

No. VIII.

An Act to make better provision for the Col-^{WHARFAGE AND} lection of Wharfage and Tonnage Rates. ^{TONNAGE RATES.} [12th July, 1880.]

WHEREAS it is expedient to amend the Law regulating the ^{Preamble.}
imposition and collection of Wharfage and Tonnage Rates and to
embody the same in one Statute Be it therefore enacted by the Queen's
Most Excellent Majesty by and with the advice and consent of the
Legislative Council and Legislative Assembly of New South Wales in
Parliament assembled and by the authority of the same as follows :—

1. This Act shall come into force on the first day of July in the ^{Commencement}
year one thousand eight hundred and eighty and may be cited for all ^{short title and inter-}
purposes as the “Wharfage and Tonnage Rates Act of 1880” In its ^{pretation of terms.}
construction the expression “Public Wharf” means the Circular
Quay and the Queen's Wharf at the Port of Sydney and any wharf
within the Colony appointed to be a public or legal wharf under any
Act in force for the time being regulating the Customs—the expression
“Private Sufferance Wharf” means any wharf for which a sufferance
has been or shall hereafter be granted in pursuance of any such Act as
aforesaid for the landing of goods subject to the payment of Customs
duties—and the word “Wharfinger” means the owner or lessee of a
private sufferance wharf or the agent of either.

2. From and after the commencement of this Act the Acts and ^{Repeal of Acts.}
portions of Acts specified in the First Schedule hereto shall be repealed
but such repeal shall not prejudice or affect any rates collected or
anything lawfully done or commenced under the authority of the said
Acts or any of them.

3. Upon the landing on any public or private sufferance wharf ^{Inward Wharfage}
in New South Wales of any goods merchandise packages or articles ^{Rates to be levied.}
enumerated or mentioned in the Second Schedule hereto it shall be
lawful to levy rates to be termed “Inward Wharfage Rates” not
exceeding the respective rates prescribed in the Tariff and Scales of
Charges contained in the said Schedule Provided that all goods ^{Proviso.}
arriving from any of the Australasian Colonies or New Zealand or any
of the Pacific Islands landed on any public wharf and entered at the
Custom House for transhipment shall be exempt from any wharfage
rates chargeable under this Act.

Wharfage and Tonnage Rates.

Outward wharfage rates on goods laden from public and private sufferance wharves.

4. It shall be lawful to levy wharfage rates in respect of any good merchandise packages or articles laden whether into vessels lighters or boats from any such public or private sufferance wharf as aforesaid to be termed "Outward Wharfage Rates" not to exceed one-half of the respective rates and to be levied and computed in accordance with the scales specified in the Second Schedule hereto.

Wharfage rate for small craft.

5. Every vessel under two hundred and forty tons registered tonnage and every lighter requiring a berth for loading only shall pay for each day or portion of a day during which she shall occupy a berth at any such public or private sufferance wharf a wharfage rate of ten shillings.

Tonnage rates

6. It shall be lawful to levy a rate of one farthing per ton per diem on all vessels fully laden discharging their inward cargoes at any such public or private sufferance wharf and a rate of one halfpenny per ton per diem on all other vessels partly laden during the time which such vessels shall occupy a berth at any such wharf but such rate shall not be leviable until after the expiration of the respective periods specified in the Third Schedule hereto. Provided always that in the case of any vessel partly laden or which shall have discharged only a portion of her inward cargo at any such wharf such vessel shall be entitled to claim "free lay days" according to the quantity of cargo discharged which shall be considered to be the proportion which the amount of such cargo bears to the tonnage of the vessel when fully laden.

Tonnage rates on vessels loading only.

7. Any vessel of two hundred and forty tons registered tonnage or upwards requiring a berth for loading only shall pay a rate not exceeding one halfpenny per ton per day from the date of occupying a berth at any such public or private sufferance wharf and after the expiration of twenty-five days from such date shall pay half that rate for each day during which she occupies such berth.

As to clearance of vessels discharging lading &c. at public wharves.

8. No clearance shall be granted for any vessel liable to the payment of tonnage rates at any public wharf within the meaning of this Act unless a receipt for the payment of such rates signed by the proper officer or person shall be presented to the Collector or other proper officer of Customs.

Consignees and others may take delivery of goods at private wharves—access thereto.

