

others to be used, the specific machine, manufacture or composition of matter so actually purchased, constructed or used by him before the passing of this Act, without liability to the Patentee or other person interested in the invention for which such Patent was granted, as regards such section of the Province.

C A P . X X X I V .

An Act to amend a certain Act therein mentioned, so as better to provide for the security of the lives of Passengers on board of Steam Vessels.

[Assented to 10th June, 1857.]

WHEREAS it is expedient to make better provision for the security of the lives of Passengers on board of Vessels propelled in whole or in part by Steam, and for that purpose to amend certain portions of the Act passed in the Session held in the fourteenth and fifteenth years of Her Majesty's Reign, chapter one hundred and twenty-six, intituled, *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'*: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. It shall be the duty of the Inspectors appointed under the said Act or this Act, to examine and see that suitable and safe provisions are made throughout such vessels, to guard against loss or danger from fire; and no certificate or other papers shall be granted, on any application, if the provisions of this Act for preventing fires are not complied with, or if any combustible material liable to take fire from heated iron, or any other heat generated on board of such vessels in and about the boilers, pipes or machinery, shall be placed at less than eighteen inches distant from such heated metal or other substance likely to cause ignition, unless a column of air or water intervenes between such heated surface and any wood or other combustible material so exposed, sufficient at all times and under all circumstances to prevent ignition; and further, when wood is so exposed to ignition, as an additional preventive, it shall be shielded by some incombustible material, in such manner as to leave the air to circulate freely between such material and the wood; Provided, however, that when the structure of such vessels is such, or the arrangement of the boilers or machinery is such, that the requirements aforesaid cannot without serious inconvenience or sacrifice, be complied with, Inspectors may vary therefrom, if in their judgment it can be done with safety.

Preamble.

14, 15 V. c. 126.

Inspectors to see that proper provision is made against danger by fire.

Proviso.

Steamers carrying passengers to have forcing pumps for extinguishing fire.

II. Every Steam Vessel carrying Passengers, shall have not less than three double-acting forcing pumps, with chamber, at least four inches in diameter, two to be worked by hand and one by steam, if steam can be employed, otherwise all three by hand, one whereof shall be placed near the stern, one near the stem, and one amidship, each having a suitable well-fitted hose, of at least two thirds' the length of the vessel, kept at all times in perfect order and ready for immediate use; each of which pumps shall also 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 the vessel is afloat; Provided, that in vessels not exceeding two hundred tons measurement, engine-room included, two of said pumps, one of which may be the steam-pump, may be dispensed with, and in vessels of over two hundred tons, and not exceeding five hundred tons measurement, engine-room included, one of said hand-pumps may be dispensed with, but in these cases the hose shall be of such length as to reach easily to every part of the vessel.

Proviso: as to Vessels under certain tonnage.

Inspectors may examine boilers of every Steamer whenever they see fit, and must do so once a year at least.

Hydrostatic test to be applied, once a year.

III. Inspectors may, whenever they deem it necessary so to do, and shall at least once in every year, subject the boiler or boilers of every Steam Vessel inspected by them respectively, to a test by hydrostatic pressure, the limit of which shall in no case exceed one hundred and fifty pounds to the square inch, and may and shall satisfy themselves by examination and experimental trials, that such boiler or boilers is or are well made of good and suitable material; and the owner of the vessel shall provide the necessary pump and apparatus for such test, to be worked by the crew of the vessel; and no such Inspector shall make or deliver to the owner or master of any Steam Vessel any such certificate as is mentioned in the sixth section of the said Act, without having first subjected the boiler or boilers of such vessel to such test by hydrostatic pressure, unless in and by the certificate of the then last half yearly inspection of the same, it shall appear that the same had been subjected to such test at such last half yearly inspection.

Rules to be observed in testing boilers.

Standard of strength.

Provision for special cases.

IV. In subjecting boilers to the hydrostatic test aforesaid, the Inspectors shall assume one hundred pounds to the square inch as the maximum pressure allowable as a working power for a new boiler forty-two inches in diameter, made of the best refined iron, and at least one quarter of an inch thick, in the best manner and of the quality herein required; and shall rate the working power of all boilers, whether of greater or less diameter, according to this standard; and in all cases the test applied shall exceed the working power allowed in the ratio of one hundred and fifty pounds to one hundred, using the water in such tests at a temperature not exceeding sixty degrees Fahrenheit; but should any such Inspector be of opinion that any boiler, by reason of its construction or material, will not safely allow so high a working pressure, he may, for

for reasons to be stated specifically in his certificate, fix the working pressure of such boiler at less than two thirds of said test pressure ; and no boiler made after the passing of this Act, shall be rated in its working pressure above the aforesaid standard ; and the same rules shall be observed in regard to boilers heretofore made, unless the proportion between such boilers and the cylinders, or some other cause, renders it manifest that its application would be unjust, in which case the Inspectors may depart from these rules, if it can be done with safety ; but in no case shall the working pressure allowed exceed the proportion hereinbefore mentioned, as compared with the hydrostatic test ; and no valve under any circumstances shall at any time be so loaded or so managed in any way as to subject a boiler to a greater pressure than the amount allowed by the Inspector at the then last inspection thereof, nor shall any boiler or pipe be approved which is made in whole or in part of bad material, or is unsafe in its form, or dangerous from defective workmanship, age, use or any other cause.

