, so as to be fit for her intended Voyage, and such Doubts shall not be removed to the Satisfaction of the Collector and Comptroller of the Customs at the Port from which such Vessel is to be cleared out, it shall be lawful for such Collector and Comptroller at any Time to cause such Ship to be surveyed by Two competent Persons; and if it shall be reported by those Persons that such Ship is not in their Opinion Sea-worthy with reference to such Voyage, such Ship shall not

not be cleared out unless the Contents of such Report be disproved to the Satisfaction of the Commissioners of the Customs, or until such Ship shall have been rendered Sea-worthy.

Copies or Abstracts of this Act to be kept on board for Perusal of Passengers.

VIII. And be it further enacted, That Two Copies of this Act, or Abstracts of the same, made, provided, and issued by the Authority of the Commissioners of the Customs, and authenticated by the Signature of the Collector or Comptroller of the Customs at the Port of Clearance of the Ship, shall be delivered to the Master, on Demand, by such Collector or Comptroller at the Time of Clearance, and shall be kept on board every Ship proceeding with Passengers as aforesaid, and that One of such Copies or Abstracts shall, upon Request made at seasonable Times to the Master of the Ship, be produced to any Passenger for his Perusal.

With every Ship carrying 100 Passengers a Medical Practitioner to sail; in every Ship carrying a smaller Number, Medicines of sufficient Amount and Kind to be carried.

IX. And be it further enacted, That no Ship carrying Passengers in any such Voyage as aforesaid to any such Port or Place as aforesaid, except any Port or Place in *North America*, if the Number of such Passengers shall amount to or exceed One hundred, shall clear out for such Voyage from any Port in the United Kingdom, or in the said Islands of *Guernsey*, *Jersey*, *Alderney*, *Sark*, or *Man*, unless there shall be rated upon the Ship's Company, and shall be actually serving on board such Ship, some Person duly authorized by Law to practise in this Kingdom as a Physician or Surgeon or Apothecary, and that no such Ship shall actually put to Sea or proceed on such Voyage unless such Medical Practitioner shall be therein, and shall *bonâ fide* proceed on such Voyage, taking with him a Medicine Chest, and a proper Supply of Medicines, Instruments, and other Things suitable to the intended Voyage; and no Ship carrying Passengers under the Provisions of this Act shall clear out for any Voyage from any such Port as aforesaid unless and until there shall be actually laden and on board such Ship Medicines and other Things necessary for the Medical Treatment of the Passengers on board during such intended Voyage, and available for that Purpose, nor unless such Medicines and other Things shall be adequate in Amount and Kind to the probable Exigencies of any such Voyage; and, together with such Medicines and other Things, shall also be put on board every such Ship previously to her clearing out for any such Voyage as aforesaid a Certificate under the Hands of any Two or more such Medical Practitioners as aforesaid, to the Effect that such Medicines and other Things have been inspected by them, and are, in their Judgment, adequate to meet any such probable Exigencies as aforesaid.

Ships carrying Passengers as aforesaid prohibited from exporting Spirits, &c. as Merchandize.

X. And be it further enacted, That no Ship carrying Passengers to any Place as aforesaid shall be cleared out if there shall be laden on board such Ship by way of Stores, over and above the Stores proper for the Crew of such Ship, any Quantity of Spirits or Strong Waters beyond One Tenth Part of such Quantity as would, except for this Restriction, be allowed by the Officers of the Customs upon the Victualling Bill of such Ship for the Outward Voyage only, according to the Number of Persons going the Voyage.

XI. And

Master to deliver List of Passengers to Collector of Customs, who shall give to the Master a Counterpart, to be exhibited to the Chief Officer of Customs at the Port of landing.

XI. And be it further enacted, That the Master of every Ship carrying Passengers on any such Voyage as aforesaid shall, before clearing out his said Ship for such Voyage from any Port or Place in the United Kingdom, or in the said Islands of *Guernsey*, *Jersey*, *Alderney*, *Sark*, or *Man*, deliver to the Collector or other Principal Officer of His Majesty's Customs at such Port or Place, a List in Writing, together with a Duplicate of the same, specifying, as accurately as may be, the Names, Ages, and Professions or Occupations of all and every the Passengers on board such Ship, with the Name of the Port or Place at which he the said Master hath contracted to land each of the said Passengers; and such Collector or other Chief Officer of Customs shall thereupon deliver to the said Master a Counterpart of such List signed by him the said Collector or other Chief Officer as aforesaid; and the said Master shall exhibit the said Counterpart of his said List to the Collector or other Chief Officer of His Majesty's Customs at any Port or Place in His Majesty's Possessions, or to His 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 Collector or Chief Officer of Customs, or such Consul, as the Case may be, at his final Port of Discharge in the said Possessions.