9. It shall be lawful for the master of any vessel which shall occupy a berth at any such public or private sufferance wharf for the purpose of discharging inward cargo to deliver to the consignee importer or his agent any goods so to be discharged without molestation or interference by the collector or wharfinger or by any person whomsoever and without any charge other than the respective rates authorized by this Act. And for the purpose of giving effect to the intention of this enactment all importers and consignees their agents and servants being duly authorized shall during Custom-house hours for the discharge of such vessel have free access to and from the ship's side whilst so discharging for the purpose of taking delivery of any such goods.

Removal of goods from wharves after notice given.

10. If any goods shall be landed on any such public or private sufferance wharf and shall not be removed therefrom before the expiration of forty-eight hours thereafter the Collector at any public wharf or the Wharfinger at any private sufferance wharf whereon such goods may then be may remove and store the said goods in the Queen's or any bonded or free warehouse at the risk and cost of the consignee or importer thereof subject to any lien by the owner master or agent of the vessel for freight or charges which may be payable on such goods.

Tonnage how to be calculated.

11. In estimating the registered tonnage of any vessel for the purposes of this Act the same shall be determined in pursuance of the provisions of the Imperial Merchant Shipping Act being the Act passed in the seventeenth and eighteenth years of Her present Majesty's reign chapter one hundred and four. And in the case of steam vessels the gross tonnage measurement shall be deemed to be the tonnage of such vessels for the purposes of ascertaining the tonnage rates leviable under this Act.

Wharfage and Tonnage Rates.

12. Notwithstanding anything herein contained it shall be lawful for the Governor with the advice of the Executive Council to abolish altogether or to reduce the scale of wharfage or tonnage rates prescribed by this Act and leviable thereunder at any public wharf whenever in his opinion it shall be to the public interest so to do.

Abolition or reduction of rates at public wharves.

13. Nothing in this Act contained shall be construed so as to abridge or affect the right of any vessel now berthed at any public wharf in respect of the free lay days and other the provisions contained in the Acts hereby repealed.

Saving clause.

14. Subject to the provisions of this Act it shall be lawful for the Governor with the advice of the Executive Council to frame regulations from time to time for the following purposes :—

Regulations.

- (1.) The berthing of vessels at a public wharf
- (2.) The removal of vessels from a public wharf
- (3.) The discharging of cargo and loading thereof and storage or removal of goods merchandise packages and articles discharged by vessels or to be laden from any such public wharf
- (4.) The leasing of any public wharf
- (5.) And for prescribing penalties upon the contravention of any such regulation and directing the mode of their recovery and enforcement Provided that no such penalty shall exceed the sum of twenty pounds and that every penalty may be defined by a minimum as well as a maximum limit

And all such regulations shall upon notification in the *Government Gazette* have the force of law And shall be laid before Parliament within fourteen days after such notification if Parliament be then in session and if not then within fourteen days after the commencement of the next ensuing session.

15. It shall be lawful for the Governor with the advice of the Executive Council to demise and let to farm by public auction in such manner and subject to such bonds with or without sureties and to such covenants and conditions as the Colonial Treasurer may think fit the wharfage and tonnage rates payable at any public wharf in the Colony or at any defined portion of such wharf for any term not exceeding five years.

Wharfage and tonnage rates may be leased.

16. Any such lessee may levy demand and recover wharfage rates according to the scales in the Second Schedule hereto upon all goods merchandise packages and articles landed at such wharf or laden therefrom and also according to the scale prescribed by section six of this Act and the exemption or free lay days therein referred to upon all vessels discharging cargo at such wharf or occupying a berth thereat But no such rates shall exceed the respective scales specified in the said Schedule or prescribed by this Act.

Lessee may charge rates according to prescribed scale &c.

17. During such term or terms as the said rates or any part or parts thereof shall be so leased as aforesaid to any person or persons whomsoever it shall be lawful for the lessee thereof to nominate and appoint such other person or persons as he may think necessary by writing under his hand to collect demand and take such rates so demised leased and farmed And any such person so appointed may use all lawful means for the recovery thereof in case of non-payment or evasion as such lessee himself could do by law and may appoint such persons as he may think necessary by writing under his hand as wharfingers or other servants Provided however that such lessee shall be answerable for the conduct of every person so appointed by him as aforesaid and shall be liable for neglect or misconduct or for the breach of any law or regulation respecting the rates committed by any collector or collectors of such rates as fully to all intents and purposes as if the same had been committed by such lessee.

