

New Zealand.

ANNO TRICESIMO

VICTORIÆ REGINÆ.

No. 51.

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AN ACT to regulate Steam Vessels and the Boats and Lights to be carried by Sea- going Vessels. Title. [8th October 1866.]

WHEREAS it is expedient to consolidate and amend the law relating to the regulation of steam vessels and the boats and lights to be carried by sea-going vessels

BE IT THEREFORE ENACTED by the General Assembly of New Zealand in Parliament assembled and by the authority of the same as follows— Preamble.

I. The Short Title of this Act shall be “The Steam Navigation Act 1866.” Short Title.

Steam Navigation.

Repeal clause.

II. "The Steam Navigation Act 1862" shall be and the same is hereby repealed. Provided that all Orders in Council delegations of authority appointments of Inspectors or Engineer Surveyors and all bye-laws certificates of exemption and sea-going or river certificates made published or issued pursuant to the said Act and in force up to and at the time of this Act coming into operation shall continue and be of the same force and effect as if they had been originally made published or issued pursuant to this Act. Provided that the Governor may by warrant under his hand at any time after the coming into operation of this Act cancel or revoke any such Orders in Council or delegations of authority or bye-laws or certificates or appointments made before the passing of this Act and continued in operation by this Act and all fines penalties and forfeitures incurred under the said Act and all convictions judgments or other proceedings for the recovery of the same which shall remain unsatisfied at the time of this Act coming into operation shall continue and be enforceable under the provisions of this Act and where such provisions are inapplicable as if this Act had not been passed.

Interpretation.

III. In the interpretation of this Act the words "River Service" shall mean such service on any river creek bay or arm of the sea as shall be declared by the Postmaster-General to be a river service.

Appointment of Inspectors.

IV. It shall be lawful for the Governor from time to time to appoint a sufficient number of fit and proper persons to be Inspectors of Steam Vessels and also a sufficient number of fit and proper persons to be Engineer Surveyors and at any time to remove the same from office and also to appoint the person or persons to whom the notices required by this Act shall be forwarded and such appointments to revoke.

Steam vessels to be surveyed and owners to transmit declarations.

V. The owner of every steam vessel trading to and from any port in the Colony (except any of Her Majesty's ships of war) shall if the same be of or fall within the description contained in part one of Schedule A. hereto cause such steam vessel and all machinery thereof to be surveyed twice at least in every year and if the same be of or fall within the description contained in part two of the said Schedule A. shall cause the hull of such vessel to be surveyed twice a year and the machinery thereof four times a year by an Inspector and Engineer Surveyor and such owner shall obtain a declaration under the hand of such Inspector of the sufficiency and good condition of the hull of such steamer and of the boats and other equipments thereof required by this Act and also if the Postmaster-General shall so require a statement of the number of passengers (whether deck passengers or other passengers) which such vessel is constructed to carry and a declaration under the hand of such Engineer Surveyor of the sufficiency and good condition of the machinery of such steamer and in every such declaration it shall be distinguished whether such vessel is in construction and equipments adapted for sea service as well as for river service or for river service only and such declaration shall also state the limits within which such vessel is in the judgment of the Surveyor adapted for plying and in the case of sea-going vessels the declaration of the Inspector shall contain a statement that he is satisfied the compasses have been properly examined and adjusted by some person holding a license from the Postmaster-General to examine and adjust such compasses and such owner shall transmit every such declaration to the Postmaster-General within fourteen days after the date thereof. Provided always that for vessels which carry Cameron's patent compasses and where the log shall prove that the compass deviations have been ascertained from day to day by actual observation it shall be lawful for the Postmaster-General to dispense with such examination and adjustment.

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VI. The owner of every such steam vessel shall likewise on the appointment of any engineer to the management of the machinery or any master to the charge of such vessel cause such engineer or master to be examined by competent examiners respectively appointed for the purposes of this Act by the Postmaster-General and shall obtain a certificate from such examiners that the engineer possesses a competent knowledge of the machinery of a steam vessel and thoroughly understands the management thereof and a certificate that the master possesses a competent knowledge of seamanship and navigation and thoroughly understands the management of a steam vessel and such owner shall within fourteen days after the date of every such certificate transmit the same to the Postmaster-General who shall on receipt thereof issue a certificate of competency to such master or engineer and every such certificate of competency of an engineer shall continue in force until the engineer shall have ceased to have the management of such machinery and every such certificate of competency of a master shall continue in force until the master shall have ceased to have charge of the vessel. Provided always that it shall be lawful for the Postmaster-General to cancel or suspend any such certificate. There shall be paid on the issue of every such certificate by the person to whom the same is issued the sum of one pound one shilling.

