

VICTORIA.



ANNO DECIMO SEXTO

VICTORIÆ REGINÆ.

By His Excellency CHARLES JOSEPH LA TROBE, ESQUIRE, Lieutenant Governor of the Colony of Victoria and its Dependencies, with the advice and consent of the Legislative Council.

No. XXV.

An Act to consolidate and amend the Laws relating to Steam Navigation and to the Boats and Lights to be carried and the Signals to be made by Sea-going Vessels. [Assented to 8th January, 1853.]

WHEREAS it is expedient to amend the Laws respecting Steam Navigation and the Boats and Lights to be carried by Sea-going Vessels Be it therefore enacted by His Excellency the Lieutenant Governor of the Colony of Victoria by and with the advice and consent of the Legislative Council thereof as follows :—

Preamble.

I. The Acts of the Governor and Legislative Council of the Colony of New South Wales passed in the eleventh and fourteenth years of the Reign of Her present Majesty Queen Victoria intituled respectively "*An Act for the regulation of Steam Navigation and for requiring Sea-going Vessels to carry boats*" and "*An Act to extend the provisions of an Act passed in the eleventh year of the reign of Her present Majesty intituled 'An Act for the regulation of Steam Navigation and for requiring Sea-going Vessels to carry boats to all Steam Vessels'*" shall be and the same are hereby repealed except as to any penalties or liabilities to punishment incurred thereunder and also except as to any certificates or licenses of Steam Vessels issued by the Boards respectively appointed by virtue of the provisions of the said two Acts or either of them which certificates or licenses unless the same be cancelled or revoked under the provisions of this Act shall remain and be in force as if this Act had been passed and had come into operation before the issuing thereof and they had been issued thereunder.

11th Vic., No. 3, and 14th. Vic., No. 32, repealed, except in certain cases.

Existing Certificates or Licenses to continue in force.

II. It shall be lawful for the Lieutenant Governor of the said Colony to nominate and appoint any number of persons not exceeding five (three of whom or any less number being a majority of such Board shall be a quorum) as and to be a Board to be called "*The Victoria Steam Navigation Board*" with full power to carry out the provisions of this Act and for the said Lieutenant Governor to remove any members of the said Board and appoint

Lieutenant Governor to appoint a Board, to be called "*The Victoria Steam Navigation Board.*"

Power to the Lieut.
Governor to appoint
Local Boards.

appoint others and fix the amount of remuneration to be paid to members respectively And also to constitute and appoint any number of persons not exceeding five (three of whom or any less number being a majority of such Board shall be a quorum) as and to be a Local Board for any Port Harbor Place or District in the said Colony at or in which it shall appear expedient to the said Lieutenant Governor that any such Local Board should be established with power to act therein and carry out the provisions of this Act and further to remove any members of such Board and appoint others and to fix and alter the amount of remuneration to be paid to the members of any such Board.

Until Local Board ap-
pointed, the Victo-
ria Steam Naviga-
tion Board to act
for the whole Co-
lony.

III. The Victoria Steam Navigation Board shall have power to carry out the provisions of this Act within the whole of the said Colony and its dependencies except within the limits for which such Local Board shall be constituted as aforesaid and any such Local Board shall carry out all the provisions of this Act within the limits for which such Local Board shall be so constituted and appointed as aforesaid.

Lieutenant Governor
to appoint Officers,
&c.

IV. It shall be lawful for the said Lieutenant Governor to appoint and remove from office such Secretaries Officers Clerks and Servants as he may deem necessary to carry into execution the provisions of this Act and to fix and alter the amount of salaries or wages to be paid them respectively.

Steam Vessels, except
&c., to be surveyed
and Owners trans-
mit declaration to
Board twice a-year.