Lessees of rates authorized to appoint collectors or other necessary servants who may exercise all such means for recovery of rates the lessees may

but lessees to be answerable for their conduct.

Wharfage and Tonnage Rates.

Power to let jetty or pier at Circular Quay notwithstanding provisions of 43 Vic. No. 13.

18. Notwithstanding anything in the "Navigation Act further Amendment Act of 1879" it shall be lawful for the Colonial Treasurer to let any jetty or pier situate at the Circular Quay or any portion thereof at such rent or price and whether for the whole of such jetty or pier or for any portion of the whole frontage thereof as he may think best in the public interest and whether by public auction or private contract Provided always that the power of revoking leases and for their regulation by the Marine Board contained in the third section of the said Act shall apply to any leases granted under this section.

SCHEDULES.

FIRST SCHEDULE.

Repeal of Acts.

Year and Number of Act.	Title of Act.	Extent of Repeal.
5 Wm. IV No. 13..	An Act for protecting public wharves piers quays and jetties.	The Whole Act.
7 Vic. No. 12	An Act further to amend an Act intituled " <i>An Act for the better preservation of the Ports Harbours Havens Roadsteads Channels Navigable Creeks and Rivers in New South Wales and the better regulation of shipping in the same.</i> "	The unrepealed portion and Schedule C.
8 Vic. No. 16	An Act to make further provision for payment of wharfage rates and to amend the Laws for the regulation of shipping in certain cases.	The unrepealed Sections and Schedule.
9 Vic. No. 13	An Act to amend an Act intituled " <i>An Act for the better preservation of the Ports Harbours Havens Roadsteads Channels Navigable Creeks and Rivers in New South Wales and the better regulation of shipping in the same.</i> "	The unrepealed Sections.
10 Vic. No. 11	An Act to amend the law relating to Public and Private Suffrance Wharves and the rates payable thereat.	The whole Act.
11 Vic. No. 15	An Act to Amend the law relating to Public Wharves.	The whole Act.
35 Vic. No. 7	An Act to Incorporate a Board to be called "The Marine Board of New South Wales" to confer certain powers on such Board to consolidate and amend the Laws relating to the regulation of Steamships Pilotage and Pilots Harbours and Navigable Waters and Navigation and to make provision for the examination of Masters Mates and Engineers and for other purposes.	Sec. 113.
42 Vic. No. 2	An Act to further amend the law relating to Public Wharves and the rates payable thereat.	The whole Act.

Wharfage and Tonnage Rates.

SECOND SCHEDULE.

INWARD WHARFAGE RATES.

		TARIFF.	s.	d.
Acids the carboy or case	... ..		0	6
Agricultural Machinery and Implements—				
Drilling and sowing	... ..	per ton of 40 cubic feet	1	8
Haymaking	... ..		
Reaping and binding	... ..		
Threshing	... ..		
Winnowing	... ..		
Horse-power	... ..		
Ploughs	... ..	loose each ...	0	4
Harrows	... ..		
Cornshellers	... ..		
Alkali loose per ton	... ..		1	8
" in packages as drugs.				
Alum loose per ton	... ..		1	8
" in packages as drugs.				
Almonds in bags each	... ..		0	2
" in cask or case	... ..		0	3
Anchors per ton weight	... ..		1	8
Animals—Horses including Ponies and Cobs	Horned Cattle Asses			
and Mules each	... ..		1	8
" Calves Sheep Goats or Pigs each	... ..		0	3
Anvils per cwt.	... ..		0	1
Apparel wearing per bale or case	... ..		0	9
Axletrees iron per ton	... ..		1	8
Ale or Beer. See Liquids.				
Bacon bundle or loose per cwt.	... ..		0	1
" in case...	... ..		0	4
Bags the bale or package	... ..		0	9
Ballast per ton	... ..		0	6
Bark loose or in bags the ton	... ..		1	8
Baskets per package...	... ..		0	6
" empty each	... ..		0	1
Bellows smiths' the pair	... ..		0	4
Billiard Tables each	... ..		3	6
Biscuits the bag	... ..		0	2
" cask or case...	... ..		0	4
Blacking liquid per package	... ..		0	4
" cake or paste per package	... ..		0	2
Blankets bale or case	... ..		0	9
Blue per box of 56 lbs. and under	... ..		0	2
" for each additional 56 lbs. or fractional part thereof	... ..		0	1
Books per package	... ..		0	4
Boots and shoes per trunk or box	... ..		0	3
Bottles empty per package	... ..		0	4
Bran per bushel	... ..		0	0½
Bricks Tiles and Slates per 500	... ..		1	6
" Fire-bricks per 400	... ..		1	6
" Fire-lumps Slabs and Tile per ton weight...	... ..		1	8
Brimstone loose per ton	... ..		1	8
" in packages as drugs.				
Bristles per cask or case	... ..		0	6
Brooms per doz. loose or in bundles	... ..		0	2
Brushware per bale or case	... ..		0	9
Buckets and pails per dozen	... ..		0	4
Butter per cwt.	... ..		0	1
Cables Coir Hemp Manilla Iron Rope per ton weight	... ..		1	8
Candles per box of 28 lbs. and under	... ..		0	1
Canes or Rattans per 100 bundles	... ..		1	8
" " loose per 100	... ..		0	1
Cannon per ton weight	... ..		1	8
Canvas the bale or case	... ..		0	9
Carpets the bale or case	... ..		1	0
Carraway Seeds the package	... ..		0	4
Carrots the cwt.	... ..		0	1
Carriages and Carts 4-wheel each	... ..		5	0
" " 2-wheel "	... ..		2	6

