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BILL.

An Act to consolidate the several laws regulating the navigation of the waters of Canada, and providing for the security of persons and property thereon.

Received and read, first time, Tuesday, 22nd
February, 1859.

Second reading, Friday, 25th February, 1859.

Hon. Mr. ALLEYN.

To consolidate and amend the several laws regulating the Navigation of the Waters of Canada, and providing for the security of person and property thereon.

FOR the greater security of life and property in Vessels navigating the Canadian waters: Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

NAVIGATION—LIGHTS AND FOG SIGNALS.

Lights for Steam Vessels.

- 5 **1.** All Steam Vessels, when under Steam, shall, between sunset and sunrise, exhibit the following Lights: Lights when
under way.
1. A bright White Light at the Mast Head, or, if the Vessel have more than one Mast, then at the Foremast Head; A Green Light on the Starboard side; A Red Light on the Port side;
- 10 **2.** The Mast-head Light shall be so constructed as to be visible on a dark night, with a clear atmosphere, at a distance of at least five miles, and shall show an uniform and unbroken light over an arc of the horizon of twenty points of the compass, and it shall be so fixed as to throw the light ten points on each
- 15 side of the ship, viz., from right ahead to two points abaft the beam on either side;
- 3.** The Green Light on the Starboard side and the Red Light on the Port side shall be so constructed as to be visible on a dark night, with a clear atmosphere, at a distance of at least
- 20 two miles, and show an uniform and unbroken light over an arc of the horizon of ten points of the compass, and they shall be so fixed as to throw the light from right ahead to two points abaft the beam on the Starboard and on the Port sides respectively;
- 25 **4.** The side Lights are to be fitted with inboard screens projecting at least three feet forward from the light, so as to prevent the lights from being seen across the bow;
- 5.** Steam Vessels under Sail only, are not to carry their mast-head Light.

Fog Signals for Steam Vessels.

Signals in
case of fog.

2. All Steam Vessels, whether propelled by paddles or screws, when their steam is up, and when under way, shall in all cases of Fog use as a Fog Signal a Steam Whistle placed before the Funnel at not less than eight feet from the deck, which shall be sounded once at least every five minutes; but when the steam is not up, they shall use a Fog Horn or Bell, as ordered for Sailing Vessels.

Lights for Sailing Vessels.

Lights when
under way.

3. 1. All Sailing Vessels when under-way or being towed shall between sunset and sunrise exhibit a Green Light on the Starboard side and a Red Light on the Port side of the vessel, and such Lights shall be so constructed as to be visible on a dark night, with a clear atmosphere, at a distance of at least two miles, and shall show an uniform and unbroken light over an arc of the horizon of ten points of the compass, from right a-head to two points abaft the beam on the Starboard and on the Port sides respectively;

2. The Coloured Lights shall be *fixed* whenever it is practicable so to exhibit them; and shall be fitted with inboard screens projecting at least three feet forward from the Light, so as to prevent the Lights being seen across the bow;

3. When the Coloured Lights cannot be fixed (as in the case of small vessels in bad weather), they shall be kept on deck between sunset and sunrise, and on their proper sides of the vessel, ready for instant exhibition, and shall be exhibited in such a manner as can be best seen on the approach of, or to, any other vessel or vessels, in sufficient time to avoid collision; and so that the Green Light shall not be seen on the Port side, nor the Red Light on the Starboard side.

Fog Signals for Sailing Vessels.

Signals in
case of fog.

4. All Sailing Vessels, when under-way, shall, in all cases of Fog, use when on the Starboard Tack a Fog Horn, and when on the Port Tack shall Ring a Bell. These signals shall be sounded once at least every five minutes.

Pilot Vessels.

Lights.

5. Sailing Pilot Vessels are to carry only a White Light at the Mast-head, and are to exhibit a Flare-up Light every fifteen minutes, observing also any Trinity House regulation not inconsistent with this Act.

Vessels at Anchor.

