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5 WILL. IV.—Sess. 1835.

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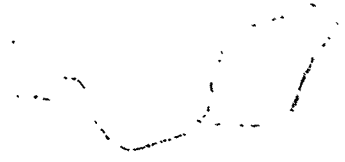
To repeal an Act of the Ninth year of his late Majesty, for regulating the Carriage of Passengers in Merchant Vessels from the United Kingdom to the British Possessions on the Continent and Islands of North America, and to make further Provision for regulating the same.

(Prepared and brought in by

Mr. Baring, Lord Viscount Louther, and Mr. Gladstone.)

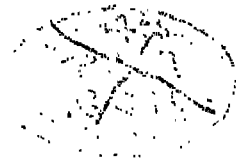
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19 March 1835.





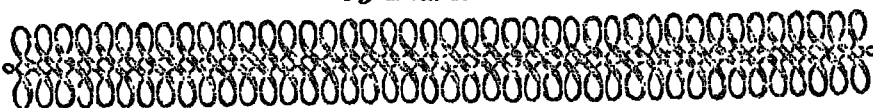


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19 March 1835.



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B I L L

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 same.

[*Note.*—The words printed in *Italics*, are proposed to be inserted in the Committee.]

WH **H**EREBY it is expedient to make further Provision respecting the Carriage of Passengers from the United Kingdom to His Majesty's Possessions on the Continent and Islands of North America, 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 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.

Preamble:

9 Geo. 4. c. 21.

1.
Repeal of 9 Geo. 4. c. 21. Saving of all Penalties incurred by, and of all rights of Action which have accrued to any Person under the repealed Act.

2.
No Ship to sail for British North America with more than Three Persons on board for every Five tons of burthen.

And be it further Enacted, That no Ship shall sail from any Port or Place in the United Kingdom, or in the Islands of Guernsey, Jersey, Alderney or Sark, or in the Isle of Man, on any Voyage to or for any Port or Place in His Majesty's possession on the Continent or Islands of North America, 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 Ship registered as 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 Ship registered as 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 Ship having only Two tier of Berths, shall carry any Passengers on any such voyage as aforesaid unless there shall be an interval of *Three Inches* at the least between the deck and the floor of the lower tier throughout the whole extent thereof.

Ships carrying Passengers to have a height of Five feet and a half between Decks, or between Platform and Deck.

When only two tier of Berths, the floor of the lower tier to be Three Inches above the Deck.

3.
Regulating the quantity of Water and Provisions to be carried by every Vessel with Passengers on board.

And be it further Enacted, That no Ship carrying Passengers on any such voyage as aforesaid to any Port or Place in His Majesty's possession on the Continent or Islands of North America shall clear out for such voyage from any Port in the United Kingdom, or in the said Islands of Guernsey, Jersey, Alderney or Sark, or in the Isle of 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, to the amount or in the proportion following; that is to say, a supply of pure water to the amount of *Fifty* Gallons for every Passenger on board such Ship, such water being carried in sweet casks, and a supply of bread, biscuit, oatmeal or bread-stuffs to the amount of *Seventy* Pounds weight, at the least, for every such Passenger.

4.
Ships having their whole number of Passengers on board, not to carry Stores between Decks.

And be it further Enacted, That no Ship proceeding on any such voyage as aforesaid, and having on board the whole number of Passengers allowed by this Act, shall carry any part of her cargo, provisions, water or sea stores between decks; but that it shall be lawful in any such Ship, not having on board the whole number of Passengers so allowed, to carry between decks in respect of every Passenger wanting of that number, any goods, provisions, water or sea stores, not occupying more than *Three* cubical Feet in space.

5.
With every Ship carrying One hundred Passengers, a Medical Practitioner is to sail; in every

And be it further Enacted, That no Ship carrying Passengers in any such voyage as aforesaid to any such Port or Place as aforesaid, 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,

Kingdom, or in the said Islands of Guernsey, Jersey, Alderney or Sark, or in the Isle of Man, unless there shall be rated upon the Ship's Company, and shall be actually 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; and if the number of such Passengers shall be less than *One hundred*, then no such Ship as aforesaid shall clear out for such 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.

Ship carrying a smaller number, medicines of sufficient amount and kind, and certified to be so, shall be carried.

And be it further Enacted, That no Person being on board any such Ship or Vessel shall, during any such voyage as aforesaid, sell, barter, exchange, or, for any valuable consideration, deliver to any Passenger on board any such Vessel any wine, brandy or other spirituous or distilled liquor, except for medicinal purposes, and with the express previous sanction of the medical Practitioner on board any such Ship, or in Ships not carrying any such medical Practitioner, then with the express previous sanction of the Master or other Person in command of such Ship.

