

and shall, on or before the thirty first day of December in each year, make a report thereof to the Lieutenant Governor, to be laid before the Legislature. If from any cause any Steamboat, or the boiler or machinery thereof, shall be in any material degree weakened or injured in the opinion of any Inspector, he shall immediately report the same to the Provincial Secretary, and the Governor in Council may direct an investigation thereof to be made, and pay the necessary expenses of such investigation.

33. If the owner of any Steamboat shall permit such boat to navigate in any of the waters of this Province with passengers, or to depart from any port or place in this Province with passengers, without all the provisions and requirements of this Act being fully complied with, he shall forfeit and pay for every breach or dereliction of duty for which a penalty is not hereinbefore imposed, a sum not exceeding eighty dollars.

34. If the master or officer in charge of any such Steamboat shall navigate or depart from any port or place in this Province in such vessel, without all the provisions of this Act being complied with, he shall forfeit and pay a sum not exceeding forty dollars for every offence, in addition to the penalty imposed upon the owner.

35. If any Steamboat intended for the carriage of passengers shall depart from any port or place in this Province, on a voyage to any other port or place in or out of this Province, without having first procured from the Inspector of Steamboats the requisite certificate of such boat being in all respects provided as is required by this Act, the master or owner thereof shall for each and every such neglect forfeit and pay a fine of not less than two hundred dollars in the discretion of the Court before whom prosecuted.

36. The master or owner of any Steamboat used for carrying passengers, or the person in charge thereof, shall within twelve hours after her arrival at any port or place where an Inspector may reside, report to such Inspector the occurrence of any event whereby such Steamer, or the boiler or machinery thereof, or any part of the same is in any material degree injured, strained, or weakened; and in case of omission to give such notice, such master or owner shall be liable to a penalty of twenty dollars for every day during which such omission continues.

37. When the engineer of any Steamer navigating rivers only, shall be of opinion that from any disarrangement of the machinery of the boat, the further navigation of the vessel is unsafe, such vessel shall be brought to anchor or moored as soon as may prudently be done; and if the person in command, after being so notified by such engineer, shall pursue such voyage, he and the owners of such Steamer shall be answerable for any damages which may arise to the person of any passenger, or his freight or baggage on board of such Steamer, in consequence of pursuing such voyage contrary to such notice; and no degree of care or diligence shall, in such case, be held to justify or excuse the person in command, or the owner or owners.

38. In all cases of an express or implied undertaking to transmit passengers from place to place by Steamboats, and to supply them with food or lodging, if suitable provision be not made for a supply of good and wholesome food and water, and of suitable lodging for such passengers, or if ships, vessels, woodboats, rafts or other craft impeding the progress of such Steamboat, are taken in tow without seasonable notice to the passengers before the voyage is commenced,

in all such cases the owner or master of such Steamboat shall be liable to refund all the money paid for the passage, and to pay also the damages sustained by such default or delay; and any passenger may in any such case refuse to pay his or her passage money; but nothing in this Section shall apply where vessels or crafts are found in distress, or to prevent relief being afforded by Steamboats in such cases.

39. All decked sailing vessels, and all rafts plying, sailing, floating or lying on the River Saint John below Fredericton, while so sailing, plying, floating, or lying at anchor, during the night season, shall in case of sailing vessels keep a good signal light at the mast head; and on rafts, on a pole or mast not less than ten feet high above such raft, and on some conspicuous part thereof, under the penalty of twenty dollars for each and every neglect, to be paid by the master, owner, or person in charge of such vessel or raft, as the case may be; but this Section shall not apply to rafts while being made up, and fastened to the shore, so as not to interfere with the navigation of the river.

40. For the purposes of this Act, the night shall be deemed to extend from one hour after sunset till one hour before sunrise, at all seasons of the year.

41. All penalties and forfeitures imposed by this Act, not exceeding the sum of forty dollars, may be sued for and recovered by summary proceeding with costs of suit, on the complaint of the Inspector, or any person who shall prosecute for the same, before two Justices of the Peace in the County where the offence shall have been committed, or the cause of complaint shall have arisen, or in which the party complained of shall be; or before the Police Magistrate at Saint John or Portland, for any offence against or liability incurred under this Act, by the owner, master, or engineer of any boat plying on the River Saint John, or to or from any place in the City and County of Saint John; and the proceedings therein shall be regulated by any Act of Assembly now or hereafter to be in force, regulating summary proceedings before Justices of the Peace out of Sessions; all penalties above forty dollars shall and may be prosecuted and recovered with costs in any Court of Record in this Province by bill, plaint, or information, at the suit of Her Majesty's Attorney or Solicitor General, or any person who may prosecute for the same; and all such penalties shall, after payment of expenses, be paid into the Province Treasury, as part of the Revenue of the Province.

42. All appointments of Inspectors or other Officers made under the Act passed in the seventeenth year of Her Majesty's Reign, intituled *An Act relating to Steam Navigation in this Province*, or any Act in amendment thereof, and all warrants, certificates or licenses issued or granted under the provisions of the said Act or any Act in amendment thereof, shall remain and continue in force until other appointments are made, or other certificates or licenses are granted under this Act.

43. This Act shall not apply to Steamers belonging to Her Majesty the Queen, nor to Steamers registered in Great Britain or Ireland, Canada, Nova Scotia, Newfoundland, Prince Edward Island, or in any Foreign Country, and plying between any port in this Province, and any port or place outside of this Province.

44. The Act made and passed in the twenty seventh year of Her Majesty's Reign, intituled *An Act in addition to an Act relating to Steam Navigation in this Province*, is hereby repealed.