V. The Owner of every Steam Vessel trading to and from any Port in the said Colony (except vessels employed in the conveyance of the Royal Public Mails or Despatches under contract with and under the superintendence of the Government of the said Colony and except also any of Her Majesty's Ships of War) shall if the same be propelled by a low-pressure engine cause such Steam Vessel and all Machinery thereof to be surveyed twice at least in every year and if the same be propelled by a high-pressure engine shall cause the Hull of such Vessel to be surveyed twice a year and the Machinery thereof four times a year at the times hereinafter directed by a Shipwright Surveyor and by an Engineer Surveyor appointed for the purposes of this Act by any such Board as aforesaid such Shipwright Surveyor in case of an Iron Steam Vessel being a person properly qualified to survey Iron Steam Vessels and such Owner shall obtain a declaration under the hand of such Shipwright Surveyor 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 such Board 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 one of the Surveyors shall contain a statement that he is satisfied the compasses have been properly examined and adjusted within one month prior to the date of such declaration and such Owner shall transmit every such declaration to the Board within fourteen days after the date thereof.

Engineer and Master
to be examined.

VI. The Owner of every such Steam Vessel shall likewise once in every year and also 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 said Victoria Steam Navigation Board 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 that the Master possesses a competent knowledge of Seamanship and Navigation and thoroughly understands the Management of

of a Steam Vessel and such Certificates shall continue in force for twelve months from the dates thereof or until such Engineer shall have ceased to have the management of the Machinery or the Master charge of such Vessel and such Owner shall within fourteen days after the date of every such Certificate transmit the same to the Board carrying out the provisions of this Act at the Port Harbor Place or District where any such Vessel shall be at the date of examination.

VII. In all cases where the same may be possible such Surveys as aforesaid shall in the case of Vessels propelled by low-pressure engines be made in the months of June and of December and in the case of vessels propelled by high-pressure engines such surveys shall be made in the months of March June September and December and such Declarations shall be transmitted on or before the last days of such months respectively or if the last preceding survey of any such Steam Vessel or the Machinery were not made in any of those months then such survey shall be made and such declaration transmitted in the course of the 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 either of the said respective months as the case may be or in the course of such thirty days as aforesaid either by reason of such Vessel being absent from the said 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 Board 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 Board 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 declaration is delayed and such sum shall be paid upon the issue of the certificate hereinafter mentioned unless the Board think fit in any case to remit the forfeiture or any part thereof.

Times appointed for the surveys.

VIII. Upon the receipt of every such Declaration the Board shall register the same and if they are 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 some one or more of the Members thereof 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 Shipwright Surveyor 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 and the Board 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 authorised by "The Passengers' Act 1852" and also the number which every such River-going Vessel is constructed to carry and the Board shall from time to time transmit lists of the Vessels in respect of which such Certificates have been issued to the Officers of Customs

Boards to grant certificates, and transmit lists to be put up at Custom Houses.

Customs in all Ports in the said Colony and such Officers shall cause such lists to be put up in a conspicuous place in the Custom House at each Port and every Master or Owner of any Steam Vessel who shall comply with such Certificate shall be exempted from the provisions of the Act of the Lieutenant Governor and Legislative Council of the said Colony of Victoria passed in this present Session of Council intituled "*An Act to regulate the conveyance of Passengers to the Colony of Victoria*" and every such Certificate may be given in bar of any proceeding against any Master or Owner of any Steam Vessel for carrying a greater number of Passengers than allowed by the said Act.

The Board may cancel certificates, and require fresh declarations.

IX. The Board may revoke and cancel such Certificates or any Certificates or Licenses granted by virtue of the provisions of the said Acts passed in the eleventh and fourteenth years of the Reign of Her present Majesty or this Act or any of them in any case where they have reason to believe that the Declarations 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 or License has otherwise been issued upon false or erroneous information or where they have reason to believe that since the making of such Declarations or either of them the hull or machinery of such Vessel has sustained any injury or is otherwise insufficient and in every such case the Board may if they 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 License or granting a fresh one in lieu thereof and the Board may at any time revoke any Certificate or License for the purpose of inserting in any Certificate or License to be issued in lieu thereof the number of Passengers which the Vessel to which such Certificate or License relates is constructed to carry.

How long certificates to continue in force

X. No Certificate or License as to any Steam Vessel shall be held to be in force for the purposes of this Act for more than six months in the case of a Vessel propelled by a low-pressure engine nor for more than three months in the case of a Vessel propelled by a high-pressure engine and no Certificate or License shall be in force after notice to the Owner or Master of the Vessel to which the same relates by the Board that they have 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 or License last granted in respect of such Vessel such last Certificate or License (if not expressly cancelled or revoked) shall continue in force till the return of such Vessel to the said Colony and for twenty-one days afterwards.

