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28 Victoria – Chapter 4

An Act relating to Steam Navigation in this Province. Passed 8th June, 1865.

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Be it enacted by the Lieutenant Governor, Legislative Council, and Assembly, as follows:—

1. The Lieutenant Governor in Council is hereby authorized to appoint one Inspector of Steamboats, residing in the City of Saint John, and such other Inspectors of Steamboats as may from time to time be found necessary in other parts of the Province. The salary of the Inspector residing at Saint John shall not exceed eight hundred dollars per annum, including travelling expenses; and the salary of such other Inspectors shall be fixed by the Lieutenant Governor in Council; such salaries shall be paid quarterly by Warrant on the Provincial Treasurer.
2. Every Inspector, before entering upon the duties of his office, shall take and subscribe an oath before any person duly authorized to administer an oath, well, faithfully and impartially to execute the duties assigned to him by this Act.
3. The Governor in Council may appoint, from time to time, in any port or place in this Province, three persons acquainted with ship building, qualified and competent to make a reliable estimate of the strength, seaworthiness, and other qualities of the hull of any Steamboat employed in the carriage of passengers, and of her fitness for the route on which she may be placed, without peril to life from any imperfection, or from age or use; which persons, or any two of them, (being sworn to the faithful discharge of their duties) shall make a survey of any Steamboat on the request of the Inspector of Steamboats for the port or place where she is so inspected, and shall furnish such Inspector with their report, in writing, of such inspection, stating the age, character and condition of such Steamboat.
4. The remuneration for such inspection shall be twelve dollars, to be divided between the persons to be appointed under the second Section of this Act, and making such inspection; and shall be paid by the owner or master of such Steamboat before the inspection shall be complete.
5. The Governor in Council may appoint two or more Examiners residing in the City of Saint John, and such other Examiners as may from time to time be found necessary in other parts of the Province; any two of whom, together with one Inspector of Steamboats, shall form a Board for the examination of Engineers of Steamboats plying within the Province, and shall establish a classification of Engineers, and determine the description of vessel to which each class is adapted.
6. Any person claiming to be qualified to perform the duties of an engineer in any Steamboat carrying passengers, shall apply for a certificate to the Board of Examiners, any two of whom (the Inspector being one) shall examine the applicant, and the proof that he may produce in support of his claim; and if upon consideration they are satisfied that his character, habits of life, knowledge and experience in the duties of an engineer, are such as to justify the belief that he is a proper

person to be entrusted with such powers, they shall grant him a certificate to that effect for one year, under their hands according to the Form (A) in the Schedule to this Act; and the said certificate, subject to the above conditions, shall be renewed yearly, or when applied for.

7. Every engineer licensed as hereinbefore provided, shall pay for the first certificate eight dollars, and for every renewal, one dollar; such sum to be paid to the Examiners.

8. The license of any engineer may be revoked by the said Board, on proof of negligence, unskilfulness, or drunkenness; and if after notice of such revocation, any person shall act as an engineer without having obtained a new certificate, he shall be liable to a penalty of ten dollars for every day he shall so act.

9. The said Board shall have power to examine any witnesses under oath relative to the performance of their duties by such engineers, or as to the cause of any accident on board any Steamboat where such engineer may be employed.

10. From and after the first day of July next, no person shall act as an engineer on board of any Steamboat plying within any of the harbours, waters, bays and rivers of the Province, until he shall have passed an examination and received a certificate as hereinbefore provided.

11. If any master or owner of any Steamboat shall, after the said first day of July next, employ any person as an engineer, or allow any person to act as such on board of any such Steamboat, until he shall have obtained the certificate prescribed by this Act, he shall be liable to a penalty of one hundred dollars for each and every offence; and any person so acting after that date as such engineer on board of any such Steamboat, without obtaining such certificate, shall be liable to a penalty of ten dollars for each and every day he shall so act; provided that nothing herein contained shall render any master, owner, engineer, or other person, liable to any of the penalties under this Section, where it becomes necessary during a voyage to employ any person to act temporarily as the engineer of a Steamboat in consequence of the death, sickness, or inability of the engineer from other causes, to discharge his duties.

12. No Steamboat shall depart by sea from any port or place within the Province, with passengers, without having on board or attached to such boat, good, suitable and sufficient boats, in good condition, properly equipped, as follows:— For every Steamer of the registered tonnage of two hundred tons, and upwards, not less than four boats; and for every Steamer of the registered tonnage of less than two hundred tons, not less than three boats; every such boat to be provided with not less than six oars, and other necessary tackle, and to be of sufficient capacity to carry not less than twelve adult persons, exclusive of the crews, and shall be of not less than seventeen feet length of keel; also one good and sufficient life boat made of metal or of wood, with air tight metallic compartments at the ends and aides, according to the directions of the Inspector, capable of sustaining inside and outside fifty persons, with life lines attached to the gunwale at suitable distances.