Casks

Wharfage and Tonnage Rates.

	s.	d.
Casks empty each	0	2
Castor Oil per package	0	2
Cement the barrell	0	4
Chairs packed in pieces per package	0	4
Chalk loose per ton	1	8
" in casks per package	0	4
Cheese per cwt. loose or in cask	0	1
" in case per package	0	2
Chicory per package... ..	0	4
Chinaware as earthenware.		
Chocolate per package	0	2
Cigars per package	0	6
Clay Fire and other per ton weight	1	8
Clothing per case or bale	0	9
Clothes-pins in boxes per box	0	1
Clover Seed the bag	0	2
" " the case or cask	0	4
Coals per ton... ..	0	6
" coked	1	0
Cocoanuts per hundred	0	4
Cocoa and Cocoa Nibs the bag	0	2
Cocoa prepared per package	0	2
Coffee in bags per ton gross... ..	1	8
" in casks	2	6
Coir Rope or Fibre per ton... ..	1	8
Confectionery per package	0	3
Copper loose per ton	1	8
" sheets in cases per cwt. or fractional part thereof	0	1
Copra per ton weight	1	8
Cordage	1	8
Corks per package	0	4
Cotton Waste per package	0	9
Crab Winches	0	6
Currants per package of 112 lbs. and under	0	2
" for each additional cwt. or fractional part thereof	0	1
Cutlery including Axes Hatchets Tomahawks Tools Knives and Forks Scythes Swords and Sheepshears. See Hardware.		
Curiosities per package	0	4
Dates	0	2
Doors each	0	1
Drapery the bale or case	0	9
Drugs and Apothecary Ware per package	0	6
" " " the bag drum or keg	0	2
Earthenware the crate	1	8
" the cask	1	0
" in other packages per package	0	6
Eau de Cologne the package	0	6
Essences and Essential Oils the package	0	6
Engines Fire each	3	4
Engines Garden and Beer	0	8
Feathers the package	0	9
Felt the bale or case... ..	0	9
Figs per cwt. or fractional part thereof	0	2
" in iron tanks. See Iron Tanks.		
Firearms the chest or case	0	9
Fish in tins—Lobster Salmon Sardines Oysters Herrings and others the case	0	2
Fish Dried—Codfish Herrings Ling &c. the case... ..	0	3
" " the half-barrel and under	0	2
" " " barrel	0	3
" " " hogshead	0	6
" " " puncheon... ..	1	0
Flax the ton	1	8
Floorecloth the package	1	0
Flour in bags per 2,000 lbs... ..	1	8
" in barrels each	0	3
Flowers artificial per package	0	9
Furs the package	0	9
Frying-pans loose or bundle per dozen	0	2
" in casks as Hardware.		
Furniture per ton of 10 cubic feet... ..	1	8
Fruit green per package	0	1
Ginger per package	0	2
Glass window per case	0	2

Glass

Wharfage and Tonnage Rates.