Penalty on Master improperly landing Passengers at any Place no contracted for.

XII. And for the Prevention of Frauds which might be practised upon Persons emigrating from the United Kingdom, be it further enacted, That the Master of any Ship carrying any Passengers as aforesaid shall not, without his or her previous Consent, land or put on shore, or cause to be landed or put on shore, any Passenger at any Port or Place other than the Port or Place at which he may have contracted to land or put such Passenger on shore.

How Children are to be computed in the Enumeration of Passengers.

XIII. Provided always, and be it further enacted and declared, That for the Purpose and within the Meaning of this Act Two Children, each being under the Age of Fourteen Years, but above the Age of Seven Years, or Three Children, each being under the Age of Seven Years, shall in all Cases be computed as One Person only; and that Children under the Age of Twelve Months shall not be included in the Computation of the Number of Persons.

Fines in case of Detention.

XIV. And be it further enacted, That if any Ship shall not actually put to Sea and proceed upon any such intended Voyage as aforesaid on the Day for that Purpose appointed in and by any Contract made by the Owner, Master, or Charterer of such Ship, or by their Agent, with any Passenger who shall on that Day be on board the same, or ready to proceed on such intended Voyage, then and in every such Case the Master of such Ship shall pay to each and every such Passenger as shall have contracted to victual himself a Fine, to be computed at and after the Rate of One Shilling in respect of each Day during which he or she shall be so detained previously to the actual clearing out and final Departure of such Ship on such Voyage, and that the same may be recovered daily; and the Master of such Ship shall victual each and every such Passenger as shall have contracted to be victualled by the Ship Owner on and from the Day which shall be so appointed: Provided always, that no such Fine as

aforesaid shall be incurred or be payable in respect of any Detention of any such Vessel which shall be so detained by Stress of Weather or other unavoidable Cause.

Passengers to be maintained for 48 Hours after their Arrival.

XV. And be it further enacted, That at the Close of any such Voyage as aforesaid every Person arriving as a Passenger at any Port or Place shall, during the Space of Forty-eight Hours next after such Arrival, be entitled to continue on board such Ship, and to be provided for and maintained on board the same in such and the same Manner as during such Voyage, unless in any Case it shall have been expressly stipulated and agreed between any such Passenger and the Master of such Ship that such Passenger shall not be entitled to such Provision or Maintenance during the said Period of Forty-eight Hours, or unless in the ulterior Prosecution of her Voyage any such Ship shall quit any such Port or Place within the said Period of Forty-eight Hours.

Penalties in case of Infringement of the preceding Enactments.

XVI. And be it further enacted, That if any Ship carrying Passengers on any Voyage from any Port or Place in the United Kingdom, or in the Islands of *Guernsey*, *Jersey*, *Alderney*, *Sark*, or *Man*, on any Voyage to or for any Port or Place out of *Europe*, and not being in the *Mediterranean Sea*, shall carry any Number of Passengers exceeding by more than One Person in Fifty the Proportion authorized and allowed by this present Act; or if such Ship shall not be of the Height between Decks herein-before required; or if such a Platform as herein-before directed shall not be laid and continued throughout the whole Duration of any such Voyage in such Manner as is herein-before required; or if there shall be more than Two Tiers of Berths; or if there shall not be throughout the whole Duration of any such Voyage such an Interval as is herein-before prescribed between the Deck and the Floor of the lower Tier of Berths; or if any such Ship shall clear out and put to Sea not having on board such Water and Provisions as aforesaid, for the Use and Consumption of the said Passengers, of the Kind and to the Amount and in the Proportion herein-before required; or if a Table of the Prices of Provisions or Stores shall not be exhibited as herein-before required; or if any higher Prices than are named in such Table shall be charged; or if there shall not be on board any such Vessel such Medical Practitioner as aforesaid, or such Medicines and other Things necessary to the Medical Treatment of the Passengers, as is herein-before required; or if any such Ship shall be cleared out before such Lists of Passengers as herein-before mentioned shall have been delivered in manner and form aforesaid to such Officer as aforesaid; or if any such List shall be wilfully false; or if the Copy or Abstract of this Act be not produced as herein-before required; or if any Passenger shall not be allowed to continue on board such Ship in manner herein-before provided; or if any Passenger shall, without his or her previous Consent, be put on shore at any Place other than the Place at which the Master had contracted to land such Passenger; the Master of any such Ship shall for and in respect of each and every such Offence be liable, on such summary Conviction as herein-after mentioned, to the Payment of a Fine of not less than Five Pounds nor more than Twenty Pounds Sterling *British* Money.

