

ACT NO. XII OF 1872.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.
(Received the assent of the Governor General on the 26th April 1872).

An Act to amend Act XII of 1870 (the Native Passenger Ships Act).

WHEREAS it is expedient to amend Act XII of 1870 (the Native Passenger Ships Act); It is hereby enacted as follows:—

1. Instead of section two of the said Act, the following shall be read:—

Amendment of section 2, Act XII of 1870.

“2. This Act extends to British India, and applies also to all subjects of Her Majesty within the dominions of Princes and States in alliance with Her Majesty, and to all Native Indian subjects of Her Majesty without and beyond British India.”

Extent of Act.

“Nothing in this Act applies to any Ship-of-War or transport belonging to or in the service of Her Majesty, or to any Ship-of-War belonging to any foreign Prince or State, or to any ship under contract with the Government of any European State.”

Act not to apply to Ships-of-War, &c.

“The Local Government may, if it thinks fit, exempt any steamer or class of steamers, carrying not more than sixty passengers, being Natives of Asia or Africa, from the operation of this Act, for any period not exceeding one year.”

Power to exempt steamers from operation of Act.

“Such exemption may be from time to time renewed for any period not exceeding one year.”

2. Instead of the last paragraph of section four of the said Act, the following shall be read:—

Amendment of section 4.

“The words ‘Native Passenger Ship’ mean a vessel, whether sailing or steam, carrying more than thirty passengers, being Natives of Asia or Africa; provided that

‘Native Passenger Ship.’

[Price one anna and six pies.]

that no person in attendance upon another person other than a Native of India, shall be deemed a passenger for the purposes of this section."

Addition to section 12.

3. After section twelve of the said Act, the following proviso shall be added :

"Provided that, in the case of steam ships, the officer aforesaid may, if under the circumstances of the case he thinks fit, reduce the space to be appropriated to passengers in the between-decks under the requirements of this section, to a space containing at the least nine superficial and fifty-four cubical feet of space for every adult passenger on board."

Addition to section 21.

4. After section twenty-one of the said Act, the following proviso shall be added :

"Provided also that, in the case of steam ships provided with a condenser, the officer authorized in that behalf may, if under the circumstances of the case he thinks fit, reduce the amount of water to be provided under the requirements of this section to an amount not less than four gallons to every week of the declared duration of the voyage, for every passenger on board."

Addition after section 26.

Penalty on Master of Native Passenger Ship, bound from Turkish to Indian port, entering latter without clean bill of health in breach of Convention.

5. After section twenty-six of the said Act, the following shall be read :—

"26A. Whenever a Convention shall have been entered into between the Government of Her Majesty the Queen and the Turkish Government, that every Master of a Native Passenger Ship leaving a Turkish port or place and bound for any port or place in British India, whether such ship be owned by a subject of Her Majesty or not, shall execute a bond binding him in a penalty to touch at Aden, and not to proceed thence without a clean bill of health, obtained in the manner provided in section twenty-five, any Master of any such ship, whether he be a subject of Her Majesty or not, who shall come into any port or place in British India without such clean bill of health, may be taken by the officer in charge of such port or place before any Magistrate having local jurisdiction ; and on proof that such Master has come from a Turkish port or place, such Magistrate shall pre-

sume

sume that such bond was duly executed by such Master, and in default of production of such clean bill of health, shall presume that the penalty mentioned in such bond has been incurred; and may award the full amount or any part of such penalty against such Master, and, in default of payment of such penalty, may recover it as though it were a fine imposed under this Act."

6. After section thirty-eight of the said Act, the following section shall be added as section thirty-nine:—

"39. Nothing in this Act shall affect the provisions of Act XXV of 1859 (*to prevent the overcrowding of vessels carrying Native Passengers in the Bay of Bengal*)."

7. This Act shall be read as part of Act XII of 1870.

Addition
after section
38.

Saving of
Act XXV of
1859.

Act to be
read as part
of Act XII
of 1870.