

CAP. CXXVI.

An Act to amend an Act, intituled, *An Act to compel Vessels to carry a Light during the Night, and to make sundry provisions to regulate the Navigation of the waters of this Province.*

[30th August, 1851.]

WHEREAS it is expedient to amend the Act of the Parliament of Upper Canada, passed in the seventh year of the reign of His late Majesty King William the Fourth, intituled, *An Act to compel Vessels to carry a Light during the Night, and to make sundry provisions to regulate the Navigation of the waters of this Province*: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That all Steamboats, whether propelled wholly or in part by steam, while navigating the waters of Upper Canada, shall be provided during the night with Lights, to be exhibited and affixed as follows:

Preamble.

All vessels to carry lights,

When under weigh, a white light on flag staff aft, a bright white light on the foremast head, a green light on the starboard bow, a red light on the port bow, to be fitted with inboard screens:

When at anchor, a common bright light, at foremast head;
As illustrated and explained in the Schedule A.

That Schooners and other sailing Vessels shall be provided during the night with lights to be exhibited and affixed as follows:

When sailing before the wind, a pale light,
When sailing on the starboard tack, a red light, } On the Pawl Bit or Knight head.
When sailing on the larboard tack, a green light,
When at anchor, a pale light in the foremast rigging.

Sailing Vessels running before the wind, or with the wind free, and making a Steamer's light dead a head shall pass on the starboard side, but if to avoid jibing their mainsail, or for any other good reason, they shall wish to pass on the larboard side, then shall shew their green light, indicating that they are on the larboard tack, when the Steamer will pass under the Vessel's stern.

In case of two sailing Vessels approaching one another on opposite tacks, the Vessel on the starboard tack shall keep the wind, and the one on the larboard tack keep away, always when tacking ship at night, shifting the light.

A Vessel in distress shall shew both the red and green lights.

II. And be it enacted, That any such Steamboat, Schooner or Vessel as aforesaid, shall be provided with a Fog Horn or a Bell of a weight not less than twenty pounds, which it shall be the duty of the Master or person commanding such Steamboat, Schooner or Vessel, under the penalty in the seventh section of the said recited Act contained, to cause to be sounded or rung at regular intervals of or not less than five minutes at a time, with an intermission of two minutes, during the time that any such Steamboat, Schooner or other Vessel as aforesaid shall be in a fog.

All vessels to have fog bells, and to ring them when in a fog.

III. And be it enacted, That no part of the foregoing clauses of this Act shall extend to Lower Canada.

The above not to apply to L. C.

IV. And be it enacted, That the Governor in Council shall from time to time appoint at Quebec, Montreal, Bytown, Kingston, Toronto, Hamilton and Niagara, and at such other places as may be found advisable, one or more persons skilled and competent to make inspections of Steamboats or Vessels propelled in whole or in part by steam, and of the machinery and boilers employed in the same, who shall not be interested in the manufacture of steam-engines, steamboat boilers, or other machinery belonging

Governor to appoint Inspectors of vessels propelled by steam, and of the machinery thereof.

belonging to steam vessels, and whose duty it shall be to make such inspection when called on for that purpose, and to give to the owner or master of such boat or vessel, Duplicate Certificates of such inspection; and every such Inspector, before entering upon the duties required by this Act, shall make and subscribe an oath, before any person duly authorized to administer an oath, well, faithfully and impartially to execute the duties imposed on him by this Act.

Inspector of Hull to give a certificate.

V. And be it enacted, That the person or persons who shall be called upon to inspect the hull of any steamboat or steam vessel under the provisions of this Act, shall, after a thorough examination of the same, give to the owner or master, as the case may be, a Certificate, in which shall be stated the age of the said boat or vessel, when and where originally built, and the length of time the same has been running; and he or they shall also state whether in his or their opinion, the said boat or vessel is sound, and in all respect seaworthy, and fit to be used for the transport of freight and passengers, for which service so performed upon each and every boat or vessel, the Inspectors shall each be paid and allowed by the said master or owner applying for such inspection, the sum of Two Pounds and Ten Shillings.

Fee.

Inspector of Machinery to give a certificate.

VI. And be it enacted, That the person or persons who shall be called upon to inspect the boiler and machinery of any steamboat or vessel, under the provisions of this Act, shall, after a thorough examination of the same, make a Certificate, in which he or they shall state his or their opinion, whether such boiler is sound and fit for use, together with the age of such boiler, and the heaviest pressure of steam to which such boiler may, in his opinion, be safely subjected during the period to which such inspection is to apply, as well when the vessel is stationary as when running, thereby establishing a rate of pressure in each case, and shall not deliver such Certificate unless such vessel shall be provided with such steam gauge as is hereinafter required; and Duplicates thereof shall be delivered to the owner or master of such steamboat or vessel, one of which it shall be the duty of the said master or owner to deliver to the Collector of the port where such inspection has been made, and the other he shall cause to be posted up and kept in some conspicuous part of the said boat or vessel, for the information of the public; and for each and every inspection so made, each of the Inspectors shall be paid by the said master or owner applying, the sum of Two Pounds and Ten Shillings.

Fee.

How frequently the Hull and Machinery shall be inspected.

VII. And be it enacted, That it shall be the duty of the master or owner of any such boat or vessel to cause the said inspection of the hull thereof to be made at least once in every twelve calendar months, and the said inspection of the boilers and machinery of such boat or vessel at least once in every six calendar months, and to deliver to the Collector of the port where such inspection shall be made, a Certificate of such inspection, and on a failure of such inspections or either of them, and delivery, such master or owner shall be subject to the penalty of One Hundred Pounds, and such boat or vessel shall be liable for and chargeable therewith.

Safety valve to be raised when the vessel is stopped.

VIII. And be it enacted, That in a conspicuous and easily accessible place in every such Steam Vessel there shall be a Steam Gauge properly constructed and open to the view of all passengers and others on board such Vessel, and shewing at all times the true pressure of the steam in the boiler thereof; and whenever the master of any such boat or vessel, propelled wholly or in part by steam, or the person or persons charged with navigating the same, shall stop the motion or headway of such boat or vessel, or when such boat or vessel shall be stopped for the purpose of discharging or taking in cargo, fuel or passengers, he or they shall open the safety valve, so as to keep the steam down in the said boiler to the pressure limited as aforesaid, under the penalty of Fifty Pounds for every contravention of this provision; and that if any master or engineer of any such Steam Vessel shall at any time allow the pressure of steam to which the boiler of such Steam Vessel shall be subjected, to exceed that limited by such Certificate as aforesaid, or shall alter or conceal or otherwise deal with such Steam Gauge aforesaid, so as to prevent the real pressure of steam from being seen and ascertained

ascertained by any passenger, he shall thereby incur a like penalty of Fifty Pounds for every such offence.

IX. And be it enacted, That it shall be the duty of the owner and master of every Steamboat, unless the same be a Ferry-boat, engaged in the transportation of freight and passengers on the Lakes Ontario, Erie, Huron, Simcoe and Superior, and on the River St. Lawrence or Ottawa, the tonnage of which shall not exceed two hundred tons, to provide and carry with the said boat, upon each and every voyage, two long-boats or yawls, each of which shall be competent to carry at least twenty persons, and where the tonnage of such Steamboat shall exceed two hundred tons, not less than three long-boats or yawls of the same or larger dimensions; and for every failure in these particulars, the said master or owner shall forfeit and pay Fifty Pounds: Provided always, that this clause shall not apply to Schooners or Vessels of whatever tonnage engaged in the Coasting Trade, within and below the Port of Quebec.

Steamers to carry Boats of certain dimensions.