XVII. Pro-

The Right of Action of Passengers not to be taken away or abridged.

XVII. Provided nevertheless, and be it further enacted, That nothing herein contained shall take away or abridge any Right of Suit or Action which may accrue to any Passenger in any such Ship, or to any other Person, in respect of the Breach or Nonperformance of any Contract made or entered into between or on the Behalf of any such Passenger or other Person, and the Master, Owner or Owners of any such Ship.

Prosecution and Recovery of Penalties.

XVIII. And be it further enacted, That all Indictments or Informations against any Person or Persons for or in respect of any Offences by them committed or alleged to have been committed under this Act, and that all Proceedings for the Recovery of any Fines, Penalties, or Forfeitures incurred or alleged to have been incurred by any Person or Persons under this Act, shall be preferred and prosecuted by any Person or Persons whomsoever, and shall be proceeded with and determined before such and the same Courts, Magistrates, and Justices of the Peace, and in such and the same Manner, and by such and the same Persons, and with, under, and subject to all such and the same Rules, Provisoes, Conditions, and Restrictions, as in the Case of any Indictments or Informations preferred or Proceedings taken for or in respect of any Offence committed, or for the Recovery of any Fines, Penalties, or Forfeitures incurred, under any Act of Parliament now in force for the Prevention of Smuggling, or relating to the Customs or to Trade or Navigation: Provided always, that in order to the preferring, prosecuting, proceeding with, or determining any such Indictments or Informations under this present Act, the Direction or Consent of the Commissioners of Customs shall not be necessary or required, any thing in such Acts of Parliament as aforesaid to the contrary in anywise notwithstanding.

Masters of Vessels to enter into Bond (without Stamps) for the due Performance of the Regulations prescribed by this Act.

XIX. And for the more effectually securing the Observance of the aforesaid Rules, and the Payment of the Penalties aforesaid; be it further enacted, That before any Ship carrying Passengers shall clear out for any such Voyage as aforesaid from any Port or Place in the United Kingdom, or in the said Islands of *Guernsey*, *Jersey*, *Alderney*, *Sark*, or *Man*, to or for any Port or Place out of *Europe*, and not being in the *Mediterranean Sea*, the Master of the said Ship shall enter into a Bond to His Majesty, His Heirs and Successors, with One good and sufficient Surety, to be approved by the Collector or other Chief Officer of Customs at such Port, in the Sum of One thousand Pounds, the Condition of which Bond shall be that the said Ship is Sea-worthy, and that all and every the Rules and Regulations made and prescribed by this Act for the Carriage of Passengers shall be well and truly performed before and during such intended Voyage, and that all Penalties, Fines, and Forfeitures which the Master of such Ship may be sentenced or adjudged to pay for or in respect of the Breach or Nonperformance, before or during such Voyage, of any such Rules and Regulations, shall be well and truly paid: Provided always, that such Bond shall be without Stamps, and that no such Bond shall be put in Suit, and that no Prosecution, Suit, Action, or Information shall be brought under or by virtue of this Act, or upon or by reason of the Breach of any of the Provisions thereof,

Limitation of Prosecutions.

thereof, in any of His Majesty's Possessions Abroad after the Expiration of Twelve Calendar Months next succeeding the Commencement of any such Voyage as aforesaid, nor in the United Kingdom or any of the Islands before mentioned after the Expiration of Twelve Calendar Months next after the Return of the Master to the Port or Place from which he sailed on such Voyage.

Exception of particular Kinds of Ships.

XX. And be it further enacted, That nothing in this Act contained shall extend or be construed to extend to Ships carrying Passengers in Cases in which the Number of Persons, computed in manner hereinbefore provided, shall not exceed One Person for every Five Tons of the registered Burthen of such Ship; nor shall any thing in this Act contained extend to any Ship in the Service of the Lords Commissioners of His Majesty's Admiralty, or in the Service of His Majesty's Postmaster General, or in the Service of the *East India* Company.

Bahamas, &c. to be deemed in South America.

XXI. And be it further enacted and declared, That the *Bahama* Islands, and all Places in *America* Southward of the same, shall be deemed to be in *South America* for the Purposes of this Act.

Act may be altered in this Session.

XXII. And be it further enacted, That this Act may be amended, altered, or repealed by any Act or Acts to be passed in this Session of Parliament.

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