



SUPPLEMENT
TO THE
BOMBAY GOVERNMENT GAZETTE.

Published by Authority.

THURSDAY, 14TH MAY 1863.

PROCEEDINGS OF THE LEGISLATIVE DEPARTMENT, BOMBAY.

THE following Bill, which it is intended to introduce into the Council of the Governor of Bombay for the purpose of making Laws and Regulations, is, together with Statement of Objects and Reasons accompanying it, published for general information :—

A Bill to provide for the Periodical Survey of Steam Vessels in the Ports, Harbours, Rivers or Waters of the Presidency of Bombay.

WHEREAS it is desirable to provide for the Survey, by competent Surveyors, of Steam Vessels in the Ports, Harbours, Rivers or Waters of the Presidency of Bombay, with a view to the due security of the lives of passengers, and of property shipped on board such Steam Vessels; It is enacted as follows :—

I. Every Steam Vessel, plying in the Harbour of Bombay, or in any of the Ports or Harbours, or on any of the Rivers or Waters of the Presidency of Bombay, and every British Steam Vessel plying between any Port of the Presidency of Bombay and any Indian Port, shall be liable to be surveyed twice in every year, in the manner hereinafter prescribed.

II. It shall be lawful for the Governor of Bombay in Council to appoint a fit and proper person, or fit and proper

persons, to be a Surveyor or Surveyors for the purposes of this Act.

III. It shall be lawful for the said Surveyors, in the execution of their duties, to go on board any Steam Vessel, liable to be surveyed under this Act, as soon as reasonably may be after the arrival of such Steam Vessel in any Port, Harbour, or River of the Presidency of Bombay, and not so as unnecessarily to hinder the loading or unloading of such Steam Vessel, or to detain or delay her from proceeding on any voyage or service, and to inspect such Steam Vessel or any part thereof, and any of the machinery, equipments, or articles on board thereof: and the Owner, Master, and Officers serving on board of such Vessel, shall be bound to afford to the Surveyors all reasonable facility for such inspection or Survey, and to afford them all such information respecting such Vessel and her machinery and equip-

ments, or any part thereof respectively, as may be reasonably required by the Surveyors;

Penalty for hindering them in making the Survey, or withholding required information. and any person who shall refuse access to the Surveyors, or shall otherwise hinder them in the performance of their duty, or shall refuse or neglect to give any information which may reasonably be required of them, and which they have it in their power to give, shall be liable for each offence to a penalty of Five Hundred Rupees, or to one month's simple imprisonment.

IV. When any Survey is made under this Act, the Surveyors making such Survey shall forthwith, if satisfied that they can with propriety do so, and on payment by the Owner or Master of the fees hereinafter mentioned, give to the Owner or Master of the Steam Vessel surveyed a Certificate and Declaration signed by them, and framed as nearly as the circumstances of each case will admit in the Form set forth in Schedule A hereto annexed.

V. No Officer of Customs shall grant a clearance, nor shall any Pilot be assigned to any Steam Vessel, liable to be surveyed under this Act, which shall not have been duly furnished with a Certificate and Declaration under the provisions of this Act, applicable to the voyage on which she is about to proceed, or the service on which she is about to be employed; and if any Steam Vessel liable to be surveyed under this Act, shall leave or attempt to leave any Port, Harbour, or River of the Presidency of Bombay, without such Certificate and Declaration applicable to the voyage on which she is about to proceed, or the service on which she is about to be employed, the Owner or Master of such Steam Vessel shall be liable to a fine not exceeding One Thousand Rupees for each offence, and if such fine be not paid shall be liable to simple imprisonment for a period not exceeding two months; and if there be any Officer of Customs or any Pilot on board of such Steam Vessel, he may detain her until she is duly furnished with such Certificate and Declaration.