6. All Vessels when at anchor, shall between sunset and sunrise exhibit where it can best be seen, but at a height not exceeding twenty feet above the hull, a White Light in a Globular Lantern of eight inches in diameter, and so constructed as to show a clear, uniform, and unbroken light all round the horizon, at a distance of at least one mile.

Lights when
at anchor.

Rafts.

7. The owner or conductor of every Raft shall have a bright fire kept burning thereon from sunset to sunrise, while drifting or at anchor on any navigable water.

Lights on
Rafts.

NAVIGATION—MEETING AND PASSING.

8. Whenever any vessel, whether a steam or sailing vessel, proceeding in one direction, meets another vessel, whether a steam or sailing vessel, proceeding in another direction, so that if both vessels were to continue their respective courses they would pass so near as to involve any risk of a collision, the helms of both vessels shall be put to port so as to pass on the port side of each other;—And this rule shall be obeyed by all steam vessels, and by all sailing vessels whether on the port or starboard tack, and whether close-hauled or not,—unless the circumstances of the case are such as to render a departure from the rule necessary in order to avoid immediate danger, and subject also to the proviso that due regard shall be had to the dangers of navigation, and, as regards sailing vessels on the starboard tack close-hauled, to the keeping such vessels under command,—And except that vessels entering and leaving the harbour of Sorel, shall take the Port side, unless the Trinity House of Montreal shall otherwise direct.

Rule as to
ships meeting
each other.

9. Every steam vessel, when navigating any narrow channel, shall, whenever it is safe and practicable, keep to that side of the fairway or mid-channel which lies on the starboard side of such steam vessel,—except that when two steam vessels of unequal speed are pursuing the same course, the slower vessel, if ahead, shall draw towards the Port side, and the faster vessel shall pass on the Starboard side;—and except in entering and leaving the Port of Sorel as aforesaid.

Rule for
steamers in
narrow
channels.

10. Whenever any Vessel or raft is going in the same direction with another which is a-head, the Vessel or raft first mentioned shall not be so navigated as to come within twenty yards of the other, nor shall such other be so navigated as to come within twenty yards of that first mentioned.

Vessels, &c.,
not to ap-
proach too
near each
other.

11. The Master or Person in charge of any Steam Vessel, Sailing Vessel or Raft, offending against any of the preceding

Penalty.

provisions of this Act, shall incur a penalty not exceeding fifty pounds nor less than five pounds.

If collision ensues from breach of the above rules, owner not to be entitled to recover.

12. If in any case of collision it appears to the court before which the case is tried, that such collision was occasioned by the non-observance of any of the foregoing rules, the owner of the vessel by which such rule has been infringed shall not be entitled to recover any recompence whatever for any damage sustained by such ship in such collision, unless it is shown to the satisfaction of the court that the circumstances of the case made a departure from the rule necessary.

Breaches of such rules to imply wilful default.

13. In case any damage to person or property arises from the non-observance by any vessel or raft of any of the foregoing rules, such damage shall be deemed to have been occasioned by the wilful default of the person in charge of such raft or of the deck of such vessel at the time, unless the contrary be proved, or it is shown to the satisfaction of the court that the circumstances of the case made a departure from the rule necessary; and the owner of the vessel or raft in all civil proceedings, and the master or person in charge as aforesaid in all proceedings, civil or criminal, shall be subject to the legal consequences of such default.

INSPECTION OF STEAMBOATS, AND PROVISIONS FOR THE SAFETY OF THOSE ON BOARD THEM.

Inspectors.

Governor in Council may appoint Inspectors at such places as may be found advisable.

14. The Governor in Council shall from time to time appoint at such places as he may find advisable, within the Province, one or more skilled persons competent to inspect, steamboats, and the machinery and boilers employed in the same, who shall not be interested in the manufacture of steam-engines boilers or other machinery belonging to steamboats, and whose duty it shall be to make such inspection as hereinafter prescribed, and to give to the owner or master duplicate certificates of such inspection; and every such Inspector, before entering upon his duties as such, 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.

Inspectors to be sworn.

Inspectors to form a Board.

Chairman—
Quorum.

