

11 VICTORIA, CAP. XXVI.

An Act to provide for the greater safety of Passengers on board of Steam Boats.

Passed 26th April 1850.

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That from and after the passing of this Act, no British Boat or Vessel propelled by steam, shall be permitted by the Captain or Owner thereof to depart from any port or place in this Province to any port or place within or without this Province to Sea with passengers, without having on board or attached to such Boat or Vessel, in a convenient manner, good and efficient Boats properly equipped, as follows:—For every Steamer of the registered tonnage of two hundred tons and upwards, not less than four good boats; of one hundred tons and upwards, not less than three good boats; under one hundred tons, not less than two good boats, with a sufficient number of good oars and other tackle necessary therefor; and every such boat, upon an average, of a sufficient capacity to carry at least twenty adult persons, exclusive of the crews; and no such vessel shall be permitted by the Captain or Owner thereof to navigate in any of the Rivers or Inland Waters of this Province, with passengers, without having on board or attached to such Boat or Vessel, in a convenient manner as aforesaid, at least two good and efficient boats properly equipped with oars and other tackle as aforesaid, of sufficient capacity to carry in the whole at least thirty adult passengers, exclusive of the crews.

II. And be it enacted, That if any Master or Owner shall permit any such Boat or Vessel to depart from any port or place in this Province, or to navigate in any of the Rivers, or Inland Waters of this Province, without having on board or conveniently attached as aforesaid, such and so many good and efficient boats properly equipped with oars and other tackle as aforesaid, they or either of them shall forfeit the sum of fifty pounds for each and every time such Boat or Vessel shall so depart or navigate, without being so provided as aforesaid, to be recovered, levied and applied as is directed in and by the seventh section of this Act.

III. And be it enacted, That the Owner or Captain of every British Steam Boat or Vessel departing from any port or place in this Province to any port or place within or without the same, by Sea, with passengers, shall provide and have on board in some convenient place, not less than twenty four good and sufficient fire buckets, and six good and sufficient lanterns, under the penalty of fifty pounds for each and every time such Boat or Vessel shall so depart without being provided as aforesaid, to be recovered, levied and applied as is directed in and by the seventh section of this Act.

IV. And be it enacted, That every Steam Boat or Vessel propelled by Steam, carrying passengers to or from any port or place within this Province, shall be provided with a good, safe and convenient gangway to the wharf at which she may be lying, such gangway to be not less than two feet wide, with a good hand rail on each side thereof, suitable for landing and embarking of passengers to and from such Steam Boat or Vessel as aforesaid, at all times of the tide; such landing or gangway to be separate and distinct from that used for landing or loading coals or cargo; and for the greater security of passengers, it shall be incumbent upon the Master or Owner of such Vessel or Boat to have a good light placed at each end of such gangway for one hour after arrival at the wharf or place of landing and embarking passengers after dark, that is, from sunset to sunrise, under the penalty of ten pounds for each and every offence.

V. And be it enacted, That it shall and may be lawful for the Lieutenant Governor or Administrator of the Government for the time being, by and with the advice of Her Majesty's Executive Council, to appoint three Commissioners resident at the City of Saint John, for the Harbour and River Saint John and the Bay of Fundy; and also three Commissioners resident within the County of Charlotte, for the Harbours and Inland Waters of the said County; and also three Commissioners residing at Miramichi, in the County of Northumberland, for the Rivers, Harbours, Inland Waters and Coasts of this Province within the Gulf of Saint Lawrence; which Commissioners so to be appointed, or which have been already appointed, or any one of them, shall be empowered, and they are hereby required and directed respectively to go on board, as often as need be, of any such Steam Vessel; and in the event of any such Steam Vessel departing or navigating without being equipped with boats, or furnished with fire buckets and lanterns as aforesaid, as is prescribed and directed in and by this Act, it shall be the duty of such Commissioners respectively, or some one of them, to report the same to the Lieutenant Governor or Administrator of the Government for the time being, in order that the party or parties so offending may be proceeded against in the manner prescribed in and by the seventh section of this Act.