13. Every sea-going Steamer of the registered tonnage of two hundred tons and upwards, shall be provided with not less than one hundred life preservers; and such Steamers of the registered tonnage of less than two hundred tons, with one life preserver for every five tons register.
14. Every Steamer for River or Inland navigation, of the registered tonnage of two hundred tons and upwards, shall be provided with not less than twenty life preservers; and such Steamers of less than two hundred tons register, with not less than ten life preservers.
15. All such life preservers shall be made of suitable material, and be approved by the Inspector, and shall at all times be kept in convenient and accessible places in such vessels, and in readiness for the use of passengers.
16. Every Steamboat which shall be used in the navigation of Rivers, or Inland navigation only, shall carry not less than two good boats, provided with four oars each, and of sufficient capacity to carry not less than twelve persons with safety, besides the crew, except Steamboats confined to the navigation of the River Saint John above Fredericton, which shall carry one good boat of the like size, and provided as aforesaid.
17. Every Steamboat, whether for Sea or River navigation, shall be provided with and have on board in some convenient place, not less than twenty four sufficient fire buckets of wood or leather, three axes, and six good and sufficient lanterns; also a suitable number of gauge cocks properly inserted in the boilers of the respective Steamboats, and a suitable water gauge and steam gauge indicating the height of the water, and the pressure of the steam therein, as the Inspector may direct; and also one double acting force pump, with chambers of such size as the Inspector may direct, according to the size and route of the Steamer, to be worked by steam, if steam can be employed, otherwise by hand, and to have a suitable well fitted hose of at least the length of the vessel, according to the direction of the Inspector, kept at all times in perfect order and ready for immediate use, which shall be supplied with water by a pipe connected therewith, and passing through the side of the vessel so low as to be at all times in the water when she is so afloat.
18. Every Steamboat plying within any of the Harbours, Waters, Bays, and Rivers of this Province, and coming to any port or place within the same, shall carry during the night at the mast head of such Steamboat, or upon a staff to be erected over the wheel house, not less than ten feet high above the upper deck, and also under the bow of such boat, a clear and distinct white light; and Steam Tugboats shall carry a red light at the mast head; which lights shall be so kept until alongside of the wharf, on coming into the port or place of destination, under the penalty of one hundred dollars for each and every neglect, to be paid by the owner or master of such boat or vessel.
19. Every Steamboat carrying passengers shall be provided with a good and convenient gangway, not less than two and a half feet wide, with a good hand rail on each side thereof, suitable for embarking and landing of passengers at all times of tide, such gangway to be separate and distinct from that used for landing or loading cargo, and to be firmly secured to the vessel and wharf or

landing place; and in all cases when the landing or embarking of the passengers takes place during the night, a good light shall be placed at each end of such gangway, and (in case of landing) kept there for riot less than one hour after the arrival at the wharf or place of landing, or until the landing is finished, under the penalty of eight dollars for each and every neglect or breach of duty, to be paid by the owner or master of such Steamboat or vessel.

20. The inspector of each port or place, appointed under the provisions of this act, shall regulate and direct the weight to the square inch of the boilers of each Steamer belonging to or steaming from the port or place for which he is such Inspector, subjecting them to a hydrostatic pressure, and shall certify such regulations and directions in writing to the master or owner of such Steamer, who, as also the engineer thereof, shall be governed thereby; and it shall be the duty of such owner or master to cause a printed copy of such directions to be posted up, and kept posted up, in some conspicuous part of the Steamboat, during the season to which such inspection shall apply.

21. The owner or master of every Steamer shall at the time of each and every inspection or examination of the boilers thereof, state in writing to the Inspector the amount of pressure which he is willing the boilers shall be subjected to; and the Inspector shall not in any case authorize a greater weight to the square inch of any boiler than two thirds of the amount of pressure such boilers shall have sustained during the inspection; provided always, that the working pressure upon any boilers so authorized by the Inspector shall in no case exceed ninety pounds to the square inch.

22. If any such master, owner, or engineer, after the Inspector shall have so certified as in the last preceding Section directed, shall act contrary to the said regulations, by putting a greater weight upon the boilers than allowed thereby, such master or owner and engineer shall respectively be subject and liable to a penalty not exceeding two hundred dollars for each and every breach of such regulations.

23. Every Steamboat plying on the rivers, bays and harbours within this Province, shall have a lock-up safety escape valve, subject to the approval of the Inspector; and it shall be the duty of the Inspector to establish the pressure, lock up the said safety valve and place the key thereof in the hands of the master of such Steamboat, who shall be responsible for the safe keeping of the same.

24. The Inspector at each port or place shall annually between the first day of April and the first day of June, and at such other times as he may judge necessary, go on board any Steamer used for carrying passengers belonging to or steaming from such port or place, and examine the hull, boilers, machinery, boats and other parts and appurtenances of such Steamer, and shall satisfy himself that every such Steamer is safe and suitable for the service in which she is employed, that she has suitable accommodation for her crew and passengers, and that all the requirements of this law in regard to boats, boilers, machinery, protection against fire, life preservers, and other things, are faithfully complied with; and if he deem it expedient, he may direct the vessel to be put in motion, and may adopt any other suitable means to test her sufficiency and equipments; and if he shall discover any defects, he shall immediately notify the master or owner thereof in writing, stating what repairs, alterations, or additions are required, and directing the same to be made.