X. And be it enacted, That it shall be the duty of every such owner or master of every Steam Vessel navigating any of the Lakes or Rivers last aforesaid, to provide, as a part of the necessary furniture, a suction hose and fire engine and hose, suitable to be worked on the said vessel in case of fire, and carry the same on each and every voyage, in good order; and on failure thereof, such owner or master shall forfeit Fifty Pounds for every such offence.

Steamboats to carry fire-engines with proper hose.

XI. And be it enacted, That if any damage to any person or property shall be sustained in consequence of the non-observance of any of the provisions contained in this Act, the same shall in all Courts of Justice be deemed, in the absence of proof to the contrary, to have been caused by the wilful default of the Master or other person having charge of such Steamboat, Schooner or other vessel as aforesaid; and the Owner thereof in all civil proceedings, and such Master or other person in all proceedings, whether civil or criminal, shall be subject to the legal consequences of such default.

Liability of masters and owners contravening this Act.

XII. And be it enacted, That the penalties imposed by this Act may be sued for by information or action of debt, in the name of Her Majesty, in any Court of Record of competent jurisdiction, and one half of such penalty shall be paid to the informer.

Recovery and application of Penalties.

XIII. And be it enacted, That this Act shall commence and be in force upon, from and after the first day of April next, and not before.

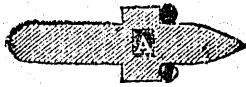
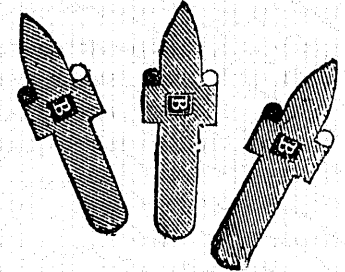
Commencement of this Act.

SCHEDULE A.

The following Diagrams are intended to illustrate the working of the Plan prescribed by this Act.

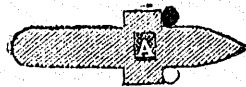
FIRST SITUATION.

In this situation, the Steamer A will only see the *red* light of the Vessel B, in whichever of the three positions the latter may happen to be, because the *green* light will be hid from view. A will be assured that the *larboard* side of B is towards him, and that the latter is therefore crossing the bows of A in *some direction to port*. A will therefore (if so close as to fear collision) *port* his helm with confidence, and pass clear. On the other hand, the Vessel B, in either of the three positions, will see the *red, green, and mast-head* lights of A appear in a triangular form, by which the former will know that a Steamer is approaching *directly* towards him:—B will act accordingly. It is scarcely necessary to remark that the *mast-head* light will always be visible in every situation till abaft the beam.



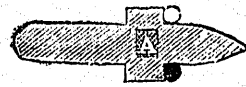
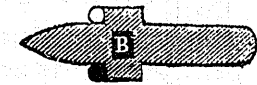
SECOND SITUATION.

Here A will see B's *green* light only, which will clearly indicate to the former that B is crossing to *starboard*. Again, A's *three* lights being visible to B, will apprise the latter that a Steamer is steering *directly* towards him.



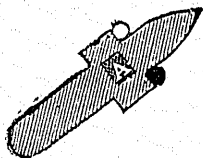
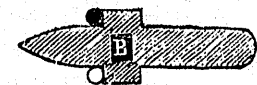
THIRD SITUATION.

A and B will see each other's *red* light only, the screens preventing the *green* lights being seen. Both Vessels are evidently passing to *port*.



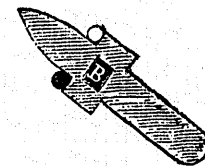
FOURTH SITUATION.

Here a *green* light only will be visible to each: the screens preventing the *red* lights being seen. They are therefore passing to *starboard*.



FIFTH SITUATION.

This is a situation requiring caution:—the *red* light in view to A, and *green* to B, will inform both that they are approaching each other in an oblique direction. A should put his helm to *port*, according to the standing rule mentioned in the next situation.



SIXTH SITUATION.

Here the two colored lights, visible to each, will indicate their *direct* approach towards each other. In this situation it ought to be a *standing rule* that both should put their helms to *port*.

