

ACT No. XXV OF 1859.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor General on the 14th December 1859.)

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 in the Bay of Bengal ; It is enacted
Preamble. as follows :—

I. No Vessel shall carry Native Passengers from any Port or place under the Presidency of Fort St. George or from Chittagong or from any Port in the Province of Orissa, to any Port or place on the Eastern Coast of the Bay of Bengal or in the Straits of Malacca or in Ceylon ; or from any Port or place on the Eastern Coast of the Bay of Bengal or in the Straits of Malacca, to any Port or place under the Presidency of Fort St. George, or to Chittagong, or to any Port in the Province of Orissa, 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
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ACT No. XXV OF 1859.

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

First Exception.

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, 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: and

Second Exception.

except a vessel carrying Native Passengers between Chittagong and any Port or place on the Coast of Arracan 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, subject to such regulations as the Government of Bengal may prescribe.

III. The Master or Tindal of any Vessel which shall carry Native 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 twenty Rupees for each Passenger in excess of such proportion.

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.

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 or from the Province of Orissa, for Ceylon or the Eastern Coast of the Bay of Bengal or the Straits of Malacca; or from the Eastern Coast of the Bay of Bengal or the Straits of Malacca, for the said Territories or Province or for Chittagong, except from such Ports as shall be from time to time appointed by the local Government by an Order published in the Government Gazette and in the Straits Settlement in such manner as the Governor shall notify; and the Master or Tindal of any Vessel who shall take

on

ACT No. XXV OF 1859.

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.

VI. It shall be at the discretion of the Collectors of Sea Customs for the
Grant of licenses to Vessels. Ports appointed for shipping Native Passengers, or such other persons as the local Government 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 exceptions in Section II, till the Vessels have been surveyed according to such directions as shall be given from time to time by the local Government. 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.

VII. The Master or Tindal of any Vessel licensed to carry Passengers
Certain licensed Passenger Vessels to carry provisions according to appointed scale. from any Port in the territories under the Government of Fort St. George or from Chittagong or from any Port in the Province of Orissa, to any Port or place on the Eastern Coast of the Bay of Bengal or the Straits of Malacca ; or from any Port on the Eastern Coast of the Bay of Bengal or the Straits of Malacca, to any Port or place in the territories under the Government of Fort St. George, or to Chittagong, or to any Port in the Province of Orissa ; 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 the local Government published in the Government Gazette and in the Straits Settlement in such manner as the Governor shall notify, 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.

VIII. The Master or Tindal of any Vessel licensed to carry Passengers as
Penalty for omitting to supply Passengers with prescribed allowance of food and water. 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.

IX. The

ACT No. XXV. of 1859.

IX. The Master or Tindal of any Vessel, licensed to carry Passengers from any Port under the Government of Fort St. George to Ceylon, or between Chittagong and any Port or place on the Coast of Arracan who shall proceed on any 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 local Government 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 Master or Tindal of any Vessel licensed to carry Passengers as hereinbefore provided, shall sign and deliver in duplicate to the principal Officer of Customs at the place of embarkation, or such other person as the local Government 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.

XI. If any Vessel, bringing Native Passengers into any Port or place whatsoever on the Eastern Coast of the Bay of Bengal or in the Straits of Malacca, from any Foreign European Settlement situate on the line of coast within the limits of the Presidency of Fort Saint George, shall have on board a greater number of Passengers than in the proportion prescribed in Section I of this Act, the Master or Tindal of such Vessel shall be liable to a penalty of twenty Rupees for each Passenger in excess of such proportion, unless the Vessel shall have been licensed under Section VI of this Act and shall have complied with the stipulations as regards space, water, and provisions laid down in Section II.

XII. The

ACT No. XXV OF 1859.

XII. The principal Officer in charge of the Customs at the Port of embarkation or of destination, 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.

XIII. If any Native Passenger in any Ship shall be landed at any Port or place other than the Port or place at which he may have contracted to land, unless with his previous consent, or unless such landing is made necessary by perils of the sea or other unavoidable accident, the Master shall for each offence be liable to a penalty not exceeding two hundred Rupees.

XIV. Nothing in this Act contained shall take away or abridge any right of action which may accrue to any Native Passenger, or to any other person, in respect of the breach or non-performance of any contract made with the Master or Owner of the Ship or his Agent.

XV. All offences against this Act shall be punishable in a summary manner by a Magistrate. If the person directed to pay any penalty is the Master or Tindal of a Ship, and the same is not paid at the time and in the manner prescribed by the order of payment, the Magistrate may, in addition to the means prescribed by law for enforcing payment, direct by warrant the amount remaining unpaid to be levied by distress and sale of the said Ship, her tackle, furniture, and apparel.

XVI. For the purpose of the adjudication of penalties under this Act, any offence shall be deemed to have been committed within the limits of the jurisdiction of the Magistrate of the place where the offender is found.

XVII. Any Magistrate imposing any penalties under this Act may, if he thinks fit, direct the whole or any part thereof to be applied in compensating any person for any wrong or damage which he may have sustained by the act or default in respect of which penalty is imposed, or in or towards payment of the expenses of the proceedings.

ACT No. XXV OF 1859.

XVIII. The word "Magistrate" in this Act shall include a Magistrate of Police appointed under Act XIII of 1856, a Joint Magistrate, and any person lawfully exercising the powers of a Magistrate, and a Justice of the Peace.

The words "Local Government" shall mean the person or persons for the time being immediately administering the Executive Government of that portion of the said territories where the Port or place in question is situate.

XIX. This Act shall commence and take effect from the expiration of Act I of 1857.

SCHEDULE.

FORM.

1	2	3	4	5	6	7
Name of Vessel.	Name of Master.	Tons per register.	Port of embarkation.	Numbers 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, or between Chittagong and any Port or place on the Coast of Arracan, it will be sufficient to insert the number, and not the names, of Passengers in Column 5.