15. The Inspectors shall form a board to be called the "Board of Steamboat Inspection," of whom the Governor shall name the Chairman; Three of the members shall form a *quorum*, and the Chairman shall have the right to vote, and in case of equal division he shall also have a casting vote, and the minutes of the proceedings of the board shall be kept by him.

Meetings of the board, to

16. The board shall meet at least once every year in the Cities of Quebec and Toronto, and at such other places as

the Chairman may determine, to frame regulations for the uniform Inspection of Steamers, for the selection of Ports of Inspection, for granting Licenses to Engineers, and for such other purposes as may be necessary under this Act; and such regulations and selection shall come into force after they have been approved by the Governor in Council, but not before;— and copies of the minutes of the proceedings of the Board, certified by the Chairman, shall be transmitted to the Clerk of the Executive Council.

make Regulations, &c.

Regulations not to be in force until approved by Gov. in Council.

Inspection.

17. The Master or Owner of every Steamboat, shall cause the hull, boilers and machinery thereof to be inspected at least once every year, and shall deliver to the Collector of the Port where such inspection is made, or at which such Steamboat shall arrive next after such inspection, where it has not been made in port, a duplicate certificate thereof, and for every neglect to cause such inspection to be made, and a duplicate thereof to be delivered to the proper Collector, such Master or Owner shall incur a penalty of one hundred pounds, and such Steamboat shall be liable for and chargeable therewith.

Hull, boilers and machinery to be inspected once a year:—and duplicate certificate delivered to collector.

Penalty for default.

18. The Inspector who inspects any Steamboat in the manner required by this Act, shall, after thorough examination of the Hull, Boilers and Machinery, make a certificate in which shall be stated the age of such Steamboat, when and where originally built, the length of time she has been running, whether each Boiler is sound and fit for use, its age and the heaviest pressure of steam to which it may be safely subjected, the period during which such inspection is to apply, as well when the Vessel is stationary as when running, thereby establishing a maximum rate of pressure in each of those cases, whether the machinery is sound and fit for use and whether such steamboat is sound and in all respects seaworthy and fit for the transport of freight and passengers, and he shall not make such certificate unless such steamboat be provided with such steam-gauge as is hereinafter required; And duplicates of such certificates shall be delivered to the Owner or Master of the Steamboat, one of which such Master or Owner shall deliver to the Collector as aforesaid, and the other he shall keep and cause to be posted up in some conspicuous part of the Steamboat for the information of the public.

Inspection to be thorough, and certificate thereof, containing certain particulars, to be given in duplicate on certain conditions.

Certificate to be posted up in the Steamboat.

19. Any Inspector may, whenever he deems it necessary so to do, and some one of them, shall at least once in every year, subject the boiler of every steamboat, 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 shall satisfy himself by examination and experimental trials, that such boiler is well made of good and suitable material; and the owner of the steamboat shall provide the necessary pump and apparatus

Boiler to be tested by hydrostatic pressure, &c.

Certificate not to be given without such test.

for such test, to be worked by the crew of the vessel; and no Inspector shall make or deliver to the owner or master of any steamboat, any such duplicate certificate as is mentioned in the foregoing section of this Act, without having first subjected the boiler of such vessel to such test by hydrostatic pressure. 5

Rule to be observed in such test.

20. 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, at least one quarter of an inch thick, in the best manner and of the quality herein required,—and shall rate the working pressure of all boilers, whether of greater or less diameter, according to this standard; and in all cases the test applied shall exceed the working pressure 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 if any such Inspector is of opinion that any boiler, by reason of its construction or material, will not safely allow so high a working pressure, he may, for reasons to be stated specifically in his certificate, fix the working pressure of such boiler at less than two thirds of the test pressure; And these rules shall be observed in all cases, unless the proportion between such boilers and the cylinders, or some other cause, renders it manifest that their 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 that allowed by the Inspector at the then last inspection thereof; and no boiler or pipe shall 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:—And no boiler made after the passing of this Act, shall be made of boiler plate which has not been stamped or marked with the name of the maker thereof, nor shall a certificate be granted with respect to any boiler made wholly or in part of plate not so marked. 10 15 20 25 30 35

Rates of test to working pressure.