Engineer and master
to be examined.

VII. The survey of any steam vessel subject to survey and the machinery shall be made and the declaration transmitted as heretofore required in the course of thirty days next before the expiration of six months or three months as the case may require next after the date of the certificate granted as hereinafter mentioned upon the last preceding survey but if the owner of any such steam vessel as aforesaid be unable to have the same and the machinery thereof surveyed in the course of such thirty days as aforesaid either by reason of such vessel being absent from the Colony during the whole of those periods respectively or by reason of such vessel or the machinery thereof being under construction or repair or of such vessel being laid up in dock or for any other reason satisfactory to the Postmaster-General then the owner of such steam vessel shall have the same and the machinery thereof surveyed as aforesaid as soon thereafter as possible and shall transmit every such declaration to the Postmaster-General within fourteen days after the date thereof together with a statement of the reasons which have prevented the survey of such vessel or machinery at the time hereinbefore prescribed and the owner of every such steam vessel in respect of which or the machinery of which such declaration shall not have been transmitted at the times and in the manner hereinbefore directed shall except in any case in which the survey of such vessel or machinery shall have been prevented as hereinbefore is provided forfeit and pay the sum of five pounds for every day that the sending of any such certificate is delayed and such sum shall be paid upon the issue of the declaration hereinafter mentioned unless the Postmaster-General think fit in any case to remit the forfeiture or any part thereof and for every such survey the owner agent or master of such steamer shall pay at the time of the making such survey a fee of the amount specified in Schedule B. hereunto annexed. Provided always that the Governor shall have power to alter increase or diminish the amount of such fees from time to time as he shall see fit by warrant published in the *New Zealand Gazette*.

Times appointed for
survey.

VIII. It shall not be lawful for any Inspector or Surveyor to make a charge for any survey exceeding in amount the charge proper for the size of the vessel as printed in the said Schedule B. or should such charges be altered then the charge for the time being by law charge-

Penalty on Inspector
or Surveyor demand-
ing unauthorized
fees.

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able and in case of such alteration then the Inspector or Surveyor shall at the time of making the charge produce a copy of the *Gazette* in which such alteration is published and should any such Inspector or Surveyor accept any fee or any sum of money soever above the charges by law established he shall be liable to a penalty not exceeding one hundred pounds and to instant dismissal from his office and shall not thereafter hold any office in the Public Service.

Postmaster-General
to grant certificates
and transmit lists to
Custom Houses.

IX. Upon the receipt of every such declaration the Postmaster-General shall register the same and if he is satisfied that the provisions of this Act have been complied with shall cause to be transmitted to the master or owner of the steam vessel to which every such declaration refers a certificate signed by him that the provisions of the law with respect to the transmission of declarations in respect of such vessel have been complied with and such certificate shall be called a "Sea-going Certificate" where according to the declaration of the Inspector such vessel is adapted for sea service as well as river service and such certificate shall be called a "River Certificate" where according to such declaration such vessel is adapted for river service only and shall set out the local limits within which such last mentioned vessel is to ply and where any such vessel is constructed to carry passengers the Postmaster-General shall insert in every such certificate the number of passengers whether deck passengers or other passengers which every such sea-going vessel is constructed to carry not exceeding the number authorized by an Act of the Imperial Parliament called "The Passengers' Act 1855" or by any proclamation issued under another Act of the Imperial Parliament called "The Passenger Act (Australian Colonies) 1861" in force within the Colony and also the number which every vessel adapted for river service is constructed to carry for such river service only and the Postmaster-General shall from time to time transmit lists of the vessels in respect of which such certificates have been issued to the officers of Customs in all ports in the Colony and such officers shall cause such lists to be put up in a conspicuous place in the Custom House at each port.

Postmaster-General
may cancel certificates
and require fresh
declarations.

X. The Postmaster-General may revoke and cancel such certificates in any case where he has reason to believe that the declaration of the sufficiency and good condition of the hull and machinery of any vessel or either of them have been fraudulently or erroneously made or that such certificate has otherwise been issued upon false or erroneous information or where he has reason to believe that since the making of such declaration or either of them the hull or machinery of such vessel has been tampered with or has sustained any injury or is otherwise insufficient and in every such case the Postmaster-General may if he think fit require the owner to have the hull or machinery of such vessel again surveyed and to transmit a further declaration of the sufficiency and good condition thereof before re-issuing any certificate or granting a fresh one in lieu thereof and the Postmaster-General may at any time revoke any certificate for the purpose of inserting in any certificate to be issued in lieu thereof the number of passengers which the vessel to which such certificate relates is constructed to carry.

Duration of
certificates.

