

ACT No. II OF 1860.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor General on the 15th January 1860.)

*An Act to amend the law relating to the Carriage of Passengers by Sea.*

WHEREAS by Section XCIX of an Act of the Imperial Parliament called  
Preamble. "The Passengers Act 1855," it is enacted that "it shall  
be lawful for the Governor General of India in Council,  
from time to time, by any Act or Acts to be passed for that purpose, to declare  
that this Act or any part thereof shall apply to the carriage of passengers upon  
any voyage, from any Ports or places within the Territories of British India,  
to be specified in such Act or Acts, to any other places whatsoever, to be also  
specified in such Act or Acts:" and it is thereby also enacted that "on the  
passing of such Indian Act or Acts, and whilst the same shall remain in force,  
all such parts of this Act as shall be adopted therein shall apply to and extend  
to the carriage of passengers upon such voyages as in the said Indian Act or  
Acts shall be specified. The provisions of such Indian Act shall be enforced  
in all Her Majesty's possessions in like manner as the provisions of this Act  
may be enforced." And whereas it is expedient to make certain parts of the  
said Act of Parliament applicable to the carriage of Passengers upon the voy-  
ages hereinafter specified : It is enacted as follows :—

I. The provisions contained in Sections II, III, and IV of this Act (being  
Certain provisions of the Statute made applicable. parts of the said Act of Parliament) are declared appli-  
cable to the carriage of Passengers upon the following  
voyages :—

Voyages

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Voyages from the Ports of Calcutta, Madras, and Bombay, to the Mauritius, under Act XV of 1842.

Voyages from the Ports of Calcutta, Madras, and Bombay, to Jamaica, British Guiana, and Trinidad, under Act XXI of 1844.

Voyages from the Ports of Calcutta, Madras, and Bombay, to St. Lucia and Grenada, under Act XXXI of 1855.

Voyages from Ports in British India, to Ports in the Red Sea or Persian Gulf, under Act XXI of 1858.

II. If the Passengers on any such voyage as is specified in the last preceding Section, shall be taken off from the ship carrying such Passengers, or shall be picked up at Sea from any boat, raft, or otherwise, it shall be lawful, if the Port or place to which they shall be conveyed shall be in any of Her Majesty's Colonial possessions, for the Governor of such Colony, or for any person authorized by him for the purpose, or if in any Foreign country, for Her Majesty's Consular Officer, at such Port or place therein, to defray all or any part of the expenses thereby incurred.

III. If any Passenger of any such Passenger ship as aforesaid shall, without any neglect or default of his own, find himself within any Colonial or Foreign Port or place other than that at which he may have contracted to land, it shall be lawful for the Governor of such Colony, or for any person authorized by him for the purpose, or for Her Majesty's Consular Officer at such Foreign Port or place, as the case may be, to forward such Passenger to his intended destination, unless the Master of such ship shall, within forty-eight hours of the arrival of such Passenger, give to the Governor or Consular Officer, as the case may be, a written undertaking to forward or carry on within six weeks thereafter such Passenger to his original destination, and unless such Master shall accordingly forward or carry him on within that period.

IV. All expenses incurred under the last two preceding Sections or either of them, by or by the authority of such Governor or Consular Officer, as aforesaid, including the cost of maintaining the Passengers until forwarded to their destination,

Governors or Consuls may pay expenses of Passengers taken off a Passenger ship.

Governors or Consuls may send on Passengers, if the Master of the ship fail to do so.

Expenses incurred under the two preceding Sections to be a Crown debt.

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destination, and of all necessary beddings, provisions, and stores, shall become a debt to Her Majesty and Her successors from the Owner, Charterer, and Master of such ship, and shall be recoverable from them, or from any one or more of them, at the suit and for the use of Her Majesty, in like manner as in the case of other Crown debts ; and a certificate purporting to be under the hand of any such Governor or Consular Officer (as the case may be) stating the total amount of such expenses, shall in any suit or other proceeding for the recovery of such debt be received in evidence without proof of the hand-writing or of the Official character of such Governor or Consular Officer, and shall be deemed sufficient evidence of the amount of such expenses, and that the same were duly incurred. Provided nevertheless that in no case shall any larger sum be recovered on account of such expenses than a sum equal to twice the total amount of passage money received by the Owner, Charterer, or Master of such Passenger ship or any of them, from or on account of the whole number of Passengers who may have embarked in such ship ; which total amount of passage money shall be proved by the defendant if he will have the advantage of this limitation of the debt : but if any such Passengers are forwarded or conveyed to their intended destination under the provisions of the last preceding Section, they shall not be entitled to the return of their passage money, or to any compensation for loss of passage.

Passengers forwarded  
by Governor &c. not en-  
titled to compensation.