In what cases only exceptions may be allowed.

Valves not to be loaded beyond certified pressure.

Inspector may ask pertinent questions of persons on board any Steamer.

21. Any Inspector may at all times, when inspecting, visiting or examining the hull or the boiler and machinery of any steamboat, 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 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 respectively, 40 45

Information to be given to Inspectors.

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 Inspector in the same, shall, by so acting, incur a penalty of ten pounds. Penalty for refusal to answer, &c.

5 **22.** 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
10 Port at which such Vessel touches on her voyage.

23. The Master or Owner of every Steamboat, or of the person in charge thereof, shall, within forty-eight hours after the occurrence of any event whereby the same, or the boiler, or machinery thereof, or any part of the same is in any material
15 degree injured, strained or weakened, 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, fifty pounds for every day during which such omission continues. Owner, &c., to report certain masters to Inspectors.
Penalty for default.

Precautions against Explosion, &c.

20 **24.** In a conspicuous and easily accessible place in every Steamboat, 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 such steamboat shall be
25 stopped for any purpose, the master or person in charge of such steamboat shall open the safety valve, so as to keep the steam in the said boiler down to ten pounds below the pressure limited by the Inspector's certificate in high pressure engines, and five pounds below the pressure limited as aforesaid in low
30 pressure engines, under the penalty of fifty pounds for every contravention of this provision; And if any master or engineer of any steamboat at any time allows the pressure of steam to which the boiler of such steamboat is subjected, to exceed that limited as aforesaid, or alters or conceals or otherwise deals
35 with the said steam gauge, so as to prevent the real pressure of steam from being seen and ascertained by any passenger, he shall thereby incur a like penalty of fifty pounds for every such offence. Steam-gauge shewing the true pressure in the boiler to be open to Passengers.
Pressure to be induced when Boot stops.
Penalty for contravention.

25. The steam-gauge required by this Act to be open to the
40 view of all passengers and others on board any steamboat, shall be put in such places and positions, and be of such construction, as the Inspector inspecting, visiting or examining such steamboat, shall from time to time direct. Steam-gauge to be approved by Inspector.

26. Each boiler of every steam vessel shall be provided with
45 a suitable water gauge, capable of showing the water level Water gauges.

Seagoing steamers to have blow off valves.

within each boiler at all times;—And all steam vessels navigating in brackish or salt water, shall be provided with surface blow off valves such as are commonly used on board seagoing steamers.

Safety valves to be examined by Inspector.

27. Every Inspector, when inspecting, visiting or examining the boiler and machinery of any steamboat, shall satisfy himself that the safety-valves attached thereto are of suitable dimensions, sufficient in number, well managed and in good working order, and only loaded so as to open at or below the certified working pressure; and he may, if he thinks proper, order and cause one of such safety-valves, of sufficient dimensions to discharge all the steam the boiler can generate, and of such construction as he shall approve, 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.

He may order one to be under lock.

Condensing engines to have bilge injection pipe.

28. Every steam vessel carrying passengers and having a condensing engine shall be provided with a bilge injection-valve and pipe of suitable dimensions leading from the floor frames of the vessel into the condenser of the engine.

Boats to be carried by Steamers.

Steamers to carry boats according to their tonnage.

29. The owner and master of every steamboat 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, shall provide and carry with the steamboat, upon each and every voyage, two long-boats or yawls, each sufficient to carry at least twenty persons, if the burthen of such steamboat do not exceed two hundred tons, and not less than three longboats or yawls, of the same or larger dimensions, if the tonnage of such steamboat exceeds two hundred tons; and for every failure in contravention of this section, the said master or owner shall incur a penalty of fifty pounds: But this section shall not apply to ferry-boats.

Such boats to be of a certain description.