XI. No certificate as to any steam vessel shall be held to be in force for the purposes of this Act more than six months in the case of a vessel which shall be of or shall fall within the description contained in part one of Schedule A. hereto nor for more than three months in the case of a vessel which shall be of or shall fall within the description contained in part two of the said Schedule A. and no certificate shall be in force after notice to the owner or master of the vessel to which

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the same relates by the Postmaster-General that he has revoked the same Provided always that if any such steam vessel shall have been absent from the Colony for the whole of the thirty days next before the expiration of the certificate last granted in respect of such vessel such last certificate (if not expressly cancelled or revoked) shall continue in force till the return of such vessel to the Colony and for twenty-one days afterwards.

XII. It shall be lawful for the Governor in Council to make regulations whereby a sea-going certificate duly issued to any steam vessel by the lawfully constituted authorities of any British Colony shall be as valid and effectual for the purposes of this Act as a similar certificate duly issued and in force under the provisions of this Act Provided that it shall be lawful for the Postmaster-General at any time to suspend the operation within New Zealand of any such certificate issued in any other British Colony.

Governor may make regulations admitting sea-going certificates issued in any British Colony.

XIII. Every person who knowingly and wilfully makes or assists in making a false or fraudulent declaration or certificate with respect to any vessel requiring a certificate under this Act or who knowingly and wilfully forges counterfeits or fraudulently alters or assists in forging counterfeiting or fraudulently altering any declaration or certificate required by this Act or any words or figures in any such declaration or certificate shall be deemed guilty of a misdemeanour and shall be liable on summary conviction to a penalty not exceeding fifty pounds or to imprisonment with or without hard labour in any gaol or house of correction in the Colony for any period not exceeding six months.

Forgery of declaration or certificate to be a misdemeanour.

XIV. The owner or master of any such steam vessel shall forthwith on receipt of any such certificate as aforesaid by him or his agent from the Postmaster-General cause the same or a true copy thereof in distinct and legible characters to be put up in some conspicuous part of the vessel so as to be visible to all persons on board the same and shall cause it to be continued so to be put up so long as such certificate remains in force and such vessel is in use and in default such owner or if he can prove the default to have been caused by the master such master shall for every such offence be liable to a forfeiture or penalty not exceeding five pounds.

Certificate or copy to be exhibited on board.

XV. It shall not be lawful for any steam vessel (other than any ship of war as aforesaid) to proceed to sea or upon any voyage or excursion with or without any passengers on board the owner of which has not transmitted to the Postmaster-General the declarations hereinbefore required and the owner or master of which has not received from the Postmaster-General a certificate that the provisions of the law have been complied with as hereinbefore provided (such certificate being a certificate applicable to the voyage or excursion on which such vessel is proceeding) and if the owner or master of any steam vessel (other than as aforesaid) proceed to sea or on any voyage or excursion with or without any passengers on board without having such certificate as aforesaid or a true copy thereof in distinct and legible characters on board and so put up as aforesaid in some conspicuous part of the vessel (such certificate being a certificate then in force) the owner thereof shall for every such offence be liable to a penalty not exceeding fifty pounds and the master of such vessel shall also be liable to a further penalty not exceeding fifty pounds Provided always that a special permit may be issued by an Engineer Surveyor holding office under this Act to any river steamer to make a passage in ballast without passengers from the port at which she plies to any other port to be named in the permit for the purpose of being repaired or for any other special purpose to be mentioned in the permit.

Vessel not to proceed on a voyage without certificate.

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Penalty for carrying
excess of passengers.

XVI. It shall not be lawful to carry on board any such vessel as aforesaid a greater number of passengers whether deck passengers or other passengers than the numbers respectively stated in any such certificate and if the owner or master or other person in charge of such vessel receive on board thereof or if such vessel shall at any time have on board any greater number of passengers whether deck passengers or other passengers than the number respectively specified in such certificate the owner or the master or other person having the charge thereof shall forfeit a sum not exceeding twenty pounds and shall forfeit in addition a sum not exceeding five pounds if a sea-going vessel and a sum not exceeding twenty shillings if a river-going vessel for every passenger over and above the number so specified in the certificate as aforesaid.

Penalty on person
attempting
improperly to enter
steam vessels.

XVII. No person shall have a right to a passage by any steam vessel unless he shall have obtained from the master or owner or other duly authorized person a receipt for his passage money by such vessel or an order or authority in writing to proceed in such vessel. And if any person without such receipt order or authority shall go on board any such steam vessel and shall upon the request of the owner agent master or other officer in charge of such vessel refuse to leave such steam vessel at the place at which such person got on board every such person shall forfeit and pay for every such offence any sum not exceeding ten pounds to be recovered in a summary way. Provided always that every such owner master agent or other duly authorized person who shall issue or grant receipts orders or authorities for a greater number of passengers to proceed in any steam vessel than may be legally carried on board such steam vessel under the provisions of this Act shall forfeit and pay any sum not exceeding ten pounds for every such receipt order or authority so issued.