Forgery of declaration or certificate to be a misdemeanour or subject persons summarily convicted to fine or imprisonment.

XI. 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 misdemeanor 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 said Colony for any period not exceeding six months.

Copy of certificate to be placed in conspicuous part of vessel.

XII. 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 Board 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 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.

XIII. It

XIII. It shall not be lawful for any Steam Vessel (other than any such Mail Packet as aforesaid) to proceed to sea or upon any voyage or excursion with any passengers on board the owner of which has not transmitted to the Board the declarations hereinbefore required and the owner or master of which has not received from the board a certificate that the provisions of the law have been complied with as hereinbefore provided for (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 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 five pounds and the master of such vessel shall also be liable to a further penalty not exceeding five pounds.

Vessel not to proceed on her voyage without certificate.

XIV. If any river-going steam vessel shall not set out and proceed on her voyage or trip at the times advertised or appointed the Owner or if he can prove the Master to have been in default the Master of such steam vessel shall for every such offence on conviction forfeit and pay any sum not exceeding ten pounds.

Penalty on Master for not setting out.

XV. The Owner or Master of every River-going Steam Vessel plying in any Port Harbor Creek or River in the said Colony shall be provided with a good and sufficient Stage or Gangway for the use of Passengers or Persons coming from or going on board such Steam Vessel and every such Stage or Gangway shall be made of four inch planks and be at least three feet broad with cross battens and ropes on both sides from the Vessel to the Wharf supported by wooden or iron stanchions not less than three feet high 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 penalty not exceeding five pounds.

Gangways to be provided.

XVI. It shall not be lawful to carry on board of 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 the sum of twenty shillings for every passenger over and above the number so specified in the certificate as aforesaid.

Penalty on Owner &c., for carrying more Passengers than specified in certificate.

XVII. If any person after having been refused admission into any steam vessel by the owner or person in charge thereof or by any person in the employ of the owner thereof on account of such steam vessel being full and after having the full amount of his fare (if he has paid the same) returned or tendered to him shall nevertheless persist in attempting to enter the same or if any person having got on Board any steam vessel be requested on the like account by the owner or person in charge thereof or by any Person in the employ of the owner to leave such steam vessel before the same has quitted the place at which such Person got on board and he shall refuse so to do after having had the full amount of his fare (if he has paid the same) returned or tendered to him then and in either of such cases such person shall for every such offence forfeit and pay any sum not exceeding five pounds.

Penalty on person attempting to enter Steam Vessel after having been refused admission.

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

Penalty on persons refusing to pay their fares or to quit the vessel.

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 committed any of the offences mentioned in the last two preceding sections or either of them refuses on application of the master of the vessel or other person in the employ of the owner 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.

Power for Board to appoint and remove Shipwright Surveyors, &c., and fix rates of remuneration, subject to the approval of the Governor.

XX. The Victoria Steam Navigation Board may from time to time with the approval of the Lieutenant Governor of the said Colony appoint such a number of fit and proper persons to be shipwright Surveyors and engineer Surveyors for the purposes of this Act at such ports or places as they think proper and may from time to time with such approval as aforesaid remove such Surveyors or any of them and they may from time to time fix alter or vary the rates of remuneration to be received by such Surveyors.

Surveyors to make returns of the build &c. of vessels, and owners &c. to give information for that purpose.

XXI. The said Surveyors shall make such returns from time to time to the Board 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 Board and every owner master and engineer of any such vessel shall on demand give to such 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 and 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 twenty pounds.

Surveyors acting under direction of the board, to be allowed to go on board steam vessels to inspect, &c.

XXII. The said Surveyors shall execute their duties under the direction of the Board 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 Surveyor from going on board any such Steam Vessel or otherwise impede him in the execution of his duty under this Act shall be liable to a penalty not exceeding ten pounds.

Iron steamers to be divided by water tight partitions.

XXIII. The owner of every Steam Vessel built of iron the building of which shall have been commenced on or after the first day of January one thousand eight hundred and fifty-four except vessels used solely as steam tugs shall cause the same to be divided by transverse water-tight partitions so that the fore part of the Vessel shall be separated from the engine room by one of such Partitions and so that the after part of such vessel shall be separated from the engine room by another of such partitions and if any such Steamer 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.

