



ANNO PRIMO

VICTORIÆ REGINÆ.

No. 3.

An Act for the better preservation of the Ports, Harbors, Havens, Roadsteads, Channels, Navigable Creeks, and Rivers, in Her Majesty's Province of South Australia; and for the better regulation of Shipping and their Crews in the same.

Amended by
2. 18-5 Oct 47
2. 25-6 Oct 47
2. 13-1847
2. 5-1851

BE it Enacted, by His Excellency John Hindmarsh, Knight of the Royal Hanoverian Guelphic Order, Captain in the Royal Navy, Governor and Commander-in-Chief of Her Majesty's Province of South Australia, by and with the advice and consent of the Council thereof, as follows :

Enacting clause.

That, throughout this Act, all words in the plural number shall be taken to mean equally the singular number, and *vice versa*; and the masculine gender shall mean equally the feminine.

Meaning of words.

II. That the word "vessel" shall be taken to include every description of ship or vessel navigated by means of sails and fixed masts or by machinery; and that the word "boat" be taken to include all other craft, boats, or constructions intended as floating vehicles whatsoever, whether navigated by means of moveable masts, by oars, or otherwise.

Definition of vessel and boat.

III. That

Ballast or rubbish
not to be discharged
in harbor.

III. That if at any time, from and after the passing of this Act, the master, or any other person belonging to any boat or vessel, or any other person whomsoever, shall discharge, throw out, or unlade, or cause or permit to be discharged, thrown out, or unladen, from and out of any boat or vessel whatsoever, being within any port, harbor, haven, roadstead, channel, or navigable creek or river within this Province or its dependencies, any ballast, rubbish, gravel, earth, stone, wreck, or filth, the master or other person commanding such boat or vessel shall forfeit and pay for every such offence a sum of not less than Forty Shillings nor more than Fifty Pounds: And if any person from the shore shall throw into any port, harbor, haven, roadstead, channel, or navigable creek or river within this Province or its dependencies, any ballast, rubbish, earth, gravel, stone, wreck, or filth, such person shall forfeit and pay for every such offence a sum of not less than Forty Shillings nor more than Fifty Pounds.

Penalty if ballast
landed be not
removed.

IV. That if any ballast, rubbish, gravel, earth, stone, wreck, or filth, be landed from any boat or vessel, or brought or placed by any other means upon any public pier, quay, or other place used for the landing of goods or passengers, or on any place on which ballast, rubbish, gravel, earth, stone, wreck, or filth shall, by a public notice, be prohibited to be thrown or laid, and the same shall not be removed to the place or places specially appointed for the reception thereof within twenty-four hours after the same shall have been landed or placed, then, and in every such case, any person bringing or placing, or the master or other person commanding the boat or vessel from which such ballast, rubbish, gravel, earth, stone, wreck, or filth shall have been landed, shall forfeit and pay for every such offence a sum of not less than One Pound or more than Five Pounds, over and above the expense of the removal thereof.

Tarpaulins to be used.

V. That in the taking of ballast into any vessel or boat, and also in the discharging of the same from any vessel into any boat or other vessel, every such vessel or boat shall make use of one or more tarpaulins, properly spread, in order to prevent such ballast, or any part thereof, from falling into the sea, or into any port, harbor, haven, channel, or navigable creek or river of this Province; and every person failing to comply with this regulation shall for every such offence forfeit and pay the sum of Five Pounds.

Sunk or stranded
vessels in port to be
removed within one
calendar month.