Penalty on person
refusing to pay fare
or quit the vessel.

XVIII. If any person travel or attempt to travel in any steam vessel that has been duly surveyed in conformity with the provisions of this Act without having previously paid his fare and with the intent to avoid payment thereof or if any person having paid his fare for a certain distance knowingly and wilfully proceed in any such vessel beyond such distance without previously paying the additional fare for the additional distance and with intent to avoid payment thereof or if any person knowingly and wilfully refuse or neglect on arriving at the point to which he has paid his fare to quit such vessel every such person shall for every such offence forfeit and pay to the owner of such vessel a sum not exceeding five pounds in addition to the fare payable by him.

Penalty on offender
refusing to give name
and address.

XIX. Every person who having rendered himself liable to any of the penalties mentioned in the last two preceding sections or either of them refuses on application of the master of the vessel or other officer thereof to give his name and address or who on such application gives a false name or address shall forfeit and pay to the owner of such vessel a sum not exceeding five pounds.

Deck cargo.

XX. No horses cattle sheep or pigs shall be carried on the upper deck of any steam vessel coming under the operation of this Act unless properly secured in stalls or pens to be erected for the purpose with the approval of the Postmaster-General who shall grant a general certificate for any such vessel of the number of horses cattle sheep or pigs which in his opinion may be safely and conveniently carried on the deck thereof and no part of the cargo or of the provisions water or stores shall without the special permission in writing of an Inspector be carried on the upper deck excepting fresh meat poultry in coops or baskets and fresh butter eggs fruit and vegetables in

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baskets or wooden packages and carts carriages and other vehicles and all such articles shall be so placed as not to impede light or ventilation or interfere with the comfort of the passengers and if any articles or greater number of horses or other animals than shall be certified by the Postmaster-General as aforesaid shall be carried on deck contrary to the true intent and meaning of this enactment the master or owner of the vessel carrying the same shall be liable to a penalty not exceeding fifty pounds.

XXI. The Inspectors and Surveyors appointed under this Act shall make such returns from time to time to the Postmaster-General with respect to the build dimensions draft burden rate of sailing room for fuel and the nature and particulars of machinery of the vessels surveyed by them as shall be required by the Postmaster-General and every owner master and engineer of any such vessel shall on demand give to such Inspectors and Surveyors all such information and assistance within his power as may be required by them for the purpose of such returns and every such owner master or engineer who on being applied to for that purpose wilfully refuses or neglects to give such information or assistance shall be liable to a penalty not exceeding five pounds.

Inspectors to make returns &c. and masters &c. to give information.

XXII. The said Inspectors and Surveyors shall execute their duties under the direction of the Postmaster-General and in the execution of such duties it shall be lawful for them to go on board any steam vessel at all reasonable times and to inspect the same or any part thereof or any of the machinery boats equipments or articles on board thereof to which the provisions of this Act or any of the regulations to be made by virtue thereof apply not unnecessarily detaining or delaying the vessel from proceeding on any voyage and any person who hinders any such Inspector or Surveyor from going on board any such steam vessel or otherwise impedes him in the execution of his duty under this Act shall be liable to a penalty not exceeding ten pounds.

Inspectors acting under direction of the Postmaster-General to be allowed to go on board steam vessels to inspect &c.

XXIII. The owner of every steam vessel built of iron except vessels used solely as steam tugs shall cause the same to be divided by not less than two transverse water-tight partitions or bulkheads and such partitions and bulkheads shall be of such number thickness and construction as the Postmaster-General shall from time to time direct and if any such vessel so required to be divided proceeds to sea without being so divided the owner shall be liable to a penalty not exceeding one hundred pounds.

Iron steamer to be divided by water-tight partitions under penalty.

XXIV. It shall not be lawful for any steam vessel of which surveys are required by the provisions of this Act to go to sea from or to ply in or upon any port harbour creek or river of the Colony without having a safety valve upon each boiler free from the care of the engineer and out of his controul and interference and such safety valve shall be deemed to be a necessary part of the machinery upon the sufficiency of which the Engineer Surveyor is to report as herein provided and if any person shall place an undue weight upon such safety valves or shall by any means unduly increase the pressure in the boilers he shall in addition to any liabilities he may incur by so doing be liable to a penalty not exceeding one hundred pounds.