6.
Wine and Spirits not to be sold in Passengers' Ships, except with the License of the Medical Practitioner, or, in his absence, of the Master.

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 or Sark, or in the Isle of Man, deliver to the Collector or other Principal Officer of His Majesty's Customs at such Port or Place, a List in writing, 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

7.
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.

of His Majesty Customs at each and every Port or Place in His Majesty's Possessions 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 at his final Port of discharge in the said Possessions.

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8.
Penalty on Master improperly landing Passengers at any Place not contracted for.

AND for the prevention of frauds, which might be practised upon Persons emigrating from the United Kingdom to any of His Majesty's Possessions Abroad; BE it further Enacted, That if the Master of any Ship carrying any Passengers on any such voyage as aforesaid shall, without their 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, he, the said Master, shall incur and become liable to a penalty of *Twenty* Pounds for each and every Passenger so landed or put on shore.

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9.
Proviso how Children are to be computed in the enumeration of Passengers.

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 *Thirteen* 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* Passenger only.

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10.
Fines in case of detention.

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 or Master of such Ship with any Passenger who shall on that day be on board the same, and ready to proceed on such intended voyage, then and in every such case the Master of such Ship shall incur, for the benefit of each and every such Passenger, 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 on board the same previously to her actual clearing out and final departure on such voyage: 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 accident.

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11.
Passengers to be maintained for Forty-eight Hours after their arrival.

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 in the possession of His Majesty on the Continent or Islands of North America, 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

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provision

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.

12.
Penalties in case of Infringement of the preceding Enactments.

5 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 or Sark, or in the Isle of Man, on any voyage to or for any Port or Place in His Majesty's possession on the Continent or Islands of North America, shall carry any number of Passengers exceeding by more than One Person
10 in all, the proportion authorized and allowed by this present Act; or if such Ship shall not be of the height between decks hereinbefore required; or if such a platform as hereinbefore directed shall not be laid and continued throughout the whole duration of any such voyage, in such manner as is hereinbefore required; or if there shall not be,
15 throughout the whole duration of any such voyage, such an interval as is hereinbefore 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 hereinbefore required; or if the cargo,
20 provisions, water or sea stores of any such Ship, shall, during any part of such voyage, be carried between decks, contrary to the provisions hereinbefore in that behalf made; 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 hereinbefore required; or if any Person shall, during any such voyage, sell, barter, exchange, or, for any valuable consideration, deliver to any Passenger, any such wine, brandy or liquor as aforesaid, in contravention of the prohibition hereinbefore contained; or if any such
30 Ship shall be cleared out, before such Lists of Passengers, as hereinbefore mentioned, shall have been delivered in manner and form aforesaid, to such Officer as aforesaid; or if any such List shall be wilfully false, the Master of any such Ship shall, for and in respect of each and every such offence, be liable on conviction to be punished as and for
35 a *Misdemeanor*, or, at the option of the Person or Persons prosecuting, shall be liable, on such summary conviction as hereinafter mentioned, to the payment of a fine of not less than *Five* Pounds, nor more than *Twenty* Pounds sterling British money.

40 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 non-performance of any Contract made or entered into between or on the behalf of any such

13.
The right of Action of Passengers not to be taken away or abridged.

Passenger or other Person and the Master, Owner or Owners of any such Ship.

14.
Prosecutions
and recovery
of Penalties.

And be it further Enacted, That all indictments or informations against any Person or Persons for or in respect of any misdemeanors 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, prosecuted, 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, provisocs, 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.

15.
Master of
Vessels to
enter into
bond for the
due perform-
ance of the
Regulations
prescribed by
this Act.

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 or Sark, or in the Isle of Man, to or for any Port or Place in His Majesty's possession on the Continent or Islands of North America, 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 non-performance, 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, 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

Limitation of
Prosecutions.

Months next after the return of the Master to the Port or Place from which he sailed on such voyage.

5 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 such Passengers shall not exceed *One* Passenger for every Five tons of the registered burthen of such Ship, nor 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.

16.
Exception of particular kinds of Ships.

10 And be it further Enacted and Declared, That the Bahama Islands and the Bermuda Islands, and His Majesty's Possessions in the West Indies, are not and shall not be deemed and taken to be comprised within the conditions aforesaid, or any of them.

17.
Bahamas, Bermudas and the West Indies, not included.