25. No license shall be granted to any Steamboat if any combustible material liable to take fire from heated iron, or any other heat generated on board such vessel, in and about the boilers, pipes, and machinery, shall be placed at less than twelve inches distant from such heated metal, or other substance likely to cause ignition, unless a column of air or water intervene between such heated surface and any wood or other combustible material so exposed, sufficient at all times to prevent ignition; and further, when wood is so exposed to ignition, it shall, as an additional preventative, be shielded by some incombustible material in such manner as to allow the air to circulate freely between such material and the wood; provided, however, that when the structure of any steamer is such, or the arrangements of the boilers or machinery is such, that the requirements aforesaid cannot, without serious inconvenience or sacrifice be complied with, the Inspectors may allow deviations therefrom, if in their judgment it can be done with safety.

26. Any Inspector may at all times when inspecting or examining the hull, boiler or machinery of any Steamboat, ask of any of the owners, officers or engineers of such vessel, or the person in charge or appearing to be in charge of the same, or of the machinery thereof, such pertinent questions concerning the same, or concerning any accident that may have happened thereto, as he may think fit, and every such person shall fully and truly answer every such question so put to him, to the best of his knowledge and ability; and every person refusing to answer, or falsely answering any such question, or preventing any such inspection, or obstructing any such Inspector in the same, shall by so doing incur a penalty of twenty dollars.

27. Where an inspection is not made at the port or place where the Inspector resides, the expense of transporting the testing apparatus to and from the place of inspection shall be paid by the owner of the Steamboat inspected.

28. When the inspection is completed, and the Inspector approves of any Steamboat, and her machinery and equipments, he shall grant a Certificate in duplicate, according to the Form (B) in the Schedule hereto; one of which shall be filed by him in the office of the Treasurer or Deputy Treasurer of the port or place where such examination may be made, and the other shall be delivered to the master or owner of such Steamboat, and shall be posted up in some conspicuous part thereof, together with a copy of this Act, and shall be kept so posted up during the season.

29. In case the Inspector refuses a certificate, he shall, if required by the master or owner of the Steamboat, state in writing under his hand the reason for such refusal.

30. Any person who feels himself aggrieved by any order, decision or act of any Inspector, Examiner, or person authorized to make any examination, survey, or report, under the provisions of this Act, may appeal to the Governor in Council, who may confirm, modify or disallow such order, decision, or act, or may direct a further examination, enquiry or survey by competent persons to be appointed for that purpose.

31. If any Inspector shall be guilty of any neglect of duty required of him under the provisions of this Act, or shall wilfully certify falsely touching any such Steamboat, or her boilers, engines,

machinery, pumps, boats, or any of her equipments, or any other matter or thing contained in any certificate, he shall on conviction thereof be fined in a sum not exceeding four hundred dollars, or imprisoned for a period not exceeding twelve months, or both, in the discretion of the Court before whom convicted.

32. Every Inspector shall keep a book containing a record of every Steamboat inspection made by him during the year, with the dates thereof, the names of such steamers, and of the masters and owners thereof; the certificates granted and refused, and the grounds of refusal; also the names of all engineers to whom licenses have been granted, and the dates and classes thereof respectively, and the names of all engineers whose licenses have been cancelled, and the dates and cause thereof; together with all his other official acts; 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 season able 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.

Schedule of Forms.

(A)

Engineer's Certificate.

Class _____

We, the undersigned Examiners for the Port of _____, do hereby certify that _____ of _____, in the County of _____, was duly examined by us, according to the directions of the Act of Assembly relating to Steam Navigation; and we being satisfied of his fitness to act as an Engineer of the (first) class on board of [state whether a Sea-going or River Steamer,] do hereby license the said _____ to act as such Engineer for the term of one year from this date, subject to the conditions of the said Act.

Dated at _____, in the Province of New Brunswick, the _____ day of _____, A. D. 186_____

} Examiners.

(B)

Inspector's Certificate.

Having inspected the Steamer _____, of _____, whereof _____ owner, and _____ is master, built at _____, in the year one thousand eight hundred and _____, I do certify that all the requirements of the Law have been complied with to fit her for a Passenger Steamer plying on the waters of the (Bay or River as the case may be,) between _____ and _____, and that her hull was surveyed on the _____ day of _____, 186_____, by the Inspectors of Hulls, and

approved for the route on which she is placed; that her boiler has been subjected to a hydrostatic pressure of _____ pounds to the square inch; that the maximum working pressure allowed is _____ pounds to the square inch; and that the boiler is provided with a lock-up safety escape valve, steam and water gauges, and the requisite , number of gauge cocks; and I further certify, that her equipment in other things is in conformity with the provisions of the Act relating to Steam Navigation in this Province. The said Steamer is only to run (for the carriage of Passengers) upon the waters above specified.

Dated at _____, in the Province of New Brunswick, the _____ day of _____, 186 _____

This Certificate expires on the _____ day of _____, 186 _____.

} Inspector.