VI. That if any vessel shall, after the passing of this Act, be sunk, stranded, or run on shore in any port, harbor, haven, roadstead, channel, creek, or navigable river within the said Province, and the master, owner, or other persons having or claiming property therein, or the command thereof, shall not clear such port, harbor, haven, roadstead, channel, creek, or navigable river therefrom

therefrom within one calendar month after notice to that effect shall have been given by the Harbor Master or any one Justice of the Peace, or within such other reasonable time after notice so given as such Harbor Master or Justice shall appoint, then and in every such case it shall be lawful for the Resident Magistrate or any two Justices of the Peace, and they are hereby authorized and required, upon the complaint and at the suit and instance of the said Harbor Master or Justice, to issue their warrant for seizing and removing such vessel, and also the rigging and tackle thereof, in such manner as such Resident Magistrate or Justices shall order and direct, and for causing the same to be sold in such manner as shall be thought expedient; and with the money arising from such sale to pay the charges and expenses of clearing the port, harbor, haven, roadstead, channel, creek, or river, where such vessel lies, and also the charges and expenses of seizing, removing, and selling such vessel, rigging, or tackle, paying the overplus (if any) to the Treasurer of the Province for the use of the owner; and, if the money arising from such sale shall not be sufficient to defray the charges and expenses of seizing, removing, and selling such vessel, the excess of such charges and expenses beyond the amount of the money arising from such sale shall be chargeable to and against the master or owner of such vessel, at the election of the Harbor Master or Justice of the Peace at whose instance or suit such proceedings as lastly mentioned shall have been had or instituted, and if not paid within five days after having been demanded, shall be recovered in a summary way at the instance of such Harbor Master or Justice of the Peace before any Resident Magistrate or two Justices of the Peace of the Province.

VII. That if after the passing of this Act, any tree or trees be felled on the shore of any navigable river or creek so that the navigation thereof shall be in any way obstructed thereby, if the same be not removed within two days after having been so felled, the owner or occupant of the land from which such tree or trees shall be cut shall forfeit and pay the sum of Five Pounds for every tree so cut and removed: Provided always, nevertheless, that if any person other than the owner or occupant of the said land shall, without their consent, offend as aforesaid, such person shall be liable to the like penalty.

VIII. That no timber or other bulky article shall be deposited on any public pier or quay, other than in such place or position as the Harbor Master or Wharfinger thereof shall first indicate and point out, under a penalty of not less than One Pound or more than Ten Pounds, and that if any timber or other bulky article be left on any public pier or quay for more than two days after written notice

Trees felled obstructing navigable rivers to be removed within two days.

Timber and other bulky articles to be deposited in places to be pointed out by the Harbor Master or Wharfinger.

notice be given, signed by the Harbor Master, Officer of Customs, Wharfinger, or a Justice of the Peace, so as to interrupt or hinder the free use thereof, it shall be lawful for the Resident Magistrate, or any two Justices of the Peace, to cause the same to be removed and sold, deducting all expenses from the proceeds of the sale, and paying the surplus (if any) to the Colonial Treasurer.

Penalty for injuring
or destroying buoys.

IX. That if any person shall remove, wilfully injure, or destroy any buoy, beacon, or seamark, or shall make fast any vessel, raft, timber, or other article, to such buoy, beacon, or seamark, he shall, on a first conviction for every such offence before any Resident Magistrate, or two Justices, forfeit and pay any sum not exceeding One Hundred Pounds, and upon commission of a second offence shall be deemed guilty of felony, and being convicted thereof shall be liable to be transported for seven years.

Vessels arriving to
furnish a report.

X. That every vessel arriving from beyond the seas in any port, harbor, or roadstead, of this Province, is to be boarded as soon as circumstances will allow by an Officer of the Customs, or by such other officer as the Governor may appoint, who is to deliver to the Commander or Master a copy of the Port Regulations for his guidance, as contained in Schedule A annexed to this Act, and to whom the master is to furnish a report in writing of such particulars of his voyage, vessel, crew, and passengers, and to deliver such documents respecting the same as may be required of him, under the penalty of not less than Ten Pounds or more than Fifty Pounds upon every neglect or refusal, and when such arrival takes place in Port Adelaide, or in any anchorage near the capital, the master shall deliver to the Custom House Officer, or other person authorized by the Governor to receive the same, all public despatches, letters, and parcels, and all post-office mails and letters whether in parcels or loose, such officer giving a receipt for the same, and such master shall at the same time sign the declaration required by the Ship Letter Act, 55th Geo. III., c. 153, of his having duly delivered up all such despatches and letters, and shall produce the said declaration at the Custom-House before reporting the vessel inwards and bulk be broken, under a penalty not exceeding Fifty Pounds.