	s.	d.
Glass Plate per package	1	0
Glassware. See Earthenware.		
Glucose per ton gross	1	8
Gluc per package	0	6
Grain including Barley Beans Corn Dhoil Gram Maize Malt		
Oats Peas Wheat loose or in bags per bushel	0	0 $\frac{3}{4}$
" in tanks. See Iron Tanks.		
Grapnels per cwt.	0	1
Grates (castings) loose per ton	1	8
" per package	0	6
Grindery per package	0	9
Grindstones each	0	1
Gunny Bags per bale or bundle	0	9
Gypsum loose per ton weight	1	8
" per package	0	3
Hardware and Holloware including cutlery ironmongery axe- heads axes hatchets tomahawks tools knives and forks scythes swords sheepshears lacqueredware lampware—		
The drum or keg	0	2
" barrel	0	3
" bag bale box or bundle	0	4
" case	0	6
" crate or cask	1	0
Hair the package	0	6
Haberdashery per bale or case	0	9
Harps. See Musical Instruments.		
Hats the case... ..	1	0
Hams loose per dozen	0	2
" in case	0	4
" in cask	0	6
Hay per ton	1	8
Hemp the ton weight	1	8
Hides per 40... ..	1	8
Hops per cwt. or fractional part thereof	0	3
Hoops iron the ton weight	1	8
" wood per dozen	0	2
Holloware. As Hardware.		
Ice the ton weight	1	8
India-rubber goods the package	0	9
Iron Tanks empty of 400 gallons	2	0
" " 200 "	1	0
" when filled with goods the 400 gallons	3	6
" " 200 "	2	6
Iron in bars castings hoop rod hurdles fencing-wire pig pots pipes ovens sheet railway per ton	1	8
" galvanized loose or in package per ton	1	8
Ironmongery. See Hardware.		
Jute per ton	1	8
Kerosene Oil per case	0	2
Liquids—Spirits Wines Cordials the octave and under	0	2
" quarter-cask	0	3
" hhd	0	6
" puncheon	0	9
" pipe or butt	1	0
" leager and tun butt	1	8
" in bottle quarts 2 dozen and under	0	2
" additional for each dozen	0	1
" pints 4 dozen and under	0	2
" additional for each dozen	0	0 $\frac{1}{2}$
" Geneva case	0	2
" Ale Beer Cider Perry Vinegar firkin or kilderkin 18 gallons and under	0	2
" barrel	0	4
" hhd... ..	0	6
" butt... ..	1	0
" in bottle quarts 2 dozen and under	0	2
" additional for each dozen	0	1
" pints 6 dozen and under	0	3
" additional for each dozen or fractional part thereof	0	0 $\frac{1}{2}$
Lard per package	0	2
Lampware. As Hardware.		
Lacqueredware. As Hardware.		
Lead in bulk roll pipe or package per ton... ..	1	8
Leather bale case or bundle	0	9

Wharfage and Tonnage Rates.

	s.	d.
Lime per ton	1	8
Linens the package	0	9
Lucerne Seed the lag	0	2
" the case or cask	0	4
Machinery per ton of 20 cwt. or 40 cubic feet	1	8
Marble in block the ton	1	8
" manufactured per package	0	9
Mangles per package	0	6
Matting the roll	0	2
Matches per package	0	2
Millinery per case or bale	0	9
Mill stones per ton weight	1	8
Molasses in casks or tanks per ton gross	1	8
Mother-of-Pearl Shells loose the ton	1	8
" in packages each	0	4
Musical Instruments (not Pianos) per package	0	9
Nails Screws Rivets Nuts Bolts and Washers packages 112 lbs. and under	0	1
Additional for each cwt. or fractional part thereof	0	1
Nuts the bag	0	2
Nutmegs the package	0	2
Oatmeal per keg	0	2
" in other package	0	3
Oakum per ton weight	1	8
Oars loose or bundle per dozen	0	4
" in cases per package	0	6
Oils Fish Seal or Cocoanut in casks per 100 gallons	1	0
Oil-cake per ton	1	8
Oil Castor per case	0	2
Oilmen's and General Stores—		
Anchovies	Isinglass	
Arrowroot	Maccaroni	
Brandied Fruits	Maizena	
Bottled Fruits	Milk Swiss	
Blacklead	Milk condensed	
Brunswick Black	Mustard	
Capers	Pearl Barley	
Chillies	Pickles	
Corn-flour	Preserves	
Dried Fruits	Sauces	
Fancy Soaps	Salad Oil	
Groats	Vermicelli	
Jams and Jellies		
Per case		0 2
In tanks. See Iron Tanks.		
Oils Linseed and other oils (not fish seal or cocoannt)—		
" drum or keg	0	2
" barrel or quarter-cask... ..	0	3
" hogshead	0	6
" puncheon	0	9
" pipe	1	0
" tun butt	1	8
Onions per cwt.	0	1
Ores metallic per ton	0	9
Paddy. As Rice.		
Paints Colours Putty and Dryers packages of 56 lbs. and under	0	1
" packages from 56 lbs. to 112 lbs. inclusive	0	2
" for each additional cwt. or fractional part	0	1
Paper—Paper Bags Paper Hangings Sand and Glass Paper and Millboards per package	0	9
Pepper the bag	0	2
Perfumery the case	0	9
Pinafortes each	2	6
Pictures per package	0	9
Piece Goods bale or case	0	9
Pitch and Tar the drum	0	2
" the barrel	0	3
Potatoes per ton	1	8
Provisions Beef		
" Pork	the keg	0 2
" Tongues	barrel or tierce	0 4
" Tripe	hhd.	0 6
Preserved Meats per package		0 2
Pumice Stone per package		0 4
Quicksilver		