Penalty on owner for neglect.

Steam vessels to carry safety valves out of control of engineer, and to be deemed a necessary part of machinery.

XXIV. After the first day of June one thousand eight hundred and fifty-three it shall not be lawful for any Steam Boat of which surveys are required by the provisions of this Act to go to Sea from or to ply in or upon any Port Harbor Creek or River of the said Colony without having a safety valve upon each Boiler free from the care of the Engineer and out of his control 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.

Sea-going vessels to be provided with

XXV. No Decked Vessel shall ply from place to place or leave any Port

Port or Harbor in the said Colony unless it shall be provided according to its tonnage with Boats duly supplied with all requisites for their use and not being fewer in number nor less in their cubic contents than the Boats the number and cubic contents of which are specified in the Schedule hereunto annexed Provided that the said limits of dimension 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 use or unless one of its boats hereinbefore required be rendered buoyant after the manner of Life Boats and no such Vessel shall ply from place to place or leave any Port or Harbor of the said 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 duly obtained under "The Passengers' Act 1852."

the number of boats and of the dimensions herein mentioned.

XXVI. Every Steam Vessel shall be provided with a Hose 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 Board.

No steamer to proceed to sea without being provided with a hose and signals of distress.

XXVII. If any such Steam or other Vessel as aforesaid ply or leave the said Colony as aforesaid to Sea without being provided with such Boats and other equipments as hereinbefore required for such Vessel or if any of 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 to be 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 appear to be in fault he shall be liable to a penalty not exceeding fifty pounds.

Penalties on Masters, &c., neglecting to provide boats equipments, &c.

XXVIII. 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 Water tight 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 Tide Waiter 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.

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

XXIX. The Victoria Steam Navigation Board shall from time to time make regulations regarding the Exhibition of such Lights and the giving of such audible Signals by the ringing of a Bell or otherwise by such classes of Vessels whether Steam or Sailing Vessels within such places and under such circumstances as they think fit and they shall cause such regulations to be published in the *Victoria Government Gazette* and to be otherwise publicly made known and such Regulations shall come into operation on a day to be named in such Gazette and they shall cause such Regulations to be printed and shall furnish a Copy thereof to any Owner or Master of a Vessel who applies for the same and production of the Gazette containing such Regulations shall be sufficient evidence of the purport and due making thereof and all Owners and Masters or persons having charge of Vessels shall be bound to take notice of the same and shall so long

Board to make regulations as to lights.

Penalty on Owners
and Masters failing
to obey them.

Existing regulations
to continue in force
till revoked.

Rules to be observed
by vessels passing
each other.

Owners not entitled
to compensation in
certain cases of col-
lision, but master
to be liable to
penalty.

Accidents to be re-
ported to Board.

Notice to be given of
apprehended loss of
steam vessels.

long as the same continue in force exhibit such Lights and make or give such Signals and no others at such times within such places in such manner and under such circumstances as may be enjoined by such regulations And in case of default the Master or other person having charge of any Vessel or the Owner of such Vessel if it appears that he was in fault shall for each and every occasion upon which such regulations are infringed forfeit and pay a sum not exceeding Ten pounds Provided always that such regulations before coming into force shall be approved of by the Lieutenant Governor of the said Colony and that all Regulations made by the Boards respectively appointed under the authority of the said Act passed in the eleventh and fourteenth years of the Reign of Her present Majesty or either of them and in force at the time of the passing this Act together with the penalties applicable thereto shall continue to be in force as if the same had been made under this Act until the same be revoked.

XXX. Whenever any Vessel proceeding in one direction meets a vessel proceeding in another direction and the Master or other person having charge of either such Vessel perceives that if both Vessels continue their respective courses they will pass so near as to involve any risk of a collision he shall put the helm of his Vessel to port so as to pass on the port side of the other Vessel due regard being had to the tide and to the position of each Vessel with respect to the Dangers of the Channel and as regards Sailing Vessels to the keeping of each Vessel under command and the Master of any Steam Vessel navigating any River or narrow Channel shall keep so far as is practicable to that side of the Fair Way or Mid-Channel thereof which lies on the Starboard side of such Vessel And if the Master or other person having charge of any Steam Vessel neglect to observe these regulations or either of them he shall for every such offence be liable to a penalty not exceeding fifty pounds.