Steamers to carry safety valves.

XXV. If the engineer of any steam vessel shall at any time when under steam or otherwise consider it absolutely necessary to interfere with the aforesaid safety valves he may do so but in every such case he shall be bound to report to such interference and the reason for it to an Inspector or Surveyor holding office under this Act on the first opportunity under a penalty not exceeding twenty pounds and the Inspector or Surveyor shall detain the said steam vessel until the said

Engineer may when necessary interfere with safety valves but must report to Inspector or Surveyor.

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safety valve shall have been so repaired or altered as to render such interference unnecessary for the future. A report of such interference and of the reason for it shall immediately upon its occurrence be made by the engineer to the master of the said steam vessel who shall forthwith enter a full and true account thereof in the log-book of the said vessel and any engineer or master who shall neglect or omit to make such report or to enter such account shall be liable to a penalty not exceeding twenty pounds.

Steam vessels to be provided with a certain number of boats.

XXVI. No steam vessel above fifty tons register shall ply from place to place or leave any port or harbour in the Colony unless it shall be provided according to its tonnage with boats duly supplied with all requisites for their immediate use and not being fewer in number nor less in measurement than the boats the number and measurements of which are specified in the Schedule C. hereunto annexed. Provided that the limits of dimensions in the said Schedule specified be not considered applicable to vessels engaged in the whale fishery and no such vessel carrying more than ten passengers shall proceed to sea unless in addition to the boats hereinbefore required it shall also be provided with a life boat furnished with all requisites for immediate use or unless one of its boats hereinbefore required be rendered buoyant after the manner of life boats and on each survey of such vessel the Surveyor or Inspector shall cause all such boats to be lowered and report on their general efficiency and the time which it takes to lower them and all such sea-going steamers shall from and after the first day of January one thousand eight hundred and sixty-seven have at least one boat fitted with Clifford's Patent Lowering Apparatus or other patent lowering apparatus to be approved of by the Postmaster-General and no such vessel shall ply from place to place or leave any port or harbour of the Colony carrying passengers unless it be provided with two life buoys to be kept ready for immediate use. Provided that the enactment with respect to boats and life buoys herein contained shall not apply in any case in which a certificate has been obtained under "The Passengers' Act 1855" or under any Act of the like nature which may hereafter be passed by the Legislature of the United Kingdom.

Steamers to be provided with hose and signals.

XXVII. Every steam vessel shall be provided with a hose (to be kept constantly in working order) in connection with the engine and of a length adapted for the purpose of extinguishing fire in any part of the vessel and no steam vessel if carrying passengers shall proceed to sea without being provided with the following means of making signals of distress that is to say twelve blue lights or twelve port fires and one cannon with ammunition for at least twelve charges or in the discretion of the master or owner of such vessel with such other means of making signals as shall have been previously approved by the Postmaster-General besides the regular lights and signals hereinafter prescribed.

Penalties on owner or master neglecting to provide boats &c.

XXVIII. If any such steam or other vessel as aforesaid ply or leave the Colony as aforesaid to proceed to sea without being provided with such boats and other equipments as hereinbefore required for such vessel or if any such boats or other equipments be lost or rendered useless in the course of the voyage through the wilful fault or negligence of the owner or master or if in case of any of such boats or life buoys being accidentally lost or injured in the course of the voyage the master or other person having charge of the vessel wilfully neglect to replace or repair the same on the first convenient opportunity then and in every case where the owner shall appear in fault he shall be liable to a penalty not exceeding one hundred pounds and in every case where the master or other person having charge of the vessel shall

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appear to be in fault he shall be liable to a penalty not exceeding fifty pounds.

XXIX. It shall not be lawful for any officer of Customs to clear out or to grant a transire to or allow to proceed to sea any such steam or other vessel as aforesaid unless upon the production of such certificate as aforesaid and unless the same is provided with such certificate watertight partitions boats and other equipments as hereinbefore required for such vessel and in any case in which any vessel is delayed by reason of non-compliance with any of the provisions hereinbefore contained the tidewaiter or other officer or person left on board shall be maintained at the expense of the master or owner of such vessel until such provisions are complied with and if such master or owner shall refuse or neglect so to do he shall be liable to a penalty not exceeding twenty pounds.

Officers of Customs not to clear out vessels unless provisions complied with.

XXX. It shall be incumbent on all steam vessels sailing vessels and vessels at anchor to carry and display the several lights and signals prescribed for the respective vessels by the Imperial Board of Admiralty in a notice dated the twenty-fourth day of February one thousand eight hundred and fifty-eight or such lights and signals as shall be fixed by regulation as next hereinafter provided.

Lights and fog signals.