Wharfage and Tonnage Rates.

	s.	d.
Quicksilver per bottle	0	2
Raisins per 112 lbs. or fractional part thereof	0	2
„ in tanks. See Iron Tanks.		
Rattans. See Canes.		
Rice per ton... ..	1	8
Rope Hemp Wire and all other Rope per ton	1	8
Saddlery the package	0	9
Sago per bag	0	2
Salt—Rock per ton... ..	1	8
„ in bags per ton... ..	1	8
„ in cask or case of 2 doz. and under	0	2
Sarsaparilla the case	0	2
Sashes Window per pair	0	1
Seltzer or Soda Water per doz.	0	1
Shale per ton	0	10
Shooks the bundle	0	2
Shot package 224 lbs. and under	0	2
„ additional for each cwt. or fractional part	0	1
Skins loose per doz	0	2
„ in bales	0	8
Slops the package	0	9
Soap package 112 lbs. and under	0	2
„ additional each cwt.	0	1
Soda Crystals } per package	0	4
Soda Caustic }		
Spades Shovels Forks per doz.	1	0
„ „ „ in case or crate	1	8
Spelter the ton	0	2
Starch boxes of 56 lbs. and under... ..	0	1
„ for each additional 56 lbs. or fractional part thereof	0	9
Stationery the package	1	8
Steel the ton... ..	0	2
Seeds in bags each	0	4
„ in cask or case	0	4
Sewing Machines per package	0	2
Spices the package	0	9
Silks per package	0	1
Sheathing Metal per cwt.	1	8
Sugar in mats bags or baskets per ton gross	1	8
„ in casks or case per ton gross	0	1
Tallow per cwt.	0	3
Tanks. See Iron Tanks.		
Tea { per chest	0	1½
„ half-chest	0	0½
„ box	1	8
Timber Deals Deal Ends and all sawn timber per 600 ft. superficial	1	8
„ Rough Timber and Spars per 40 cubic feet	0	4
„ Laths Trenails Shingles per 1,000... ..	1	8
„ Posts and Rails per 100	1	8
„ Palings per 600	1	8
„ Spokes per 500	1	8
„ Staves Cooper's per 100	0	2
Tobacco Manufactured packages 112 lbs. and under	0	1
„ „ additional for each cwt. or fractional part thereof	0	2
„ in leaf on all packages per cwt. or fractional part thereof	1	8
Tin per ton	0	2
Tin plates per box	0	1
Tobacco Pipes clay in boxes per box	0	4
Tubs per nest	0	9
Turnery cask case or package	0	2
Turpentine per keg drum or case... ..	0	9
Twine Sash Lines and Halters per package	0	2
Varnish or Polish per package	0	9
Weigh Bridges (as Machinery).		
Weighing Machines portable per package	0	2
Wire Netting loose per roll	0	8
„ in package	1	0
Whaleboats and others	1	8
Whalebone the ton... ..	0	2
Wheelbarrows single each... ..		
„ in packages. As Hardware.		
Whiting the package	0	4
Wheels Coach or Cart each	0	2

Wool

