

Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1844. Fredericton, NB: John Simpson, Printer to the Queen's Most Excellent Majesty, 1844.

7 Victoria – Chapter 42

An Act to repeal an Act, intituled *An Act to provide for the greater safety of Passengers on board Steam Boats, and to make further provision in lieu thereof.* Passed 13th April 1844.

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That an Act made and passed in the sixth year of the Reign of Her present Majesty, intituled *An Act to provide for the greater safety of Passengers on board Steam Boats*, be and the same is hereby repealed.

II. And be it enacted, 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 by Sea with Passengers, without having on board or attached to such Boat or Vessel in a convenient manner, at least four good and efficient boats properly equipped, with a sufficient number of good oars and other tackle necessary therefor, of a sufficient capacity in all to carry eighty 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, 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 Crew.

III. 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 sixth section of this Act.

IV. 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 in this Province to any Port or place within or without this Province, by Sea with Passengers, without having on board in some convenient place, not less than twenty four good and sufficient leathern fire buckets, and six good and sufficient lanterns.

V. And be it enacted, That if any such Master or owner shall permit any such Boat or Vessel to depart from any Port or place in this Province as aforesaid, without having on board such number of fire buckets and lanterns as aforesaid, in good serviceable condition, they or either of them shall forfeit and pay the sum 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 said sixth section of this Act.

VI. 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 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.

VII. 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 Gulph of Saint Lawrence; which Commissioners so to be appointed, or any one of them, shall be empowered as 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 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 or 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 said sixth section of this Act.

VIII. 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 sixth section of this Act, but also be liable for any damage sustained in consequence of such violation.

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, col-lapsing, blowing up, or giving way shall in all actions to be prosecuted against the Master or owner of such Vessel by the person or person 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.