XXXI. It shall be lawful for the Governor in Council by an order to that effect to prescribe any and what provisions or changes shall be made in respect to the following equipments matters and things relating to vessels viz.—

Governor may prescribe changes in boats lights &c.

The fittings and equipments of boats

The anchors and mooring or ground tackle on board vessels

The valves or other parts of the boilers engines or machinery of steamers.

The lights to be carried and signals to be made or displayed and generally to regulate all the details of the outfit of steamers and other vessels within the Colony and all such orders when published in the *New Zealand Gazette* shall have the force of law Provided that no such changes shall be prescribed unless the same shall be made or recommended to be made by the Board of Trade of the United Kingdom.

XXXII. If it shall appear that the master of any steam vessel whilst within the waters of New Zealand has neglected to issue to any passenger a sufficient quantity of water and wholesome provisions (unless such passenger shall have in writing agreed to provide himself with such water or provisions) the owner charterer or master of such ship shall be liable on conviction for every such offence to a penalty not exceeding twenty pounds.

Water and provisions.

XXXIII. Whenever any steam vessel (other than a ship of war) has sustained or caused any accident occasioning the loss of life or any serious injury to any person or has received any material damage affecting her seaworthiness or efficiency either in her hull or in any part of her machinery the owner or master or other person having charge of such vessel shall within twenty-four hours after the happening of such accident or damage or as soon thereafter as possible transmit through the Post Office to the Postmaster-General and to the Collector or Sub-Collector of Customs at the nearest port by letter signed by the master or such other person a report of such accident or damage and the probable occasion thereof stating the name of the vessel the port to which she belongs and the place where she is and if such master or other person neglect so to do he shall for such offence be liable to a penalty not exceeding one hundred pounds.

Accidents to be reported.

XXXIV. The Postmaster-General may from time to time whenever

Postmaster-General

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may send Inspectors
on board vessels.

it seems expedient to him so to do appoint any of the Inspectors or Surveyors to be appointed as aforesaid or any other fit person as an Inspector to go on board any ship or vessel reported to have sustained any damage as aforesaid to report to him whether the provisions of this Act or the regulations made under or by virtue of this Act have been complied with and also whether the hull and machinery of such vessel if the same be a steam vessel are sufficient and in good condition and to report to him upon the nature and causes of any accident or damage which such vessel has sustained or caused or is said to have sustained or caused.

Powers of Inspectors.

XXXV. It shall be lawful for any such Inspector Surveyor or other person as aforesaid to go on board any steam vessel at all reasonable times and to inspect the same or any part thereof or any of the machinery boats equipments or articles on board thereof to which the provisions of this Act or any of the regulations to be made by virtue thereof apply not unnecessarily detaining or delaying the vessel from proceeding on any voyage and in all cases of accident or damage such Inspector Surveyor or other person may make such inquiries as to the nature circumstances and causes of such accident or damage as he thinks fit and may require answers or returns thereto and may by summons under his hand require the attendance of all persons whom he thinks fit to call before him in any question or matter connected therewith or relating thereto and may administer oaths and examine such persons upon oath and may require and enforce the production upon oath of all log books accounts agreements or other papers or writings in any wise relating to any such matter as aforesaid or in lieu of requiring or administering an oath may require any person to make and subscribe a declaration of the truth of the matters respecting which he has been examined or interrogated Provided always that no person shall be required in obedience to any summons from such Inspector Surveyor or other person to travel more than one mile from his actual abode at the time of receiving such summons unless such reasonable allowance for expenses in respect of his attendance to give evidence and of his journeys to and from the place where he may be required to attend for that purpose be made and tendered to him as would be allowed to any witness attending on *subpœna* to give evidence before the Supreme Court and in case of any dispute as to the amount of such expenses the same shall be referred by such Inspector or other person to the officer of the Supreme Court who is charged with the duty of taxing costs and such officer shall on a request made to him for that purpose under the hand of such Inspector Surveyor or other person ascertain and certify the proper amount of expenses.

Penalty for obstruct-
ing Inspectors.

XXXVI. If any person wilfully impede any such Inspector Surveyor or other person in the execution of any part of his duty whether on board any ship or vessel or elsewhere every person so offending and all persons aiding or assisting therein may be seized and detained by such Inspector Surveyor or other person or by any person called to his or their assistance until such offender can be conveniently taken before some Justice of the Peace or other officer having proper jurisdiction and every such offender and also every person who refuses to attend as a witness before any such Inspector Surveyor or other person when required so to do in the manner hereby directed or who refuses or neglects to make any answer or to give any return or to produce any document in his possession or to make or subscribe any declaration which such Inspector Surveyor or other person is hereby empowered to require as aforesaid shall for each offence be liable to a penalty not exceeding five pounds.