30. At least one of the boats provided for and carried with every steamboat carrying passengers, in pursuance of the next preceding section, shall be a life-boat, made of metal, fire-proof, and in all respects a good, substantial, safe sea-boat, capable of sustaining, inside and out-side, fifty persons, with life-lines attached to the gunwale at suitable distances; and all of such boats shall be well furnished with oars and other necessary apparatus, and shall be good, substantial and safe-boats, and in good condition at all times for service.

Precautions against Fire.

Steamers to have fire-buckets, axes

31. The owner and master of every such steamboat as aforesaid, shall provide and carry with the said steamboat, upon each and every voyage, at least twenty-five fire buckets and

five axes, a good life-preserver made of suitable material, or a float well adapted to the purpose, for each and every passenger, which life-preservers and floats shall always be kept in convenient and accessible places in such steamboat, and in readiness for the use of the passengers.

32. Suitable and safe provisions shall be made throughout to guard against danger from fire; and no 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 six inches distant from such heated metal or other substance likely to cause ignition; and further, when wood is so exposed to ignition, it shall, as an additional preventive, be shielded by some incombustible material, in such manner as to allow the air to circulate freely between such material and the wood: and metallic vessels or safes should be provided and kept in some convenient place to receive cotton, waste, hemp, and other inflammable substances, which may be in use on board; 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 allow deviations from the said requirements, if, in their judgment, it can be done with safety.

Combustible materials not to be within a certain distance of heated Iron, &c.

Proviso: Inspectors may allow deviation in certain cases.

33. Every steamboat carrying passengers shall have at least 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 independent of and not worked by the main engine, otherwise all three by hand, one whereof shall be placed near the stern, one near the stem, and one amidships, 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 the said 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 such pumps (one of which may be the steam-pump) may be dispensed with, and in vessels of over two hundred tons, but not exceeding five hundred tons measurement, engine-room included, one of such 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.

Every steam boat to have certain pumps for throwing water in case of fire.

Proviso.

34. Every steam vessel shall also be provided with a blow valve and pipe attached to the boiler to blow steam into the hold in case of fire.

And a contrivance for blowing steam into the hold.

35. Every steamboat carrying passengers on the main or lower deck, shall be provided with sufficient means convenient

Means of escape to the

upper deck to be provided. to such passengers for their escape to the upper deck, in case of fire or other accident endangering life.

Notice to be posted up.

36. And on board every steamer there shall be placed, in some conspicuous place, accessible to all the passengers, a printed paper containing the number of pumps and boats with their capacity, and also the number of fire buckets, axes and life-preservers or floats on board of said steamboats, and a statement of the places where such buckets, axes and life-preservers or floats are kept.

Engineers.

Engineers to be examined and of qualified to receive a certificate.

37. Any person claiming to be qualified to perform the duty of Engineer in Steamboats, shall apply for a certificate to the Board of Inspectors, who shall examine the applicant and the proofs that he produces in support of his claim, and if upon full consideration they are satisfied that his character, habits of life, knowledge and experience in the duties of an Engineer are all such as to authorize the belief that the applicant is a suitable and safe person, to be entrusted with the powers and duties of such a station they shall give him a certificate to that effect for one year, under the hand and seal of the Chairmain; and the said certificate, subject to the above conditions, shall be renewed yearly, *or when applied for*; and for every such certificate the applicant shall pay the sum of five dollars, and for every renewal one dollar, which shall go to the Steamboat Inspection Fund hereafter mentioned; Provided always that the license of any such Engineer may be revoked by the said Board upon proof of negligence, unskilfulness or drunkenness, or upon the finding of a Coroner's Inquest.

Fec.

License may be revoked for cause.

None but licensed engineers to be employed or act.

Penalty.

38. It shall be unlawful for any person to employ or for any person to serve as engineer on any steamboat who is not licensed by the said Board, and any one so offending shall incur a penalty of fifty pounds; provided however, that if a vessel leave a port with a complement of Engineers, and on her voyage is deprived of their services or the services of any of them without the consent, fault or collusion of the master, owner or any one interested in the vessel, the deficiency may be temporarily supplied until others licensed can be obtained.

