

1857

SIMLA



ACT No. I OF 1857.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor General on the 17th of January 1857.

AN ACT to prevent the over-crowding of vessels carrying Native Passengers in the Bay of Bengal.

WHEREAS it is necessary to prevent the over-crowding of vessels carrying native passengers across the Bay of Bengal from and to ports in the Presidency of Fort St. George, and between such ports and Ceylon : It is enacted as follows:—

I. No vessel shall carry native Passengers from any port or place under the Presidency of Fort St. George, to any port or place on the Eastern Coast of the Bay of Bengal or in the Straits of Malacca or in Ceylon, in a proportion greater than one passenger to every four tons of the burden of such vessel, without a license.

II. No vessel shall be licensed to carry passengers on any such voyage as aforesaid in a proportion greater than one passenger to every ton of burden, nor unless the vessel has space on a deck or platform under hatches reserved for the accommodation of the passengers in the proportion of six superficial feet for every passenger, with not less than five feet clear between the upper deck and the lower deck or platform; except a vessel proceeding in ballast from any part of the Coast of the Gulf of Manar or Palks' Strait to any port or place in Ceylon which may be licensed to carry a number of passengers not exceeding the proportion of two-and-a-half to every ton of her burden,

Number of native passengers to be carried in unlicensed vessels.

Number of native passengers to be carried in licensed vessels.

Exception as to licensed vessels sailing in ballast from certain parts of the Coast to Ceylon.

Handwritten notes in the right margin: "In the case of vessels... in the Bay of Bengal... and... between such ports and Ceylon..."

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burden, provided that the whole of the space usually allotted for cargo and not occupied by ballast be kept for the accommodation of the passengers, and for storing the provisions and water for their use, and that the space left clear for the accommodation of the passengers on the deck or decks of the vessel be not less than four superficial feet for each passenger.

III. The Master or Tindal of any vessel which shall carry passengers on any such voyage as aforesaid, without a license, in a proportion exceeding that laid down in Section I, shall be liable to a fine not exceeding two hundred Rupees.

Penalty on Master of unlicensed vessel.

IV. The Master or Tindal of any licensed vessel which shall carry on any such voyage a greater number of passengers than is specified in the license, or in which the accommodation therein required shall not be afforded, shall be liable to a fine not exceeding twenty Rupees for each passenger in excess of such number, or for each passenger who is not provided with accommodation agreeably to the license.

Penalty on Master of licensed vessel.

V. Passengers in a greater number than one passenger to every four tons of the burden of any vessel shall not be shipped from the territories under the Government of Fort St. George, for Ceylon or the Eastern Coast of the Bay of Bengal, or the Straits of Malacca, except from such ports as shall be from time to time appointed by the Government by an Order in Council published in the *Fort St. George Gazette*; and the Master or Tindal of any vessel who shall take on board passengers for such voyage from any other port or place in a greater proportion to the burden of the vessel than is above-mentioned shall be liable to a fine not exceeding twenty Rupees for each passenger embarked.

Government to appoint ports for shipment of passengers, when the number of passengers to be carried is greater than one to every four tons of burden.

VI. It shall be at the discretion of the Collectors of Sea Customs for the ports appointed for shipping native passengers, or such other persons as the Government of Fort St. George may from time to time appoint for the purpose, to grant licenses to vessels under this Act. Provided that such licenses shall not be granted, except for vessels within the exception in Section II,

Grant of licenses to vessels.

till

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till the vessels have been surveyed according to such directions as shall be given from time to time by the Governor in Council. The license shall describe the vessel, her tonnage, and rig; the number of her boats, anchors, and cables; and what instruments for the purpose of navigation she is supplied with; also the name of the owner and of the Master or Tindal, and the number and composition of the crew; and shall specify the number of passengers she may carry, and the space to be assigned for their accommodation.

Certain licensed passenger vessels to carry provisions according to appointed scale.

VII. The Master or Tindal of any vessel licensed to carry passengers from any port in the territories under the Government of Fort St. George to any port or place on the Eastern Coast of the Bay of Bengal or the Straits of Malacca, which shall proceed on such voyage not being furnished with provisions and water according to such scale as shall be laid down from time to time by an order of Government, published in the *Fort St. George Gazette*, shall be liable to a fine not exceeding twenty Rupees for each passenger in excess of the number fully supplied with provisions and water according to such scale.

Penalty for omitting to supply passengers with prescribed allowance of food and water.

VIII. The Master or Tindal of any vessel licensed to carry passengers as aforesaid, who shall wilfully and without satisfactory excuse omit to supply to every passenger the prescribed allowance of food and water, shall be liable for such omission to a fine which may extend to twenty Rupees for every passenger who has suffered privation thereby.

Supply of provisions on board passenger ships plying to and from Ceylon.

IX. The Master or Tindal of any vessel licensed to carry passengers from any port under the Government of Fort St. George to Ceylon, who shall proceed on such voyage without having laid in a supply of water and provisions for the passengers according to a scale to be fixed by the Collector of Sea Customs for such port, or such other person as the Government of Fort St. George may from time to time appoint for the purpose, which shall be hung up at the Custom House of the port, shall be liable to a fine not exceeding one hundred Rupees.

X. The

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X. The Master or Tindal of any vessel licensed to carry passengers as herein-before provided, shall sign and deliver in duplicate to the principal Officer of Customs at the place of embarkation or such other person as the Government of Fort St. George may from time to time appoint for the purpose a list according to the form annexed to this Act, of all passengers to be conveyed in such vessel ; and such officer, after satisfying himself of the correctness of the same, and that the number of passengers authorized is not exceeded, shall countersign and return one such list to the Master or Tindal, to be produced to the proper Officer at the port to which the vessel is bound ; and should any additional passengers engage to proceed by such vessel after such list has been so countersigned, the Master or Tindal may insert their names in the original list, obtaining the signature of the controlling officer as before. The Officer in charge of the Customs may withhold the port-clearance till this rule is complied with.

List of passengers to be signed by Master.

Additional passengers.

XI. If any vessel, bringing native passengers into any port or place whatsoever within the said territories from any port or place on the Eastern Coast of the Bay of Bengal or in the Straits of Malacca or in Ceylon, shall have on board a greater number of passengers than in the proportion prescribed in this Act for vessels licensed to carry passengers from the said territories, the Master or Tindal of such vessel shall be liable to a penalty of twenty Rupees for each passenger in excess of such proportion.

Penalty for bringing native passengers into any port in the Madras Presidency in excess of authorized proportion.

XII. The principal Officer in charge of the Customs at the place of embarkation or of importation, or any person authorized by him, shall be at liberty at all times to enter and inspect any passenger vessel, and the fittings, provisions, and stores therein ; and whoever impedes such entry or inspection, or refuses to allow of the same, shall be liable to a fine not exceeding fifty Rupees.

Penalty for impeding entry or inspection.

XIII. The fines authorized by this Act may be imposed by any Magistrate, Joint Magistrate, or other person lawfully exercising the powers of a Magistrate, or by any Justice of the Peace having jurisdiction at any place in the possession and under the Government of the East India Company.

Levy of fines.

XIV. The

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XIV. This Act shall continue in force for three
 Duration of Act. years.

SCHEDULE.

Form.

1	2	3	4	5	6	7
Name of Vessel.	Name of Master.	Tons per Register.	Port of Embarkation.	Number and names of Passengers.	Port at which Passengers have contracted to be landed.	Date of Departure.

(Signed) _____,

Master.

(Countersigned) _____,

Principal Officer of Customs.

Note.—In the case of vessels carrying passengers to Ceylon, it will be sufficient to insert the number, and not the names, of passengers in Column 5.