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XXXVII. It shall be lawful for the Governor in Council to make bye-laws and regulations for the purpose of carrying into effect the provisions of this Act and any such bye-laws or regulations so made shall have the same force and effect as if they were embodied in this Act.

Governor in Council to make bye-laws.

XXXVIII. All misdemeanours or offences created by this Act may be prosecuted by information or other appropriate legal proceedings at the suit of Her Majesty's Attorney-General for the Colony in any Court having appropriate jurisdiction and shall be punishable with fine or imprisonment or both as the Court thinks fit and all penalties and other sums of money hereby made payable or recoverable may be recovered with costs and all offences hereby made punishable may unless previously punished as misdemeanours be prosecuted and punished and the costs of such prosecution recovered at the suit of any person by summary proceedings before two or more Justices of the Peace in the Colony.

Misdemeanours or offences may be prosecuted by indictment or summarily.

XXXIX. Whenever any penalty shall have been imposed by any Justices under the provisions of this Act and the person convicted shall not forthwith pay the same into the hands of the convicting Justices it shall be lawful for such Justice to direct that such penalty be recovered by distress and sale of the goods and chattels of such persons and in default of a sufficient distress or in the discretion of such Justice without making any order or issuing any warrant for such distress it shall be lawful for them if they see fit to direct that such person be imprisoned in any gaol or house of correction in the Colony with or without hard labour for any period not exceeding one month if the penalty shall not exceed five pounds for a period not exceeding three months nor less than one month if the penalty be above five pounds and not exceeding fifteen pounds and for a period of not less than three months nor more than six months if the penalty be above fifteen pounds and such person shall be detained and kept to hard labour accordingly unless he shall sooner pay the penalty and costs.

Imprisonment in default of payment of penalties.

XL. For the purpose of giving jurisdiction under this Act every offence shall be deemed to have been committed and every cause of complaint to have arisen either in the place in which the same actually was committed or arose or in any place in which the offender or person complained against may be.

Jurisdiction to be where offence is committed or where offender is.

XLI. Service of any summons or other process in any legal proceedings under this Act shall be deemed good service if made personally on the person to be served or if made at his last known place of abode or business or if made on board any vessel to which he belongs and accompanied with a verbal statement of the purport thereof to the person in command or appearing to be in command or charge of such vessel.

Service of process.

XLII. All certificates purporting to be issued in pursuance of this Act by the Postmaster-General and to be signed as hereinbefore required shall be taken to have been so issued and signed unless the contrary is proved and every document purporting to be an office copy of such certificate as aforesaid and to be signed in the manner hereinbefore required for the signature of such certificate shall be received in evidence and shall be deemed a true copy of the original of which it purports to be a copy and in proving the transmission of any such certificate from the Postmaster-General to the owner or master of any steam vessel it shall be sufficient to prove that the same was duly received by some officer of Customs or other public servant and was by him delivered to or left at the place of abode or business of such owner or master or delivered to any person in charge or appearing to be in charge of the vessel to which the same relates.

Proof of issue and transmission of certificates.

Steam Navigation.

Proof that a vessel is exempt.

XLIII. If in any legal proceedings under this Act any question arises whether any vessel is or is not within the provisions of this Act such vessel shall be taken to be within such provisions unless proof to the contrary is adduced.

Application of penalties.

XLIV. Any Justice of the Peace or Court imposing any penalty under this Act of which no specific application is herein provided may if he or it think fit direct that a part not exceeding one moiety thereof shall be applied to compensate any person for any wrong or damage which he may have sustained by reason of the default in respect of which such penalty is imposed and subject to such directions or specific application as aforesaid all such penalties shall be paid over to the Colonial Treasurer.

Limitation of Act.

XLV. Nothing in this Act contained shall apply to any ship belonging to Her Majesty or to any vessel not trading to or from or plying in any port harbour creek or river in the Colony.

Copy of Act to be kept on board.

XLVI. The master of every steam vessel to which this Act applies shall provide himself with a copy thereof and also of all regulations made by virtue of this Act by the Governor and shall at all times keep the same on board his vessel and in case he refuse or neglect so to do shall be subject to a penalty not exceeding five pounds.

Postmaster-General may delegate authority &c.

XLVII. It shall be lawful for the Postmaster-General for the time being at any time and from time to time as he shall think fit by any document in writing under his hand to delegate to any person or persons all or any of the powers duties or authorities by this Act conferred or imposed upon him and such delegation of authority may be either generally for the whole Colony or may be specially for any particular part or parts thereof to be specified in the document whereby the powers duties and authorities shall be delegated and every such document shall be published in the *New Zealand Gazette* and until so published shall have no effect or validity.