When ss. 36 and 37 shall be in force

39. Provided that the two next preceding sections shall not come into force until after the navigation shall be closed in the year one thousand eight hundred and fifty-nine.

MISCELLANEOUS PROVISIONS,—DUTY, PENALTIES; &c.— INTERPRETATION.

Inspector may examine steamers at any time.

40. Every Inspector may at any time visit within the limits assigned to him, any steamboat, and inspect and examine the same, and if he considers 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.

Those reported unsafe may be stopped.

41. The Governor in Council may, by an Order or Orders in Council, from time to time, prescribe and regulate the number of Cabin or Steerage or other passengers that may be carried by any Steamboat or class of Steamboats in this Province, either in proportion to the dimensions or tonnage thereof, or both, or otherwise howsoever: But no such Order in Council shall take effect until after it has been published at least twice, at an interval of at least six days between each publication, in the *Canada Gazette*.

Governor in Council may limit the number of passengers, &c.

Order to be published, &c.

42. The Owner or Master of every Steamboat in this Province, shall pay yearly and every year, a rate or duty fixed by the Governor in Council, and not exceeding *six pence* currency for every ton which such Steamboat measures, and an inspection fee of *two pounds ten shillings* for every Propeller, Freight or Tug Steamer, and every Ferry Steamer not exceeding one hundred tons burden, and of *four pounds* for every Ferry or Passenger Steamboat over one hundred tons burden for each inspection, made imperative by this Act;—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 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.”

Duty and inspection fees.

To be paid over and form an Inspection Fund.

43. Every Collector of Customs shall from time to time demand of the Owner or Master of every Steamboat which he may have reason to think has not been inspected as required by this Act, or in respect of which he may have reason to think the rate or duty aforesaid, is due and unpaid, the exhibition of the receipt and certificate in that behalf, appertaining to such Steamboat; and if receipts and certificates as aforesaid, to his satisfaction, are not produced within a reasonable time, then such Collector shall seize and detain such Steamboat until the same are procured and exhibited, and any penalty incurred and lawfully imposed in respect of such Steamboat under the provisions of this Act, have been paid in full; and in default of payment such Collector shall sell such Steamboat, for the payment of such rate or duty or penalties, in the usual manner as if they were incurred for violation of the Customs' Laws.

Collector may seize any steamboat on which duty is unpaid.

Inspector's certificate not to be granted for a steamer on which the duty for the year is not paid, &c.

44. No Inspector shall make or deliver a certificate respecting any Steamboat under this Act, unless the receipt of a Collector of Customs for the rate or duty payable in respect of such Vessel for the then current year has been produced and shewn to him, nor unless he be satisfied by careful examination that all the conditions and requirements of this Act, have been fulfilled and complied with by and in respect of such Steamboat; and every Inspector shall report to some one of the Collectors of Customs, any case of omission to pay such rate or duty or of omission to apply for such inspection as aforesaid, for more than one year from the date of the then last inspection, or of refusal to submit to inspection at any time, which may at any time or in any way come to his knowledge.

Appeal from Inspector to Governor in Council.

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

Liability for damages sustained by the non-observance of this Act.

46. If any damage to any person or property is sustained in consequence of the non-observance of any of the provisions of this Act for the inspection of Steamboats and the safety of those on board them, the same shall 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 the Steamboat, in respect of which such non-observance has occurred or by which such damage is done, and the Owner thereof in all civil proceedings, and the Master or other person having charge thereof in all proceedings, whether civil or criminal, shall be subject to the legal consequences of such default.

Penalty for any contravention of this Act.

47. For every contravention in respect of any Steamboat in this Province, on any one voyage or trip thereof, of any provision in this Act or in any Order in Council made under it, the Owner or Master thereof shall incur a penalty of not more than fifty and not less than ten pounds.

Recovery and application of penalties.