VI. If the Commander or any other Officer of a Tug-Steamer or of any other Steam Vessel liable to be surveyed under this Act, is a licensed Pilot, and shall leave or attempt to leave any Port, Harbour, or River of the Presidency of Bombay in such Tug-Steamer or Steam Vessel without such Tug-Steamer or Steam Vessel being duly furnished with a Certificate and Declaration

under the provisions of this Act, applicable to the voyage on which she is about to proceed, or the service on which she is about to be employed, such Commander or other Officer shall be liable to have his license, as a Pilot taken away from him entirely, or suspended for any period by the Governor of Bombay as the Governor of Bombay may see fit to order.

VII. It shall be lawful for the Governor of Bombay in Council to give special directions to the Surveyors under this Act for the survey by them of any British Steamer lying in any Port, Harbour, or River of Bombay, and plying between such Port, Harbour, or River, and any Port or Ports whatever, and the provisions of this Act shall apply (so far as the same are in any way applicable) to every Vessel so specially directed to be surveyed, and the Owner, Master, and Officers thereof.

VIII. The Governor of Bombay in Council is hereby empowered to frame Rules as to the manner in which the Surveys shall be made, and the times and places of such Surveys, and the duties of the Surveyors, provided that such Rules shall not be inconsistent with the provisions of this Act.

IX. Any Surveyor demanding or receiving directly or indirectly from the Owner, Master, or Officer, of any Ship surveyed by him under the provisions of this Act, any fee or remuneration otherwise than as provided by this Act, shall be liable to dismissal, in addition to any other penalty to which he may by law be liable.

X. For every Survey made under this Act, the Owner or Master of the Steam Vessel surveyed shall pay to the Surveyors making the same, a fee calculated on the Tonnage of the Vessel according to the rates in Schedule B hereto annexed.

XI. Each Certificate and Declaration granted by Surveyors under this Act shall be hung up, and remain at all times suspended, in some conspicuous part of the Vessel for which the same is granted, where the same may be easily read; and in default of compliance with this provision, every Owner or Master shall be liable to a penalty not exceeding One Hundred Rupees for each offence, such fine to be leviable by distraint or sale of personal property.

XII. No Certificate or Declaration shall be held to be in force for the purposes of this Act after the expiration of six Calendar months from Certificate to be in force only six months, and to be delivered up when expired or revoked.

the date thereof. Provided that if any Steam

Proviso in case of Vessels absent from Harbour, &c. when Certificate expires.

Vessel is absent from the Port, Harbour, or River to which she belongs when her Certificate and Declaration expire, no penalty shall be incurred for the want of a Certificate and Declaration, until she first begins to ply or is about to ply after her next subsequent return to the said Port, Harbour, or River. And the Governor of Bombay in Council, or any Officer appointed by him for that purpose, may require any Certificate and Declaration which has expired or has been revoked or cancelled, to be delivered up as may be directed; and any Owner or Master or other person who, without reasonable cause, neglects or refuses to comply with such requirement, shall incur a penalty not exceeding One Hundred Rupees, for each offence.

XIII. The Governor of Bombay in Council, or any Officer appointed or authorised by him for that purpose, may revoke and cancel any Certificate and Declaration under this Act in any case in which he has reason to believe—

(1) That the Certificate and Declaration of the sufficiency and good condition of the hull, equipments, and machinery of any Steam Vessel, or either of them, have been fraudulent-ly or erroneously given or made; or

(2) That such Certificate and Declaration have otherwise been issued upon false or erroneous information; or

(3) That since the giving and making of such Certificate and Declaration, the hull, equipments, or machinery of such Ship have sustained any injury or are otherwise insufficient.

And in every such case the Governor of Bombay, or such Officer as last aforesaid, may, if he thinks fit, require the Owner or Master to have such Steam Vessel again surveyed as herein provided.

XIV. If any Steam Vessel shall be surveyed under the provisions of this Act, and if the Surveyors shall

If the correctness of a Survey is doubted, Government may order a

Second Survey by other Surveyors. decline to give any Certificate or Declaration, or

shall give a Certificate or Declaration with which the Owner or Master of the Steam Vessel shall be dissatisfied, the Governor of Bombay in Council may, on the application of such Owner or Master, appoint two other competent Surveyors to survey the said Steam Vessel. The Surveyors so appointed shall forthwith survey the said Steam Vessel, and shall either decline to give any Certificate and Declaration, or shall give such Certificate and Declaration as under the circumstances may seem to them proper. Every survey made under this Section shall be made subject to all the provisions and rules both as to the payment of fees and otherwise which are applicable to surveys made in ordinary cases under this Act. If the Surveyors appointed under this Section unanimously refuse to give any Certificate and Declaration, or agree as to the terms of their Certificate and Declaration, such refusal or such Certificate and Declaration shall be final and conclusive; but if they do not agree, the refusal originally made or the Certificate and Declaration originally granted by the Surveyors, who surveyed the said Steam Vessel in the first instance, shall remain and be of full force and effect.

XV. Any case arising out of this Act may be tried by any Officer having the full powers of a Magistrate, within whose jurisdiction the offence may have been committed, or by any Police Magistrate of the Town of Bombay. The provisions of Section LV. of Act. XXII. of 1855 (for the regulation of Ports and Port-dues) are hereby extended to all penalties imposed under this Act; and all fees due under Section X. of this Act shall be recoverable in like manner as penalties are recoverable.

XVI. The word "Surveyors" as used in this Act shall be taken to include any Surveyor acting alone when authorised so to do by the Governor of Bombay in Council under the provisions of this Act.

Surveyor acting alone included in term "Surveyors."

SCHEDULE A.

Form of Surveyors' Certificate and Declaration.

Name of Steam Vessel.	Tonnage.	When and where built and Material.	Power.	Description of Engines and age.	Description of Boilers and age.	Ground Tackle.	Condition of Hull.	General Equipment.	Name of Master and number of Officers and Dock-crew, and of Engineers and Engine-room Crew.	When and where last coppered, repaired, or cleaned.	Limits (if any) beyond which the vessel is not fit to ply.	Time, if less than six months, for which the Hull, Boilers, Engines, or any of the Equipments will be sufficient.	REMARKS.

We, the undersigned, declare that we have examined the above-named Steamer, and to the best of our judgment she and her Engines, as shown in the above Statement, are fully sufficient for the service on which it is intended to employ the said Steamer, that is to say, for (as the case may be.)

A. B.
C. D.

SCHEDULE B.

Rate of Fees to be charged (referred to in Section X.)

	Rs.	a.	p.
For Steamers of less than 200 Tons	20	0	0
„ „ 200 Tons and up to 350	25	0	0
„ „ 350 „ „ 700	30	0	0
„ „ 700 „ „ 1,000	40	0	0
„ „ 1,000 „ „ 1,500	50	0	0
„ „ 1,500 „ and upwards	60	0	0

STATEMENT OF OBJECTS AND REASONS.

This Bill which is copied from Act. V. of 1862, Bengal Council, provides for the periodical and special Survey of Steam Vessels frequenting the Ports, Harbours, Rivers or Waters of the Bombay Presidency.

It supplies a deficiency in Act. XXI. of 1858. This Act is limited in its application to Native Passenger Ships and to such Steam Vessels as are intended to convey Passengers on coasting voyages, and the Survey provided under it is of a general nature.

The provisions of the Bill on the other hand are applicable to all British Steam Vessels, and the Survey is directed especially to Hull, Boilers, Machinery, and Equipments.

The Bill enables Government to appoint Surveyors, to define their duties, and to fix their remuneration by fees calculated on the Tonnage of the surveyed vessels. It imposes penalties on those who may obstruct the Surveyor in his duty, and it prescribes the form of certificate, and the manner of disposal of such certificate so long as it shall remain in force.

It is generally admitted that a law such as that contemplated in this Bill is most desirable, and that its enactment cannot be otherwise but beneficial to the interests of the public at large.

The Bill should be translated into Murathee, Goozerathi, and Sindhee.

(Signed) J. D. INVERARITY.

Bombay, 9th May 1863.

By order of His Excellency the Governor in Council,

R. WEST,

Officiating Under Secretary to Government.

Bombay, 11th May 1863.