VI. And be it enacted, That the Commissioners at the respective places before mentioned, or any two of them, shall have full power and authority, and are hereby required to make such rules and regulations, under such penalties as they may see fit, not exceeding ten pounds for any breach thereof, for the better management of Steam Vessels in navigating the Inland Waters and Harbours of this Province, and on the Coasts within the districts thereof, for which they may be appointed, by directing the shewing of light or lights during the night, the shore to be kept nearest to when ascending and descending the River Saint John and other Rivers,

and how sailing vessels shall be passed to prevent collision and accidents; and every Master, Commander or Owner violating such rules and regulations, shall be subject not only to the penalties imposed by the said Commissioners for a breach of such rules and regulations from time to time made by them, but shall also be liable for any damage sustained in consequence of such violation; and that from and after the passing of this Act it shall be the duty of the Master, Owner, or person in charge of any Steam Vessel plying in the waters of New Brunswick and in the Bay of Fundy, to carry at the top of a staff, to be erected for that purpose near the stem of such Steam Vessel, at night during the time she is under way, a good, clear and distinct signal light, the said light to be not less than twelve feet above the deck, and at least three feet below the top of the funnel; and when within four miles of her port of destination, to place or cause to be placed above the end of the bowsprit of such vessel, if such vessel shall have a bowsprit, and if not, then over the top of the stem, a good, clear and distinct light, which light shall be so kept until alongside the wharf, under the same penalty as may be imposed by the said Commissioners for a breach of the rules made by them for shewing lights during the night.

VII. And be it enacted, That every penalty and forfeiture imposed by this Act, or by the said Commissioners for a breach of their rules or regulations, may be sued for and prosecuted by action of debt, bill, plaint, or information, in the Supreme Court of Judicature of this Province, by any person who shall sue and prosecute for the same, together with costs of suit; and on recovery, one moiety thereof to be applied to the person who may sue and prosecute, and the other moiety to be paid into the Treasury of the Province for the use of the Government thereof.

VIII. And be it enacted, That in all cases when any damage or injury shall be sustained by any person, being a passenger on board any Vessel propelled by steam, by the exploding, collapsing, or giving way of any part of the machinery of such Vessel, the fact of such exploding, collapsing or giving way, shall in all actions to be prosecuted against the Master or Owner of such Vessel by the person so sustaining injury, be taken to be *prima facie* evidence of carelessness and negligence in such Master or Owner.

IX. And be it enacted, That the several Commissioners already appointed under and by virtue of any Act or Acts of the Assembly of this Province, shall continue in their respective offices until others shall be appointed in their stead, and that all rules and regulations heretofore made shall continue and remain in force until others shall be made in their stead.

X. And be it enacted, That an Act made and passed in the tenth year of the Reign of Her present Majesty, intituled *An Act to continue and amend the several Acts to provide for the greater safety of Passengers on board Steam Boats*, be and the same is hereby repealed.

RULES AND REGULATIONS UNDER THE ABOVE ACT.

We, ISAAC WOODWARD and CHARLES W. WARD-LAW, the duly appointed Commissioners "For the Harbour and River Saint John and the Bay of Fundy," under the above Act of Assembly, do, by virtue of the authority thereby given to us, make the following Rules and Regulations "For the better management of Steam Vessels in navigating the Inland Waters and Harbours of this Province, and on the Coasts within the District thereof," for which we are so appointed. And we do require and direct the Owners, Masters, or persons in command of all such Steam Vessels, to conform strictly thereto; in default of which, the Penalties for breach thereof will be enforced under the said Act.

NUMBER OF SIGNAL LANTERNS.

We do require and direct,—First, That every Steam Vessel within our District, to which the above Act of Assembly applies, (except such as may be exclusively Ferry Boats,) shall be provided with and have on board at least three good and sufficient Signal Lamps or Lanterns, to be so constructed as to exhibit the Lights hereinafter directed, exclusive of the Six Lamps required by the said Act, under the penalty upon the Owner or Owners, Master or person in command of such vessel, of forty shillings for each and every neglect or omission thereof.

PASSENGER STEAM VESSELS.

Secondly, That the Master, or person in command of any such Steam Vessel, for conveying Passengers, shall, during the night, viz., from fifteen minutes after sunset until fifteen minutes before sunrise, when such vessel is not moored, or at anchor, cause to be carried and kept upon a substantial and sufficient Staff, to be erected for that purpose, at, or close to the Stern or