48. Except as hereinafter provided,—All penalties incurred under this Act may be recovered in the name of Her Majesty, by any Inspector or by any party aggrieved by any act, neglect or omission, on the evidence of one credible witness, before any two Justices of the Peace, and in default of payment of such penalty, such Justices may commit the offender to Gaol for any period not exceeding three months;—and, except as hereinafter provided, all penalties recovered under 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": Except always, that all penalties incurred for any offence against the first thirteen sections of this Act, shall, if such offence is committed within the jurisdiction of the Trinity House of Quebec, or of the Trinity House of Montreal, be sued for, recovered and ap-

plied in like manner as penalties imposed for contraventions of the By-laws of the Trinity House within whose jurisdiction the offence is committed.

49. In this Act, the word "Steamboat" means any <sup>Interpreta-
tion.</sup> vessel used in navigation, propelled wholly or in part by Steam; and the word "Owner" includes the Lessee or Charterer of any such vessel; the word "Boiler" is to be construed as "Boiler or Boilers," in the case of a Steamboat having more than one; and the word "Year" means the
10 calendar year, commencing on the first day of January and ending on the thirty-first day of December.

50. The provisions of this Act relating to the Inspection of Steamboats shall not apply to Steamboats belonging to and registered in Ports not within this Province, so long as such
15 Steamboats ply between some other country and Canada, and are only transitorily within this Province. <sup>Inspection not
to apply to
certain Ves-
sels.</sup>

51. The Acts of the Parliament of this Province,— <sup>Repealing
clause.</sup>

Fourteenth and fifteenth Victoria, chapter one hundred and twenty-six,—

20 Sixteenth Victoria, chapter one hundred and sixty-seven,—

Twentieth Victoria, chapter thirty-four,—

The second, fourth and fifth sections of the Act of the Parliament of the late Province of Upper Canada, seventh William the Fourth, chapter twenty-two,—

25 And any Trinity House By-law or Rule inconsistent with this Act,—

shall be repealed from the time this Act comes into force, except in so far as relates to any appointment made, any right acquired, or any penalty incurred, under any of them before
30 that time, which shall be continued, enforced and recovered under them as if this Act had not been passed.

SCHEDULE.

The following Diagrams are intended to illustrate the use of the Lights carried by vessels under the foregoing Act, and the manner in which they indicate to the vessel which sees them the position and description of the vessel which carries them :

FIRST.—When both Red and Green Lights are seen :

A sees a Red and Green Light ahead;—A knows that

a vessel is approaching her on a course directly opposite to her own, as B ;

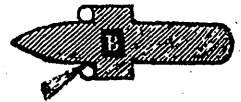


If A sees a White Mast-head Light above the other two, she knows that B is a steam-vessel.

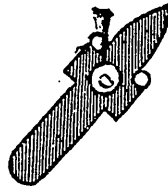
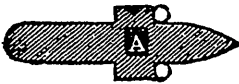
SECOND.—When the Red, and not the Green Light, is seen :

A sees a Red Light ahead or on the bow ;—A knows that either,

1, a vessel is approaching her on her port bow, as B ;



or, 2, a vessel is crossing in some direction to port, as D D D.

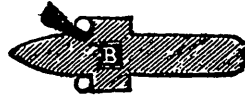
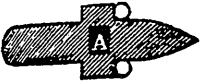


If A sees a White Mast-head Light above the Red Light, A knows that the vessel is a steam-vessel, and is either approaching her in the same direction, as B, or is crossing to port in some direction, as D D D.

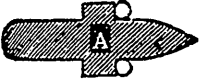
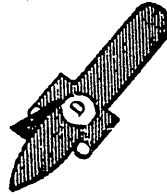
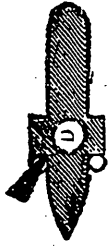
THIRD.—When the Green, and not the Red Light, is seen :

A sees a Green Light ahead or on the bow ;—A knows that either,

1, a vessel is approaching her on her starboard bow, as B ;



or, 2, a vessel is crossing in some direction to starboard, as D D D.



If A sees a White Mast-head Light above the Green Light, A knows that the vessel is a steam-vessel, and is either approaching her in the same direction as B, or is crossing to starboard in some direction, as D D D.