No boiler hereafter made to be rated above the standard.

Provision as to boilers hereafter to be made.

No safety valve to be loaded beyond the pressure allowed by certificate.

V. The foregoing Sections shall not come into operation until the First day of April, one thousand eight hundred and fifty-eight.

When the preceding sections shall come into force.

VI. Every Inspector appointed to act at any particular place or places, may at any time visit at any such place, any Steam Vessel touching there, and inspect and examine the same, and if he consider such Vessel unsafe or unfit to carry Passengers, he shall report thereon, to the Governor in Council, who may by Order in Council, direct that such Vessel shall not be used or run until permitted so to do by the Inspector who shall have made such report, or by Order of the Governor in Council, and any such Vessel run or used in contravention of any such Order in Council, shall be liable to forfeiture and to seizure by the Collector of Customs at any Port, and to Sale, in the same way as goods liable to forfeiture for non-payment of duties.

Inspector may examine any Steamer at the place for which he is appointed ; and report it unsafe if he finds it so, &c.

VII. It shall be lawful for any Inspector, at all times when inspecting, visiting or examining the hull or the boiler or boilers and machinery of any Steam Vessel as aforesaid, to ask of any or all of the owners, officers or engineers of such vessel, or other person on board thereof and in charge, or appearing to be in charge of the same, or of the boiler or boilers or machinery thereof, such pertinent questions concerning the same, or concerning any accident that may have happened thereto, as he may think fit, and all such persons shall, fully and truly, answer any such questions put to them respectively, by any such Inspector, to the best of their knowledge and ability ; and any person refusing to answer, or falsely answering any such question, or preventing any such inspection or obstructing any Inspector in the same, shall, in so acting, be subject to a penalty of Ten Pounds, which may be recovered before any Justice of the Peace.

Inspectors may ask all pertinent questions of the Steamer's crew, &c.

Penalty for refusing to answer them.

Inspector to see that safety valves are sufficient.

May lock up one of sufficient size if he thinks fit.

Steam gauges to be constructed and placed as Inspector shall see fit.

Master, &c., to report accidents to boilers, &c.

Penalty for neglect.

Appeal from Inspector's acts.

Interpretation clause.

Duty and fee payable to Collector of Customs on every Steamer, instead of fees to Inspector.

VIII. It shall be the duty of each and every such Inspector, when inspecting, visiting or examining the boiler or boilers and machinery of any Steam Vessel, to satisfy himself that the safety valves attached thereto are of suitable dimensions, sufficient in number, well managed and in good working order, and loaded only so as to open at or below the certified working pressure, one of which, of sufficient dimensions to discharge all the steam the boiler can generate, and of such construction as he shall approve, he may, if he think necessary, order and cause to be locked up and taken wholly away from the control of all persons engaged in navigating such vessel, and placed under his own sole control.

IX. The Steam gauges required by the said Act, to be open to the view of all passengers and others on board such vessels, shall be put in such places and positions, and be of such construction, as the Inspector or Inspectors inspecting, visiting or examining such vessels respectively, from time to time, may direct.

X. It shall be the duty of the Master or Owner of every Steam Vessel, or of the person in charge thereof, within forty-eight hours after the occurrence of any event whereby the same, or the boiler or boilers or machinery thereof, or any part of the same, may be in any material degree injured, strained or weakened, to report such occurrence to one of the said Inspectors; and in case of omission to give such notice, the Owner of the Vessel shall forfeit to Her Majesty, the sum of fifty pounds for every day during which such omission shall continue.

XI. Any person who may feel himself aggrieved by the order or act of any Inspector, may, within two weeks thereafter, appeal therefrom to the Governor in Council, who may confirm, modify or disallow such act or order.

XII. The word, "Steam Vessel," shall mean any Vessel propelled in whole or in part by Steam, and the word "Owner" shall include the Lessee or Charterer of any such vessel.