XXXI. If in case of a Collision between two or more Vessels it appear that such collision was occasioned by the non-observance either of the foregoing rules with respect to the passing of Steamers or of the Rules to be made as aforesaid by the said Board with respect to the Exhibition of Lights the Owner of the Vessel by which any such Rule has been infringed shall not be entitled to recover any recompense whatsoever for any damage sustained by such Vessel in such collision unless it appears to the Court before which the case is tried that the circumstances of the case were such as to justify a departure from the Rule and in case any damage to person or property be sustained in consequence of the non-observance of any of the said Rules the same shall in all Courts of Justice be deemed in the absence of proof to the contrary to have been occasioned by the wilful default of the Master or other person having the charge of such Vessel and such Master or other person shall unless it appears to the Court before which the case is tried that the circumstances were such as to justify a departure from the Rule be subject in all proceedings whether civil or criminal to the legal consequences of such default.

XXXII. 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 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 Board by letter signed by the said Master or 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 five pounds.

XXXIII. If the Owner of any Steam Vessel have reason owing to the non-appearance of such Vessel or to any other circumstance to apprehend that such Vessel has been wholly lost he shall as soon as conveniently may

may be send notice thereof in like manner to the Board and if he neglect so to do within a reasonable time he shall for every such offence be liable to a penalty not exceeding five pounds.

XXXIV. The Board may from time to time whenever it seems expedient to them so to do appoint any of the Surveyors to be appointed by them 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 them 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 or to report to them 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.

Board may send Inspectors on board vessels whenever necessary.

XXXV. It shall be lawful for any such Inspector as aforesaid and also for any person being a Member of the Board 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 or other person may make such enquiries and require answers or returns thereto as to the nature circumstances and causes of such accident or damage as he thinks fit 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 anywise relating to any such matter as aforesaid or in lieu of requiring and 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 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 of the Colony of Victoria 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 said 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 or other person ascertain and certify the proper amount of such expenses.

Powers of Inspectors.

Proviso for expenses of witnesses.

XXXVI. If any person wilfully impede such Inspector Surveyors 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 and assisting therein may be seized and detained by such Inspector Surveyors 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 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 Declarations which such Inspector or other person is hereby empowered to require as aforesaid shall for each offence be liable to a penalty not exceeding five pounds.

Penalty for obstructing Inspectors.

XXXVII. All misdemeanors or offences created by this Act may be prosecuted by information or other appropriate legal proceeding at the suit

Misdemeanors or offences prosecuted by information or indictment.

suit of Her Majesty's Attorney or Solicitor General in any Court having appropriate Jurisdiction and shall be punishable with fine or imprisonment or both as such 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 misdemeanors be prosecuted and punished and the costs of such prosecution recovered at the suit of any person by summary proceeding before two or more Justices of the Peace in the said Colony.

Imprisonment in default of payment of penalties.

XXXVIII. 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 Justices 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 Justices 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 said 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 labour accordingly unless he shall sooner pay the penalty and costs.

Jurisdiction to be where the offence is committed and wherever offender is.

XXXIX. 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.

Service to be good if made personally, or at abode, or on board ship, &c.

XL. Service of any summons or other process in any legal proceeding 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 statement of the purport thereof to the person in command or appearing to be in command or charge of such Vessel.

Proof of issue and transmission of certificates.

XLI. All certificates purporting to be issued in pursuance of this Act by the Board 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 any 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 Board 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.

Burden of proof that a ship is exempted.

XLII. If in any legal proceeding 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.

XLIII. Any Justice or Court imposing any penalty under this Act of which no specific application is herein provided may if he or they 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 go to Her Majesty Her Heirs and Successors for the public uses of the said Colony and in support of the Government thereof.

XLIV.

XLIV. No person shall be liable to the payment of any penalty or forfeiture imposed by virtue of this Act and made summarily recoverable thereunder unless the complaint respecting such offence be made within six months next after the commission of such offence.

Penalties to be sued for within six months.

XLV. All proceedings under this Act shall be had and taken in a summary way before any two Justices of the Peace and no Conviction Order or other Proceeding in pursuance of this Act shall be quashed or vacated for want of form or be removed by *certiorari* or otherwise into any Superior Court.

Summary proceeding no *certiorari*.

XLVI. Any person ordered or adjudged to pay any Fine Penalty or Forfeiture exceeding Ten Pounds who shall feel himself aggrieved by the judgment of the Justices adjudicating or before whom he was convicted may appeal from any such judgment or conviction to the next Court of General Sessions of the Peace which shall be held nearest to the place where such judgment or conviction shall have been given or made and the execution of every such judgment or conviction so appealed from shall be suspended in case such person shall with one or more sufficient surety or sureties immediately before such Justices enter into a bond or recognizance to Her Majesty Her Heirs and Successors in the penal sum of double the amount of such Fine Penalty or Forfeiture which bond or recognizance respectively such Justices are hereby authorised and required to take and such bond or recognizance shall be conditioned to prosecute such appeal with effect and to be forthcoming to abide the determination of the said Court of General Sessions and to pay such costs as the said Court shall award on such occasion and such Court of General Sessions is hereby authorised and required to hear and determine the matter of the said appeal and the decision of such Court shall be final between the parties to all intents and purposes.

Appeal to General Sessions.

XLVII. Nothing in this Act contained shall apply to any Ship belonging to Her Majesty or to any Vessel not trading to and from or plying in any Port Harbor Creek or River in the said Colony.

Not to extend to ships of war or to vessels not trading to Colony.

XLVIII. 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 said Board with respect to the exhibition of Lights and making of Signals and shall at all times keep the same on board his vessel and in case he refuse or neglect to do so shall be subject to a penalty not exceeding five pounds.

Copy of this Act, &c, to be kept on board.

Penalty for neglect.

XLIX. That in the interpretation of this Act the expression "The Board" shall be deemed and taken to mean the Victoria Steam Navigation Board and any Local Board having jurisdiction in or over the Harbor Place or District within the limits of which it may be necessary to exercise the powers of this Act or any of them.

Interpretation Clause

L. This Act shall come into operation on the first day of February in the year of our Lord one thousand eight hundred and fifty-three and may be cited as "The Victoria Steam Navigation Act, 1853."

Commencement of Act.
What Title.

SCHEDULE.

Registered Tonnage.		Column 1. To be carried by Sailing Vessels and Steam Vessels wheresoever plying.								Column 2. To be carried by Sailing Vessels, and by Steam Vessels, unless they carry the Boats in Col. 3.				Column 3. To be carried by Steam Vessels which do not carry the Boats in Col. 2.				Total Number of Boats	
Sailing Vessels.	Steam Vessels.	Boats.				Boats.				Launches.				Boats.				Sailing Vessels.	Steam Vessels.
		Number.	Length.	Breadth.	Depth.	Number.	Length.	Breadth.	Depth.	Number.	Length.	Breadth.	Depth.	Number.	Length.	Breadth.	Depth.		
Tons.	Tons.		Feet.	ft. in.	ft. in.		Feet.	ft. in.	ft. in.		Feet.	ft. in.	ft. in.		Feet.	ft. in.	ft. in.		
800 and upwards	500 and upwards	1	18	5 6	2 3	2	24	5 6	2 6	1	26	8 0	3 8	2	22	5 6	2 6	4	4 or 5
600 to 800	300 to 500	1	16	5 6	2 3	2	24	5 6	2 6	1	25	7 0	3 6	2	22	5 6	2 6	4	4 or 5
400 to 600	240 to 360	1	16	5 6	2 3	1	22	5 6	2 5	1	22	6 6	3 3	2	22	5 6	2 6	3	3 or 4
200 to 400	120 to 240	1	14	5 0	2 2	...	...	...	...	1	20	6 0	3 0	2	22	5 6	2 6	2	2 or 3
100 to 200	60 to 120	1	14	5 0	2 2	...	...	...	...	1	16	5 6	2 9	2	18	5 6	2 4	2	2 or 3
Under 100	Under 60	1	14	5 0	2 2	...	...	...	...	...	...	...	...	...	...	...	...	1	1

NOTE.—In the case of Steam Vessels, two paddle-box Boats may be substituted for any two of the Boats in Column 3.