

NEW ZEALAND.

ANNO VICESIMO SEXTO

VICTORIÆ REGINÆ.

No. 22.

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AN ACT to regulate Steam Vessels and the Boats and Lights to be carried by Sea-going Vessels. [15th September, 1862.]

WHEREAS it is expedient to provide a means of control over the management and navigation 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

I. The Short Title of this Act shall be "The Steam Navigation Act 1862."

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Interpretation.

II. In the interpretation of this Act the words "The Board" shall mean the Marine Board having jurisdiction under the New Zealand "Marine Board Act 1862" in or over the Harbour or place within the limits of which it may be necessary to exercise the powers of this Act or any of them and the words "River Service" shall mean such service on any River Creek Bay or Arm of the Sea as shall be declared by the Board to be a River Service.

Appointment of Inspectors.

III. It shall be lawful for the Governor 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.

Steam vessels to be surveyed and Owners to transmit declarations.

IV. The owner of every Steam vessel trading to and from any Port in the Colony (except vessels employed in the conveyance of the Public Mails if carrying a certificate of exemption under the hand of the Postmaster-General of the Colony or of some person deputed by him for the purpose the issue of which certificate and its duration shall be at the option of such officer 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 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 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 the Inspector shall contain a statement that he is satisfied the compasses have been properly examined and adjusted and such owner shall transmit every such declaration to the Board within fourteen days after the date thereof.

Engineer and Master to be examined.

V. 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

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purposes of this Act by some Marine 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 a Steam vessel and such Certificates shall continue in force for twelve months from the date thereof or until the Engineer shall have ceased to have the management of such 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.

VI. The survey of any Steam vessel subject to survey and the machinery shall be made and the declaration transmitted as hereinbefore 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 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 survey.

VII. 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 Inspector such vessel is adapted for Sea service as well as River service and such Certificate shall be called a

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“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 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 1855” or by any proclamation issued under 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 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 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.

Board may cancel Certificates and require fresh declarations.

VIII. The Board may revoke and cancel such Certificates 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 has otherwise been issued upon false or erroneous information or where they have 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 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 granting a fresh one in lieu thereof and the Board 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.

IX. 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 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 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 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.

New South Wales and Victorian Certificates to be recognised,

X. A Sea-going certificate duly issued to any Steam vessel under the provisions of the “New South Wales Steam Naviga-

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tion Act 1852" or the "Victoria Steam Navigation Act 1853" or any act of a similar character which may hereafter be passed by the Legislature of any of the Australian Colonies and which the Governor may by Proclamation declare to be in force for that purpose shall so long as the same shall be in force be deemed 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.

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 Colony for any period not exceeding six months.

Forgery of declaration or Certificate to be a misdemeanor.

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 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.

XIII. It shall not be lawful for any Steam vessel (other than any Mail Packet or Ship of War 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 a voyage without Certificate.

XIV. 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

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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.

XV. 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 authorised 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 authorised 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 provision 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.

XVI. 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 offerer refusing to give name and address.

XVII. 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.

XVIII. 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 Board who shall grant a General

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Certificate for any such vessel of the number of Horses Cattle Sheep or Pigs which in their 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 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 Board 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.

XIX. The Inspectors and Surveyors appointed under this Act 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 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.

XX. The said Inspectors and 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 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 Board to be allowed to go on board Steam vessels to inspect, &c.

XXI. 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 sixty three except vessels used solely as steam tugs shall cause the same to be divided by transverse water-tight partitions so that the forepart of the vessel shall be separated from the engine room by one of such partitions and so that the afterpart of such vessel shall be separated from the engine room by another of such partitions 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 watertight partitions under penalty.

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Steamers to carry safety valves.

XXII. After the first day of January One thousand eight hundred and sixty-three 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 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 a certain number of boats.

XXIII. No decked 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 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 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 duly obtained under "The Passengers' Act 1855" or under any Act of a like nature which may hereafter be passed by the Legislature of the United Kingdom.

Steamers to be provided with hose and signals.

XXIV. 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 Board besides the regular lights and signals hereinafter prescribed.

Penalties on Owner or Master neglecting to provide boats, &c.

XXV. 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

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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.

XXVI. 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 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 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.

XXVII. 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 1858 or such lights and signals as shall be fixed by regulation as next hereinafter provided.

Lights and Fog Signals.

XXVIII. 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 *Government Gazette* shall have the force of law Provided that no such changes shall be prescribed unless the same shall have been made or recommended to be made by the Board of Trade of the United Kingdom.

XXIX. 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.

XXX. Whenever any Steam vessel (other than a Ship of War) has sustained or caused any accident occasioning the loss

Accidents to be reported.

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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 nearest Marine Board 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 five pounds.

Board may send Inspectors on board vessels.

XXXI. The Board may from time to time whenever it seems expedient to them 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 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 and 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.

Powers of Inspectors.

XXXII. 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 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 anywise 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 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

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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 or other person ascertain and certify the proper amount of expenses.

XXXIII. 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 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 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.

XXXIV. It shall be lawful for any Marine Board 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 shall be submitted to the Governor for his approval and if approved shall have the same force and effect as if they were embodied in this Act.

Board to make by-laws.

XXXV. All Misdemeanors 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 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 Colony.

Misdemeanors or offences legal prosecuted by indictment or summarily.

XXXVI. 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

Imprisonment in default of payment of Penalties.

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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 labor accordingly unless he shall sooner pay the penalty and costs.

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

XXXVII. 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 of process.

XXXVIII. 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.

Proof of issue and transmission of Certificates.

XXXIX. 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.

Proof that a vessel is exempt.

XL. 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.

XLI. 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 applica-

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tion as aforesaid all such penalties shall be paid over to the Colonial Treasurer and shall be applied for the purposes of the New Zealand "Marine Board Act 1862."

XLII. 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 Colony. Limitation of Act.

XLIII. 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 Board 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. Copy of Act to be kept on board.

XLIV. This Act shall come into operation on the 1st day of January 1863. Commencement of Act.

SCHEDULE.

SCHEDULE.

Registered Tonnage.	Column 1. To be carried by Sailing Vessels and Steam Vessels wheresoever plying.				Column 2. To be carried by Sailing Ves- sels, and by Steam Vessels, unless they carry the boats in Col. 3.				Column 3. To be carried by Steam Ves- sels, which do not carry the Boats in Col. 2.				Total Number of Boats.													
	Sailing Vessels.		Steam Vessels.		Boats.		Boats.		Boats.		Boats.			Sailing Vessels.	Steam vessels.											
Tons.	Number.	Length.	Breadth.	Depth.	Number.	Length.	Breadth.	Depth.	Number.	Length.	Breadth.	Depth.	Number.	Length.	Breadth.	Depth.	Number.	Length.	Breadth.	Depth.	Number.	Length.	Breadth.	Depth.		
800 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	22	5 6	2 6	4	22	5 6	2 6	4	4 or 5
600 to 800	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	22	5 6	2 6	4	22	5 6	2 6	4	4 or 5
400 to 600	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	22	5 6	2 6	3	22	5 6	2 6	3 or 4	
200 to 400	1	14	5 0	2 2	...	...	...	...	1	20	6 0	3 0	2	22	5 6	2 6	2	22	5 6	2 6	2	22	5 6	2 6	2 or 3	
100 to 200	1	14	5 0	2 2	...	...	...	...	1	16	5 6	2 9	2	18	5 6	2 4	2	18	5 6	2 4	2	18	5 6	2 4	2 or 3	
Under 100	1	14	5 0	2 2	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	1

As the case may be.

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