ANNO SEXTO

GEORGII IV. REGIS.

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C A P. CXVI.

An Act for regulating Vessels carrying Passengers to Foreign Parts. [5th *July* 1825.]

WHEREAS an Act was passed in this present Session of Parliament, intituled *An Act to repeal the several Laws relating to the Customs*, in which it is declared, that the Laws of the Customs have become intricate by reason of the great Number of Acts relating thereto which have been passed through a long Series of Years, and that it is therefore highly expedient for the Interest of Commerce and the Ends of Justice, and also for affording Convenience and Facility to all Persons who may be subject to the Operation of those Laws, or who may be authorized to act in the Execution thereof, that all the Statutes now in force relating to the Customs should be repealed, and that the Purposes for which they have from Time to Time been made should be secured by new Enactments exhibiting more perspicuously and compendiously the various Provisions contained in them: And whereas by the said Act the Laws relating to the carrying of Passengers to Foreign Parts will be repealed; and it is expedient to make new Provisions in lieu thereof: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent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 from and after the Fifth Day of *January* One thousand eight hundred and twenty-six, this Act

6 G. 4. c. 105.

Commencement of Act.

shall come into and be and continue in full Force and Operation for regulating Vessels carrying Passengers to Foreign Parts.

No British Vessel carrying Passengers shall sail with a greater Number of Persons than One for every Five Tons Burthen, without a Licence from Commissioners of Customs.

Restriction as to Licence.

How Children to be computed.

II. And be it further enacted, That no *British* Ship carrying any Passenger or Passengers shall sail from any Port or Place in the United Kingdom to or for any Port or Place out of *Europe*, and not being within the Streights of *Gibraltar*, with more Persons on board, including the Master and Crew, than One for every Five Tons of her Burthen, without a Licence under the Hands and Seals of the Commissioners of His Majesty's Customs, under the Penalty of Fifty Pounds for every Person exceeding such Proportion, to be paid by the Master of such Ship: Provided always, that no such Licence shall be granted for any Ship to carry any greater Number of Persons, including the Master and Crew, than in the Proportion of One Person for every Two Tons of the Burthen of such Ship or Vessel, except as herein-after provided in the Case of Ships sailing from *Ireland* to the *British* Possessions in *North America*: Provided also, that Two Children under Fourteen Years of Age, or Three Children under Seven Years of Age, shall in all Cases be computed as One Person, for the Purposes herein-before mentioned.

Vessels laden not to carry more than One Person to every Two Tons unoccupied with Goods.

What Space deemed equivalent to Two Tons.

III. And be it further enacted, That it shall not be lawful for the Master of any Ship laden with Goods and Merchandize for Exportation, which shall sail from any Port or Place in the United Kingdom to or for any Port or Place out of *Europe*, and not being within the Streights of *Gibraltar*, to receive or take on board a greater Number of Persons, including the Master and Crew, computed as aforesaid, than in the Proportion of One Person for every Two Tons of such Ship remaining unladen with Goods and Merchandize, under the Penalty of Twenty Pounds for every Person exceeding such Proportion, to be paid by the Master of such Ship: Provided always, that every clear integral Space between the Deck and the Cargo of every Ship which shall have but One Deck, or between the Decks of any Ship having more Decks than One, such Space being unoccupied with Goods or Merchandize, or with Stores, Provisions, Water, or Baggage, and being Six Feet in Length, Two Feet Six Inches in Breadth, and being of the whole of the Height between Decks, or being Five Feet Six Inches in Height, if there be only One Deck, shall be deemed to be and shall be equivalent to Two Tons of such Ship remaining unladen.

Tonnage how to be ascertained.

IV. And be it further enacted, That every *British* Ship shall be deemed to be of such Burthen as is set forth in the Certificate of the Registry of such Ship, and the Burthen of every Foreign Ship shall be ascertained by Admeasurement, in the Manner directed by any Act now in force or hereafter to be made respecting the Admeasurement of *British* Ships for the Purpose of being registered.

List of Persons on board to be delivered to the Collector.

V. And be it further enacted, That the Master of every *British* Ship carrying Passengers as aforesaid, and having more Persons on board, including the Master and Crew, computed as aforesaid, than One for every Five Tons of the Burthen of such Ship, previously to his leaving the Port from whence he shall be bound shall deliver to the

the Collector and Comptroller of His Majesty's Customs at such Port a List, containing the full Number of the Crew, and also the Number of the Passengers, with their Names, Ages, and Descriptions, and the Places to which they are to be respectively conveyed, for the Purpose of being registered at such Port; and if the Number of such Persons shall exceed Fifty, such Ship shall not be cleared out, unless the Owner or Owners, or the Master, shall have given Bond to His Majesty, with Two sufficient Sureties, such Bond to be without Stamp, and to be taken by and left in the Hands of the Collector or Comptroller of the Customs of the Port from whence such Ship shall be cleared out, in an Amount equal to the Sum of Twenty Pounds for each Passenger, whether Child or Adult, on board such Ship, with Condition that such Ship is seaworthy, and properly stored with Water and Provisions, and shall have for the Voyage a Surgeon, with a Medicine Chest properly stored with Medicines, as hereinafter provided; and that every such Passenger, if alive, shall be landed at the Port or Ports to which such Passenger shall have contracted to be conveyed, unless landed elsewhere at his or her own Desire.

Bond to be given that the Vessel is seaworthy and properly stored, &c.

VI. And be it further enacted, That if the Master of any *British* Ship, having a Licence to carry Passengers in the Manner hereinbefore directed, shall take on board, or if he or the Owner or Owners of any such Ship shall engage to take on board, any Person or Persons exceeding the Number mentioned and specified in such Licence, such Master, Owner or Owners, shall severally forfeit and pay the Sum of Fifty Pounds for each and every Person so taken or engaged to be taken beyond the Persons specified in such Licence.

Penalty on Masters taking more Passengers than allowed, 50*l.* for each.

VII. And be it further enacted, That every such Ship, having a Licence as aforesaid, shall be provided with such a Supply of good and wholesome Water as will afford an Allowance of Five Pints of Water daily during the Voyage for every Person (including the Master and Crew), and computing Two Children under Ten Years of Age as One Person, which Supply of Water shall be stowed below the Lower Deck, if there be Two Decks, or Five Feet Six Inches at least below the Deck, if there be only One Deck; and every such Ship shall also be provided with such a Supply of Provisions as will afford an Allowance for every such Person, during the Voyage, of One Pound Weight of Bread or Biscuit, and One Pound Weight of Beef, or Three Quarters of a Pound Weight of Pork, daily, and also Two Pounds Weight of Flour, and Three Pounds Weight of Oatmeal, or of Pease, or of Pearl Barley, and Half a Pound Weight of Butter, weekly; the said Allowance to commence on and be computed from the Day the Ship takes her Departure from the Port at which she shall be cleared outwards.

Allowance of Provisions.

VIII. And be it further enacted, That the Master of such Ship failing to give out the Allowance of Provisions and Water hereinbefore specified, if required to do so, shall forfeit the Sum of Ten Pounds of lawful Money for each and every such Neglect or Omission.

Penalty on Master failing to give the Allowance of Provisions, 10*l.*

IX. Pro-

Passengers may be relanded on Application to the Collector, &c.

IX. Provided always, and be it enacted, That if any Passenger who has entered into any Contract or Agreement for the Voyage on board any such Ship, shall signify to the Collector or Comptroller, or other proper Officer of the Customs, or to any Justice of the Peace or other Magistrate, in the United Kingdom, that he or she is desirous of being relanded, and of not proceeding on any such Voyage, it shall and may be lawful to and for such Collector or Comptroller, or other proper Officer of the Customs, or for such Justice of the Peace or other Magistrate, and they are hereby empowered and required, to take such Passenger, together with his or her Baggage, out of the Ship, and to set such Passenger free from his or her Engagement, reserving to either Party any legal Claim which may arise in consequence thereof.

Penalty on Master relanding Provisions, 500*l.*;

except Provisions of any Passenger relanded.

X. And be it further enacted, That if after any such Ship shall have been cleared out the Master of any such Ship shall unship or reland, or permit or suffer to be unshipped or relanded, any Water or Provisions, such Master shall forfeit the Sum of Five hundred Pounds: Provided always, that if any Passenger shall be relanded, and shall not proceed, then it shall and may be lawful for such Master to unship or reland, under the Inspection of the proper Officers of the Customs, at the Port where such Passenger shall be relanded, a Quantity of Water and Provisions not exceeding the Proportion sufficient for the Allowance of every such Passenger so relanded.

Bedding to be aired, and Vessel fumigated, on Penalty of 20*l.*

XI. And be it further enacted, That the Bedding of each and every Passenger on board any such Ship shall be aired by Exposure upon the Deck, when the Weather will permit, daily during the Voyage; and such Ship shall be fumigated with Vinegar at least Twice in every Week during the Voyage; and the Master of such Ship shall forfeit and pay the Sum of Twenty Pounds for each Failure or Neglect in airing the said Bedding, or in fumigating the Ship.

No British Vessel carrying 50 Persons shall be cleared out unless provided with a Surgeon.

XII. And be it further enacted, That no *British* Ship having a Licence to carry Passengers as aforesaid, carrying Fifty Persons or upwards, including the Master or Crew, computed as aforesaid, shall be cleared out at any Port of the United Kingdom, unless such Ship shall be provided with a Surgeon, who is to continue during the whole of the Voyage, and who shall produce, to the Officer of the Customs at the Port where the Ship is to be cleared, a Certificate of his having passed his Examination at Surgeons Hall in *London*, or at the Royal College of Surgeons of *Edinburgh* or *Dublin*, or before the Medical Faculty of the University of *Glasgow*.

Surgeon to be provided with a Medicine Chest properly stored with Medicines.

XIII. And be it further enacted, That every such Surgeon shall have a Medicine Chest properly stored with Medicines, in proportion to the Number of Persons on board such Ship, of the Kind and according to the Assortment generally used and made for the like Voyages on board of His Majesty's Ships of War; and before any such Ship shall be allowed to be cleared out, such Surgeon shall specify upon Oath, before the Collector or Comptroller of the Customs at the Port from whence such Ship is to be cleared out, the Contents of such Medicine Chest, and shall further make Oath, that the Medicines

dicines are of good and proper Quality, and of the Assortment generally used and made for the like Voyages on board of His Majesty's Ships of War, to the best of his Knowledge and Belief, and that he is engaged, and does intend to go the Voyage as Surgeon on board such Ship; and the Affidavit of every such Surgeon shall be deposited and preserved in the Custom House where the Clearance of such Ship shall be granted; and the Owner or Master of every such Ship failing to provide a Surgeon so qualified, and a Medicine Chest properly stored as aforesaid, shall forfeit and pay the Sum of Twenty Pounds for every Person on board, including the Master and Crew.

Penalty on Master not providing a Surgeon, &c.

XIV. And whereas it is expedient that some certain Mark should be placed on certain *British* Ships or Vessels carrying Passengers, that they may at all Times be known at Sea by His Majesty's Ships and Vessels of War or Revenue; be it therefore enacted, That the Letter P. shall be painted in White at least Three Feet in Length, and of proportionate Width, on the Quarters of every *British* Ship carrying Passengers as aforesaid, and having more Persons on board, including the Master and Crew, computed as aforesaid, than One for every Five Tons Burthen of such Ship, under the Penalty of the Forfeiture of One hundred Pounds by the Master of such Ship on Failure of having such Mark.

Vessels to be marked with a P.

XV. And be it further enacted, That all Captains and Officers commanding His Majesty's Ships of War or Revenue Vessels, who shall meet any such *British* Ship at Sea, and the Collectors and Comptrollers of His Majesty's Customs at any Port in the United Kingdom, or in the *British* Possessions, and the Governors and Lieutenant Governors at any such Possessions, and His Majesty's Consuls at any Foreign Port, shall and may, and they are hereby empowered and required to call upon the Master of any such Ship to produce the Licence granted by the Commissioners of His Majesty's Customs, for the Purpose of Inspection and Examination, and to ascertain whether the Regulations of this Act have been duly complied with; and in case the Master of any such Ship shall refuse or fail to produce the said Licence he shall forfeit the Sum of Two hundred Pounds.

Officers of the Navy, Consuls, &c. may inquire into the Execution of the Act.

Penalty on Master refusing to produce the Licence, 200*l.*

XVI. Provided always, and be it enacted, That nothing in this Act contained shall extend or be deemed or construed to extend to Ships in the Service of His Majesty, or of His Majesty's Postmaster General, or of the *East India* Company, or to any Ship bound to the Fisheries at *Newfoundland*, or on the Coast of *Labrador*.

Act not to extend to Vessels in Service of His Majesty, &c.

XVII. Provided always, and be it further enacted, That it shall be lawful for the Commissioners of His Majesty's Treasury, or any Three or more of them, by any Order or Direction to be issued by them from Time to Time for that Purpose, to exempt from the Operation of this Act, or of any of the Provisions herein contained, any Ship or Vessel carrying Passengers from *Ireland* to the *British* Possessions in *North America*; and that any such Ship or Vessel so exempted by any such Order or Direction, and complying with the Conditions of

Vessels carrying Passengers from Ireland to the British Possessions in North America.

the same, shall not be subject to any of the Conditions and Forfeitures imposed by this Act touching any of the Matters to which any such Order or Direction shall apply.

Limitation of Persons on board Foreign Vessels.

XVIII. And be it further enacted, That no Foreign Ship, carrying any Passenger or Passengers, shall sail from any Port or Place in the United Kingdom to or for any Port or Place out of *Europe*, and not being within the Streights of *Gibraltar*, with more Persons on board, including the Master and Crew, than One for every Five Tons Burthen of such Ship, (unless special Permission shall be given for that Purpose by the Commissioners of His Majesty's Customs), under Penalty of Fifty Pounds for every Person exceeding such Proportion, to be paid by the Master of such Ship or Vessel.

Regulations for British Ships to extend to certain Foreign Ships.

XIX. Provided always, and be it further enacted, That during the Continuance of any Convention of Commerce and Navigation between His Majesty and any Foreign State, whereby the Privileges of *British* Ships shall be conceded to the Ships of such Foreign State, so much of this Act as relates to *British* Ships shall extend and be construed to extend to Ships belonging to such States, during the Existence of such Convention, and carrying more Passengers than other Foreign Ships are by this Act permitted to carry.

Recovery of Penalties.

XX. And be it further enacted, That all Sums of Money, Penalties, and Forfeitures in this Act mentioned and contained, shall be calculated and paid and payable within *Great Britain* and *Ireland* in lawful Money of *Great Britain;* and that any Penalty or Forfeiture inflicted by this Act may be prosecuted, sued for, and recovered by Action of Debt, Bill, Plaint, or Information in any of His Majesty's Court of Record at *Westminster* or *Dublin*, or in the Court of Exchequer, or in the Court of Session in *Scotland*, in the Name of His Majesty's Attorney General for *England* or *Ireland*, or His Majesty's Advocate for *Scotland* respectively, or in the Name of any Person or Persons whatsoever, wherein no Essoign, Protection, Privilege, Wager of Law, or more than One Imparlance shall be allowed; and in every Action or Suit the Person against whom Judgment shall be given for any Penalty or Forfeiture under this Act, shall pay Double Costs of Suit; and every such Action or Suit shall and may be brought at any Time within Three Years after the Offence committed, and not afterwards; and one Moiety of every Penalty to be recovered by virtue of this Act shall go and be applied to His Majesty, His Heirs and Successors, and the other Moiety to the Use of such Person or Persons as shall first sue for the same, after deducting Charges of Prosecution from the Whole.

Limitation of Actions.

XXI. And be it further enacted, That if any Action or Suit shall be brought or commenced against any Person or Persons for any thing done in pursuance of this Act, the Defendant or Defendants in such Action or Suit may plead the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if it shall appear to be so done, then and in every such Case

Case the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall become nonsuited, or discontinue his, her, or their Action, or if a Verdict shall pass against the Plaintiff or Plaintiffs, or upon Demurrer Judgment shall be given against such Plaintiff or Plaintiffs, the Defendant or Defendants shall and may recover Double Costs, and have the like Remedy for the same as any Defendant or Defendants hath or have for Costs of Suit in any other Cases by Law.

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