XIII. So much of the said Act as provides, that Inspectors shall be paid and allowed any remuneration for their services by Masters and Owners of Steam Vessels, or persons applying for the inspection thereof, is hereby repealed, and in lieu thereof, from and after the first day of July next, there shall be paid by the Owner or Master of every Steam Vessel in this Province, yearly and every year, a rate or duty to be fixed by the Governor in Council and not exceeding six pence currency for every ton which such Steam Vessel may measure, and an inspection fee of one pound five shillings for every Propeller, Freight or Tug Steamer, and every Ferry Steamer not exceeding one hundred tons burden, and of two pounds for every ferry or passenger Steamer over one hundred tons burden for each inspection,

inspection, and the amount of such rate or duty and inspection fee or fees, shall in each case be paid to and received by the Collector of Her Majesty's Customs at some one of the Ports in this Province, who shall account for and pay over the same to the Receiver General, at such times and in such manner as the Governor in Council may from time to time direct; and such sums so from time to time collected and paid over shall form a special fund for the purposes of this Act, to be called "The Steamboat Inspection Fund."

Sums so paid to form the Inspection Fund.

XIV. All Collectors of Her Majesty's Customs, are hereby authorized and required from time to time to demand of the Owners or Masters of any Steam Vessels which they may have reason to think have not been inspected for more than six months, or in respect of which they may have reason to think the rate or duty aforesaid, may be due and unpaid, the exhibition of the receipts and certificates in that behalf, appertaining to such Steam Vessel; and if receipts and certificates as aforesaid, to their satisfaction, be not produced within a reasonable time, then to seize and detain such Steam Vessels until the same are procured and exhibited, and any fines or penalties incurred and lawfully imposed in respect of such Vessels under the provisions of this Act, have been paid in full; and in default of payment to sell such Steam Vessels, for the payment of such rate or duty, fines or penalties in the usual manner.

Collectors to see that the said duty and fees are paid.

Forfeiture of Vessel for non-payment.

XV. No Inspector shall make or deliver a certificate respecting any Steam Vessel under the said Act or this Act, unless the receipt of a Collector of Her Majesty's Customs for the rate or duty payable in respect of such Vessel for the then current year have been produced and shewn to him; nor unless he be satisfied that all the conditions and requirements of the said Act and of the Act passed in the sixteenth year of Her Majesty's Reign, chapter one hundred and sixty-seven, amending the said Act, and of this Act, have been fulfilled and complied with by and in respect of such Steam Vessel, and it shall be the duty of every Inspector to report to some one of the Collectors of Her Majesty's Customs, any case of omission to pay such rate or duty or of omission to apply for such inspection as aforesaid, for more than six months from the date of the then last inspection, or refusal to submit to inspection at any time which may at any time or in any way come to his knowledge, and any Inspector shall be carried free of expense on every Vessel which he shall desire to inspect while under way, and during such period as may be necessary for such inspection, and for his return to the Port at which he may have embarked on such Vessel for such purpose or for his disembarkation at any Port at which such Vessel may touch on her voyage.

No certificate of inspection until the said duty and fees are paid: and the requirements of the law have been complied with.

Inspectors to report to Collector any omission to pay the same; or any refusal to submit to inspection.

Inspector to be carried free while inspecting Steamers.

XVI. All penalties incurred under the said Act or this Act, may be recovered in the name of Her Majesty, by Her Majesty's Attorney General in any Court having jurisdiction to the amount

Recovery and application of penalties.

amount thereof, and all penalties recovered under the said Act or this Act, shall be paid to the Receiver General, and shall be by him placed to the credit and form part of "The Steamboat Inspection Fund."

C A P . X X X V .

An Act to amend the Railway Clauses Consolidation Act.

[Assented to 10th June, 1857.]

Preamble.

WHEREAS it is expedient to amend the Railway Clauses Consolidation Act, and to explain the import and meaning of the words "openings, gates or bars," used in the thirteenth section of the said Act: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Section 13 of 14, 15 V. c. 51, explained.

Proviso : Where there has been a special agreement.

Proviso : this Act only to apply to Railways hereafter to be constructed.

I. The said words "openings, gates or bars," shall be held to mean and shall in all cases imply sliding gates commonly called hurdle gates, with proper fastenings: Provided always, that nothing in this Act shall be interpreted to the profit of those proprietors and tenants of lands and lots of land crossed by Railways in this Province, who have already received compensation from the Railway Companies, for having omitted the erection of the said gates. And provided further, that nothing in this Act contained shall in any way affect or apply to any Railway at present constructed or in part constructed, but the same shall be taken and held to apply only to such Railways as may be constructed or commenced after the passing of this Act.

Public Act.

II. This Act shall be a Public Act.

C A P . X X X V I .

An Act to authorize investigations in cases of accident by Fire, and to repeal the Act authorizing such investigations in the Cities of Quebec and Montreal.

[Assented to 10th June, 1857.]

Preamble.

WHEREAS it is expedient that the cause of every fire by which any house or other building in any City or incorporated Town or Village in this Province, may be wholly or partly consumed, should be ascertained, in order to the adoption of such measures as may be requisite for diminishing the frequency of such fires; and for that purpose to repeal the Act hereinafter mentioned, and make other and more general provision instead thereof: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :