

Acts of the General Assembly of His Majesty's Province of New-Brunswick passed in the year 1843. Fredericton, NB: John Simpson, Printer to the King's Most Excellent Majesty, 1843.

6 Victoria – Chapter 19

An Act to provide for the greater safety of Passengers on board Steam Boats. Passed 11th April 1843.

Whereas as in cases of fire or other disasters on board Steam Vessels, the lives of Passengers are frequently endangered or sacrificed from the want of a sufficient number of Boats and other precautionary measures, and it is expedient to remedy the mischiefs arising therefrom as far as may be by Law;

I. Be it therefore 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 within this Province to any other Port or place either within or without the Province by Sea with Passengers on board, without having on board or attached in a convenient manner, at least three good and efficient Boats, two of which shall be life boats, properly equipped, with a sufficient number of good oars and other tackle necessary therefor, of sufficient capacity in all to carry sixty adult Passengers exclusive of the Crew; 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 on board, without having on board or attached in a convenient manner as aforesaid, at least two good and sufficient 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.

II. And be it 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 sufficient 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 as aforesaid, to be recovered, levied and applied as is directed in and by the fifth Section of this Act.

III. And be it enacted, That from and after the passing of this Act no British Boat or Vessel propelled by Steam as aforesaid, shall be permitted by the Captain or owner thereof to depart from any Port or place within this Province to any other Port or place either within or without the Province by Sea with Passengers on board, without having on board in some convenient place not less than twenty four Fire Buckets, and six Lanterns, and also the following numbers of Life Preservers, that is to say, for a Vessel not exceeding one hundred tons burthen, Fifty; for a Vessel exceeding one hundred and not exceeding two hundred tons, Seventy five; and for a Vessel exceeding two hundred tons, One hundred.

IV. And be it enacted, That if any such Master or Owner shall permit any such Vessel to depart from any Port or place within this Province as aforesaid, without having on board such number as aforesaid of Fire Buckets, six Lanterns and Life Preservers, in good serviceable condition, they or either of them shall forfeit and pay the sum of fifty pounds for each and every time such Vessel may so depart without being provided as aforesaid, to be recovered, levied and applied as is directed in and by the said fifth Section of this Act.

V. And be it enacted, That all and every such forfeiture or forfeitures may be sued for and prosecuted by action of debt, bill, plaint or information in the Supreme Court of Judicature for this Province, by any person who shall sue for and prosecute for the same, together with costs of suit, and on recovery one moiety thereof to be applied to the person who may so sue and prosecute, the other moiety to be paid into the Treasury of the Province for the use of the government thereof.

VI. 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 the Harbours and Inland Waters of the County of Charlotte, 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, shall be empowered and they are hereby required and directed respectively to go on board as often as need be 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, Lanterns and Life Preservers as aforesaid, as is prescribed in and by the first and third sections of this Act, it shall be the duty of such Commissioners respectively 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 said fifth Section of this Act.

VII. 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 for the better management of Steam Vessels in navigating the Inland Waters and Harbours of this Province, and on the Coast within the district thereof for which they may be appointed, by directing the shewing of a 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, in order to prevent collision and accidents; and every Master, Commander or owner violating such rules and regulations, shall be subject not only to the penalties of the fifth Section of this Act, but also be liable for any damage sustained in consequence of such violation.

VIII. And be it enacted, That no such Steam Vessel shall be entitled to or allowed a clearance at any of the Custom Houses in this Province, until it shall be made to appear to the Collector of Her Majesty's Customs at the Port where such Steamer shall require a clearance by a Certificate from the said Commissioners or any two of them that such Steamer is equipped in every respect as is required by the several provisions of this Act, and the said Collectors respectively are hereby

directed not to make any such clearance until a satisfactory Certificate from the said Commissioners or any two of them to that effect shall be lodged with him or them: Provided always, that no such Certificate shall be required to be produced to such Collector more than once in every month by every such Steamer.

IX. And be it enacted, That in all cases where any damage or injury shall be sustained by any person or persons being a Passenger or Passengers 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 or persons so sustaining injury, be taken to be prima facie evidence of carelessness and negligence in such Master or Owner.

X. And be it 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 seven.