Schedules.

SCHEDULE A.

PART I.

ALL steam vessels fitted with a boiler or boilers the lock up or Government safety valves on which are loaded so as to blow off before the pressure in the interior of such boiler or boilers has exceeded thirty pounds on the square inch of surface.

PART II.

ALL steam vessels fitted with a boiler or boilers the lock up or Government safety valves on which are loaded so as not to blow off until the pressure in the interior of such boiler or boilers has exceeded thirty pounds on the square inch.

SCHEDULE B.

SCALE OF FEES FOR SURVEYING STEAM VESSELS.

a.—For each half-yearly survey—

	£	s.	d.
Vessels under 60 tons register	3	3	0
„ from 60 tons register to 120 tons register	4	4	0
„ from 120 tons register to 240 tons register	5	5	0
„ from 240 tons register to 360 tons register	6	6	0
„ from 360 tons register to 500 tons register	8	8	0
„ over 500 tons register	10	10	0

b.—For each intermediate quarterly survey of vessels fitted with boilers carrying a head of steam of thirty pounds and upwards—

	£	s.	d.
Vessels under 300 tons register	2	2	0
„ above 300 tons register	5	5	0

Steam Navigation.

SCHEDULE C.

A.—WHERE SQUARE-STERNEO BOATS ARE USED.

Registered Tonnage of the Steam Vessels.	COLUMN 1. To be carried by Steam Vessels wheresoever plying.								COLUMN 2. To be carried by Steam Vessels unless they carry the boats in Column 3.				COLUMN 3. To be carried by Steam Vessels which do not carry the boats in Column 2.				Total Number of Boats.				
	Boats.				Boats.				Launches.				Boats.								
	Number.	Length.	Breadth.	Depth.	Number.	Length.	Breadth.	Depth.	Number.	Length.	Breadth.	Depth.	Number.	Length.	Breadth.	Depth.					
	Tons.	ft.	ft.	in.	ft.	in.	ft.	ft.	in.	ft.	ft.	in.	ft.	ft.	in.	ft.		in.			
500 and upwards ...	1	18	5	6	2	24	5	6	2	26	8	0	3	8	2	22	5	6	2	4 or 5	
360 to 500...	1	16	5	6	2	24	5	6	2	25	7	0	3	6	2	22	5	6	2	4 or 5	
240 to 360...	1	16	5	6	2	1	22	5	6	2	22	6	6	3	2	22	5	6	2	3 or 4	
120 to 240 ..	1	14	5	0	2	1	20	6	0	3	0	2	22	5	6	2	2 or 3
60 to 120 ..	1	14	5	0	2	1	16	5	6	2	9	2	18	5	6	2	2 or 3
Under 60 ..	1	14	5	0	2	...	...	...	...	...	...	...	...	...	...	...	...	...	...	1

As the case may be.

NOTE.—Two paddle-box boats may be substituted for any two of the boats in Column 3.

B.—WHERE WHALE BOATS ARE USED.

Registered Tonnage of the Steam Vessels.	COLUMN 1. To be carried by Steam Vessels wheresoever plying.								COLUMN 2. To be carried by Steam Vessels unless they carry the boats in Column 3.				COLUMN 3. To be carried by Steam Vessels which do not carry the boats in Column 2.				Total Number of Boats.				
	Whaleboats.				Whaleboats.				Whaleboats.				Whaleboats.								
	Number.	Length.	Breadth.	Depth.	Number.	Length.	Breadth.	Depth.	Number.	Length.	Breadth.	Depth.	Number.	Length.	Breadth.	Depth.					
Tons.	ft.		ft.	in.	ft.	in.	ft.		ft.	in.	ft.	in.	ft.		ft.	in.	ft.	in.	As the case may be.		
500 and upwards	1	22	5	6	2	0	2	30	6	0	2	3	1	35	6	6	2		6	5
360 to 500...	...	1	20	5	6	2	0	2	30	6	0	2	3	1	33	6	3	2		4	5
240 to 360.	1	20	5	6	2	0	1	28	5	9	2	3	1	30	6	0	2		3	4
120 to 240	1	18	5	0	2	0	...	...	...	...	...	...	1	29	6	0	2		3	3
60 to 120	1	18	5	0	2	0	...	...	...	...	...	...	1	24	5	6	2	3	2	
Under 60	1	14	5	0	2	2	...	...	...	...	...	...	...	...	...	...	...	...	1	

NOTE.—Vessels under 60 tons could not well carry a whale boat and the dimensions in Column 3 are for a square sterned boat.

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