

367.

carry sixty adult passengers exclusively of the crew ; and no such vessel shall be permitted by the Captain or Owner to navigate in any of the Rivers or inland waters of this Province with passengers on board, without having on board or attached 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 convey in the whole at least thirty adult passengers, exclusive of the crew.

Steam Vessels navigating Rivers to have two Boats (and Tackle) sufficient to carry 30 Passengers.

III. And be it further enacted, That if any Master or Owner shall permit any such Vessel to depart from any Port or place within this Province, or to navigate in any of the Rivers or inland waters of this Province as aforesaid, without having on board or attached such 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 Vessel may so depart or navigate without being so provided, to be recovered, levied and applied as is directed in and by the third Section of the Act to which this is an amendment.

Leaving Port or navigating the Rivers without Boats.

Penalty.

IV. And be it further 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 the Executive Council, to appoint one Commissioner, residing at each of the following places, that is to say, in the City of Saint John and Towns of Saint Andrews and Newcastle, Miramichi ; which Commissioners so to be appointed shall be empowered, and they are hereby required and directed respectively to go on board, so often as need be, any such Steam Vessel, and in the event of any such Steam Vessel departing or navigating without being equipped as is prescribed by the second Section of this Act, it shall be the duty of such Commissioners respectively to report the same to the Lieutenant Governor or Commander in Chief for the time being, in order that the party or parties so offending may be proceeded against in the manner prescribed by the said third Section of the Act to which this is an amendment.

Governor to appoint Commissioners with power to board Steam Vessels and report deficiencies in respect of Boats and Tackle.

V. And be it further 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, blowing up, or giving way of any part of the machinery of such vessel, the fact of such exploding, collapsing, blowing up 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, and be *prima facie* evidence of carelessness and negligence in such master or owner.

Fact of exploding, collapsing, &c. of any Steam Vessel to be *prima facie* evidence of carelessness.

VI. And be it further enacted, That this Act shall continue and be in force until the first day of April which will be in the year of our Lord one thousand eight hundred and forty three.

Limitation.

CAP. L.

An Act in further amendment of the Law relating to Tavernkeepers and Retailers.

Passed 23d March 1839.

WHEREAS in and by an Act made and passed in the first year of the 'Reign of Her present Majesty Queen Victoria, intituled "An Act in addition to and in amendment of an Act, intituled 'An Act to regulate Tavernkeepers and Retailers,' " power and authority is given to Her Majesty's Justices of the Peace of this Province in their respective Courts of General Sessions, to enforce the observance of such rules and regulations as they had made or should thereafter make in and for their respective Counties, under such penalty

Preamble. 1 Vict. c. 33.

Repealed by 3^d vic c. 47

‘ or penalties as to them in their respective General Sessions might seem meet, to
 ‘ be in no case less than ten shillings nor more than five pounds for each and
 ‘ every breach of such rules and regulations, such penalty or penalties to be re-
 ‘ covered before Her Majesty’s Justices of the Peace in General Sessions, or any
 ‘ two of the Justices of the Peace of the County in which the offence had been
 ‘ committed : And whereas doubts have arisen whether the said Courts of General
 ‘ Sessions of the Peace, or the said two Justices of the Peace, have any power or
 ‘ authority to compel the attendance of witnesses to give evidence before them
 ‘ respectively, on prosecutions under the provisions of the said in part recited
 ‘ Act or the Act to which the same is an addition and amendment; for remedy,’

Justices in Sessi-
 ons of any two
 Justices of the
 Peace may compel
 witnesses to give
 evidence in pro-
 ceedings for
 breach of rules,
 &c. under Acts 1
 Vict. c. 33, or 5
 W. 4, c. 3.

Power to issue
 subpoenas.

Form.

Authority given to
 the witnesses for
 non-attendance.

Recovery and ap-
 plication.

5 W. 4. c. 45.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That from and after the passing of this Act, Her Majesty’s Justices of the Peace in General Sessions in the several and respective Counties, or any two of Her Majesty’s Justices of the peace, shall have full power and authority to compel the attendance of witnesses to give evidence on any proceedings had before them respectively, against any person or persons for a breach of any rule or regulation made, or for the recovery of any penalty imposed under the authority of the said above in any part recited Act, or the Act to which it is an amendment; for which purpose the Clerk of the Peace for the County in which the said offence shall have been committed and in which such proceeding is had, or one of the Justices of the Peace before whom the cause is to be tried, shall have full power and authority to issue subpoenas; and the subpoenas issuing out of the General Sessions of the Peace shall be in such form as the Court of Sessions shall from time to time prescribe, which subpoenas shall be tested in the name of any Justice of the said Court of General Sessions and returnable at the next ensuing term of the Court of General Sessions; and the subpoena to be issued by any such Justice shall be according to the form in the schedule to this Act, which subpoenas shall be served as other subpoenas issuing out of the Court of General Sessions.

II. And be it enacted, That the Justices of the Peace in General Sessions, or the said two Justices, shall have full power and authority to impose such penalty for the non-attendance of witnesses duly subpoenaed to attend before such General Sessions or the said Justices respectively, such penalty not to exceed two pounds for each contempt of non-attendance, provided it be made to appear, to the satisfaction of such General Sessions or the said two Justices respectively, that the said witness or witnesses have been legally served with the said subpoena, requiring the attendance of such witness, and that no sufficient cause prevented his or her attendance in obedience to such subpoena; such penalties to be levied, collected, appropriated and applied in all respects agreeably to the provision of an Act of General Assembly made and passed in the fourth year of the Reign of His late Majesty King William the Fourth, intituled “An Act to facilitate summary proceedings before Justices of the Peace, and the execution of warrants by Constables.”

III. And be it enacted, That this Act shall be in force so long as the Acts to which it is an amendment.

SCHEDULE.

Subpoena to be issued by the Justice before whom the cause is pending.

Form of subpoena.

To A. B. C. You and every of you are required to appear before me
 , at my , in the Parish of , on the
 day of , at the hour of in the noon, to give evidence on
 the