Penalty for neglecting
to pay dues, &c., and
not observing
regulations.

XI. That if the master or other person commanding any vessel arriving at any of the ports, harbors, or roadsteads of this Province shall in any case fail or neglect to pay the dues and charges and observe all the regulations contained in the Schedule hereunto annexed, or any part thereof, or shall do or commit anything contrary to the true plain meaning of the foregoing Section, or of any of the said regulations, such master or other person so offending shall

shall for every such offence forfeit and pay a sum of not less than Five Pounds nor more than Twenty Pounds over and above such payment, whether due, charge, or fine, as the said regulations may impose.

XII. That it shall be lawful for the Governor or officer for the time being administering the Government of the Province to grant licences to persons duly qualified to act as pilots for any of the ports or harbors of the said Province, and the same licences from time to time to revoke; and that such pilots shall board all vessels arriving off the harbor, and shall produce their licence whenever required to do so, under a penalty of Five Pounds for the non-production of such licence.

Governor to grant licences to pilots.

XIII. That the master of every vessel arriving from beyond the seas, and not being a coasting vessel, shall place such vessel in charge of the first licensed pilot that may come alongside, and shall not enter any harbor at which a pilot has been licensed, or proceed to sea, or quit his anchorage, without having such pilot on board, under a penalty double the amount of pilotage to which he would have been subject if a pilot had been received on board.

Vessels going in or out of port to be placed in the hands of the first licensed pilot coming alongside.

XIV. The rates of pilotage into and out of Port Adelaide from or to a distance which shall be regulated by the Harbor Master shall be those specified in Schedule B annexed; but no pilotage shall be chargeable upon any vessel registered in this Colony, or on any steam-vessel, while respectively employed in the coasting trade of this Province, unless the assistance of a pilot be actually received: And it shall be lawful for the Governor, and he is hereby empowered, from time to time as occasion shall require, to fix a lower scale of rates and charges of pilotage for Port Adelaide, or for any particular port or harbor of the Province, and to give notice thereof in the *Government Gazette*; and it is hereby declared that from and after the publication of any such notice in the *Government Gazette*, the particular rates and charges described and set forth in such notice, and no other, shall be payable for the particular port or harbor specified therein; and all remedies for the recovery of the pilotage rates and charges described and set forth in this Act, and all penalties, fines, and forfeitures, on account of the non-payment of pilotage rates and charges, shall apply as fully to the case of such lastly mentioned rates and charges of pilotage as if the same had actually been inserted in this Act, or in the Schedules thereof, it being the express intent of this Act that such lastly mentioned rates and charges of pilotage, fines, forfeitures, and penalties shall be recovered and recoverable in the same way as the rates and charges which are specified in Schedule B; and that the several sections of this Act which empower or give remedies for the recovery thereof shall

No pilotage chargeable on vessels registered in the Province, or on steam vessels while employed in the coasting trade without the assistance of a pilot received.

Governor empowered to fix a lower scale of rates and charges for pilotage.

apply equally to the scale of rates and charges lastly mentioned.

No pilot bound to conduct a vessel to sea until pilotage be paid.

XV. That no pilot shall be in anywise bound to conduct any vessel to sea until the full amount of the pilotage of such vessel shall be first paid or secured to be paid to the satisfaction of such pilot.

Pilot detained on board any vessel longer than two days to be paid extra for every day detained.

XVI. That any pilot detained on board any vessel of which he had been in charge longer than forty-eight hours, whether by stress of weather, quarantine, or otherwise, shall be entitled to demand and be paid Eight Shillings per diem in addition to the regular pilotage; and upon such occasion, as well as all others, when on board at meal-times, the master shall furnish him with proper board and lodging, under a penalty of Five Pounds.

Penalty for pilots refusing or neglecting duty, or for injuring vessels.

XVII. That any pilot refusing or neglecting his duty, or rendering himself incapable by drunkenness, or injuring any vessel by negligence, shall forfeit a sum not exceeding Twenty Pounds; and should the charge be of so serious a nature that this penalty shall be considered by the Resident Magistrate, or the two Magistrates before whom it is brought, as inadequate, they may, at the instance of the owner, master, or other party aggrieved, order the case to be taken into the Supreme Court by action against the pilot.

Vessels to cast anchor or be removed under the direction of the Harbor Master.

XVIII. That all vessels shall cast anchor in the place pointed out by the Harbor Master, and shall also be removed from one anchorage to another under his direction, for which removal harbor pilotage shall be paid, according to the sums specified in Schedule C, except in cases of vessels registered in the Colony and employed in the coasting trade thereof, which vessels are nevertheless equally subject to the orders and directions of the Harbor Master.

Goods laden or unladen in ports not declared legal to be forfeited.

XIX. That no goods, wares, or merchandize shall be laden or waterborne to be laden on board any vessel, or unladen from any vessel, otherwise than in the ports of the Province, or at such other place or places as the Governor or other officer for the time being lawfully administering the Government shall by his Proclamation from time to time appoint (nor until due entry shall have been made of such goods, wares, or merchandize, and warrants granted for the lading or unlading of the same), and all goods, wares, or merchandize laden, waterborne, or unladen contrary to the provisions of this Act shall be forfeited.

Goods landed otherwise than at the public wharfs or authorized landing places without authority to be forfeited.

XX. That it shall not be lawful for any persons to land goods, wares, or merchandize (King's stores excepted) at any place other than one of the public wharfs or authorized landing places, unless permission

permission in writing to that effect shall be granted by the Harbor Master or other officer for that purpose duly appointed; and any goods, wares, or merchandize so illegally landed shall be forfeited; and that the Governor or other officer for the time being lawfully administering the Government shall, by his Proclamation for that purpose issued, from time to time appoint the situations for such public wharfs or landing places, for the purposes of this or any other Act relating to the shipment or landing of goods.

XXI. That the master of every vessel in which any goods may be imported or exported to or from this Province shall, before the departure of such vessel deliver to the Collector of Customs, or other officer duly authorized, a content in writing under his hand of the goods laden, and the names of the respective shippers and consignees of goods, with the marks and number of the packages and pieces of the same, and shall make and subscribe a declaration to the truth of such content, as far as the same shall be known to him, and shall answer all such questions upon declaration as such Collector or other officer as aforesaid shall put to him concerning the cargo or voyage, if demanded; and thereupon such Collector or other officer as aforesaid (if such vessel shall be laden) shall make out and give to the master a certificate of the clearance of such vessel for her intended voyage, containing an account of the total quantities of the several sorts of goods laden therein, or a certificate of her clearance in ballast, as the case may be: And if the vessel shall depart without such clearance, or if the master shall deliver a false content, or shall not truly answer the questions demanded of him, he shall forfeit a penalty not exceeding One Hundred Pounds.

XXII. That the master or commander of every vessel arriving at or departing from any port, harbor, or roadstead in the said Province, where an officer for that purpose, appointed by the Governor, may be stationed, shall pay into the hands of such officer the several charges for entry inwards and clearance outwards of every vessel, as the same are respectively inserted in figures in the Schedule to this Act annexed, marked with the letter D; and all sums of money which shall be so received shall be immediately paid, without any deduction whatever, to the Colonial Treasurer, to be applied as hereinafter is directed: Provided always, that all vessels duly registered as belonging to the Province, and not exceeding fifty tons, shall, while employed in the coasting trade thereof, be exempted from the payment of all fees and port dues of every description.

XXIII. That the several rates and charges for wharfage on goods, merchandize, and packages landed in any of the ports of the Province, shall be paid into the hands of the said Collector or other authorized officer, as the same are respectively set forth in figures in the Schedule

Masters of vessels to deliver account of cargo imported or to be exported under a penalty.

Masters of vessels arriving in or departing from port to pay into hands of authorized officer the port dues, which are to be paid over to Colonial Treasurer.

Vessels registered in the port and not exceeding fifty tons excepted.

Wharfage dues on goods landed to be paid to Collector, and paid over by him to Colonial Treasurer.

to this Act annexed, marked with the letter E, who shall pay over the amount so received by him to the Colonial Treasurer, to be applied as hereinafter is directed; and all moneys received as fees or as charges for wharfage or other charges that are or may be directed to be collected, shall be paid over within one month after such receipt or collection, by the said Collector or other authorized officer, to the Colonial Treasurer.

Masters of vessels clearing out to deliver to Collector a true list of crew and passengers under a penalty.

XXIV. That the master of every vessel about to leave any port or harbor of the Province shall, at the time of clearing out, deliver to such Collector or other proper officer, a statement or list containing the names of the officers, crew, and passengers intending to leave the Province in the same vessel, which list is to be attached to the clearance of the said vessel; and it shall and may be lawful for such Collector or other authorized officer to search every such vessel, and to detain any person or persons found on board the same whose name or names shall not be contained in the said list, and to cause him or them to be brought on shore, or otherwise detained, as circumstances may require: And if the master or commander of any vessel shall permit any person to embark on board his vessel whose name has not been entered in the list delivered to the said Collector or other authorized officer as aforesaid, every such master or commander shall forfeit and pay the sum of Ten Pounds for each person.

Masters of vessels to give forty-eight hours' notice before leaving port.

Postponement to be notified, that letters may be sent up to the latest time.

Vessel's ensign to be hoisted two days previous to her departure.

in the 7 day given to 2 days previous?

XXV. That it shall not be lawful for the master or other person in charge of any vessel to sail from any port of this Colony without forty-eight hours' notice of her intended departure being given to the Harbor Master, or other person for that purpose duly appointed, under a penalty not exceeding Twenty Pounds: And when the departure shall be postponed from any other cause than wind or weather, such postponement shall be notified as early as possible in like manner to the Harbor Master, in order that letters and despatches may be sent up to the latest time possible, under a like penalty of Twenty Pounds: And in order that the intended departure of such vessel may be notified to the public, it is hereby further Enacted, That the vessel's ensign shall be hoisted two days previous to her departure, under a penalty not exceeding One Pound sterling for each day so neglected.

Crews absconding from vessels to be taken on board again or imprisoned.

XXVI. That if any of the crew of any vessel in the ports or roadsteads of this Province shall be absent from the said vessel without leave, or being absent without or with leave shall conduct themselves in a riotous or disorderly manner, it shall be lawful for any Justice of the Peace, on complaint being made before him, to cause such persons to be apprehended and taken on board the said vessel, or if he shall think fit, to imprison such person so offending with

with or without hard labor, for any term not exceeding one month : And if any of the crew of such vessel shall refuse or neglect to work in the discharge of their duty, when commanded by their superior officer, they shall for every such offence be imprisoned, with or without hard labor, for any term not exceeding three months, upon being convicted thereof before any Resident Magistrate or two Justices, and shall, in addition to such imprisonment, be fined any sum not exceeding Ten Pounds, if such Resident Magistrate or Justices shall think fit, who may in such case order that they be further imprisoned until such fine be paid : Provided always, that in case the vessel to which such crew belong shall be about to depart immediately, and before the expiration of the term for which any of her crew may have been imprisoned under the provisions of this Act, it shall be lawful for any Resident Magistrate or two Justices, upon application made to him or them by the master of such vessel (who shall produce a certificate, signed by the Harbor Master or Collector of Customs, of such intended departure), or upon the application of the Harbor Master or Collector of Customs, to issue a warrant directing the Gaoler or other officer having the custody of such crew to deliver them up to such master, Harbor Master, or Collector of Customs, as the case may be, in order to their being taken on board their vessel ; and every such Gaoler or other officer shall thereupon deliver them up accordingly, notwithstanding the order for their detention contained in any previous warrant : And that if any master or owner of any vessel shall discharge in this Province, without the consent in writing of the Colonial Secretary, any of the crew who had not been hired or engaged by the said master or owner within this Province, he shall for every such offence forfeit and pay a penalty of not less than Five Pounds nor more than Twenty Pounds for each of the crew so discharged.

XXVII. That when application shall be made to the Harbor Master, Collector of Customs, or other proper officer, for a clearance for any vessel about to depart from the Province, such Harbor Master, Collector of Customs, or other officer shall ascertain that none of the crew who came to the Province in the said vessel are absent, to the end that none of them may be left behind : And should any of the said crew be absent through the consent or negligence of the master, such master shall forfeit and pay Ten Pounds for each person so absent ; and the said Harbor Master, Collector of Customs, or other officer shall not grant the clearance till the fine be paid : And should it appear that the mate or other officer of the said vessel connived at the absence of the person aforesaid, when the said mate or other officer was in charge of the said vessel, he shall be subject to the like penalty of Ten Pounds for each person ; and should his goods and chattels not be sufficient to answer the

Crews of vessels refusing to obey the orders of their officers to be imprisoned and fined.

Masters of vessels about to depart applying to have their crews who are imprisoned, such crews to be taken on board.

Penalty for masters discharging crews not belonging to the Colony without consent of Colonial Secretary.

When application is made by any master for a clearance of his vessel, Harbor Master to ascertain whether any of the crew of such vessel be absent.

the fine, the master shall pay the residue, and shall be authorized to charge the same to the wages of the said mate or other officer so having been in charge: And when any vessel is about to depart, it shall be lawful for any Justice of the Peace to cause to be apprehended and put on board the said vessel any of the crew who may be absent, to prevent any such person from being left behind in the Province, unless with the written consent of the Colonial Secretary as aforesaid.

Penalty for parties aiding crews to leave their ships again.

XXVIII. That when any of the crew as aforesaid have been sent on board by order of a Justice, all persons aiding and assisting such individuals in again leaving their ship shall forfeit and pay a like penalty of Ten Pounds for each individual: And if after the departure of any vessel any of the crew shall be found in the Province without the consent of the master of the said vessel and of the Colonial Secretary as aforesaid, such person shall forfeit not more than Twenty Pounds, and be imprisoned not longer than three months, with or without hard labour, and farther be imprisoned till the fine be paid.

All dues, fines, &c., recoverable in a summary way.

XXIX. That all dues, rates, charges, sum and sums of money, fines, and forfeitures, by this Act made payable, shall, upon non-payment thereof, whether under Twenty Pounds or above, be recoverable in a summary way in the Court of the Resident Magistrate, or before any two or more Justices of the Peace of the Province.

If such dues, &c., be not paid, forthwith to be levied by distress, and if not sufficient the party to be imprisoned.

XXX. And if any such dues, rates, charges, sum and sums of money, fines, and forfeitures, shall not be paid forthwith upon conviction, the Resident Magistrate or Justices shall issue his or their warrant to levy such sums of money and forfeitures, together with the expenses of the conviction, upon the goods and chattels of the party against whom such conviction shall be obtained as aforesaid; and in case such goods and chattels shall not be sufficient to satisfy the amount so to be levied, the said Justices or Resident Magistrate as aforesaid may cause the body of the said party to be arrested and committed to prison, there to remain for not more than six calendar months, unless such sums of money and forfeitures, with the expenses of conviction, shall be sooner paid: Provided always, that all fines, penalties, forfeitures, and sums whatever, and imprisonments, under this Act, may be remitted either wholly or in part, by the Governor or officer for the time being lawfully administering the Government, if he shall see reason to extend such clemency to the person offending.

Governor may remit fines, &c.

Liberty of appeal

XXXI. That if any person convicted of any offence punishable by

by this Act shall think himself aggrieved by the judgment of such Resident Magistrate or Justices, such person shall have liberty to appeal from any such conviction to the next Court of Quarter Sessions of the Peace, holden nearest to the place where such offence shall have been committed, and that the execution of every judgment so appealed from shall be suspended, in case the person so convicted shall with two sufficient sureties immediately before such Resident Magistrate or Justices enter into a bond or recognizance to Her Majesty, Her Heirs, and Successors, in the penal sum of double the amount of the penalty so incurred and forfeited, which bond or recognizance, respectively, such Justices are hereby authorized and ordered to take; and such bond or recognizance shall be conditioned to prosecute such appeal with effect, and to be forthcoming to abide the judgment and determination of the said Court of Quarter Sessions, and to pay such costs as the Court shall award on such occasion; and the Justices of the said Court of Quarter Sessions are hereby authorized and required to hear and determine the matter of the said appeal, and to award such costs as to them shall appear just and reasonable, to be paid by either party, and such decision shall be final between the said parties, to all intents and purposes, and that no other person shall be received as a witness on the hearing of appeals from convictions as aforesaid than was originally examined on each side by such Resident Magistrate or Justices.

from resident Magistrate's Court to next Quarter Sessions.

Such decision to be final.

XXXII. That no conviction under this Act, nor any adjudication made on appeal therefrom, shall be quashed for want of form, or be removed by writ of *certiorari*, or otherwise, into the Supreme Court, and no warrant or conviction shall be held void by reason of any defect therein: Provided it be therein alleged that the party has been convicted, and that there be good and valid conviction to sustain the same.

No conviction under this Act to be quashed for want of form or otherwise.

XXXIII. That if any action or suit shall be commenced against any person or persons for anything done in pursuance of this Act, then and in every such case such action or suit shall be prosecuted within three months after the fact committed, and not afterwards: And the defendant in every such action or suit shall and may plead the general issue, and at the trial thereof give this Act and the special matter in evidence; and if the matter or thing complained of shall appear to have been done under the authority and in the execution of this Act, or if any such action or suit shall be brought after the time limited for bringing the same, then the Jury shall find for the defendant; and if the plaintiff shall become nonsuited or discontinue his action after the defendant shall have appeared, or have a verdict against him, or if upon demurrer, judgment shall be given

Action to be commenced within three months after fact committed.

given against the plaintiff, the defendant shall and may recover treble costs, and have the like remedy for recovery thereof as any defendant hath in any case by law.

All fines, &c., to be
paid to Colonial
Treasurer.

XXXIV. That all fines or forfeitures, together with all sums collected under this Act, and not otherwise specially appropriated shall be paid to the Colonial Treasurer, for the public uses of the said Province, and the support of the Government thereof.

J. HINDMARSH,
Governor.

*Passed the Council this 22nd day of
February, 1838.* }
GEO. STEVENSON,
Clerk of Council. }

By His Excellency's command,
T. BEWES STRANGWAYS,
Colonial Secretary, *pro tem.*

SCHEDULE A.

PORT REGULATIONS.

To be observed by all masters and commanders of ships and vessels in the ports and harbors of South Australia.

1. All vessels arriving in the ports or harbors of South Australia, having gunpowder on board exceeding the quantity necessary as stores for their use, are to hoist a union jack at their main, and unless a specific place of anchorage for vessels having gunpowder on board shall have been fixed upon by a written order of the Harbor Master of the particular port or harbor at which such vessels shall arrive, or by other proper authority, such vessels shall not come to anchor, until permission has been given, and an anchorage has been pointed out to them by the Harbor Master, or such proper authority. Nor shall any vessel take gunpowder on board without first obtaining the permission of either of the authorities aforesaid. And if any master or commander of any vessel shall offend against either of these regulations, he shall forfeit and pay the sum of Twenty Pounds.

Vessels arriving at or in the ports and harbors of South Australia with gunpowder, to hoist a union jack.

2. No vessel or boat shall be hauled on shore for the purpose of repairing or otherwise, nor shall any casks, spars, anchors, guns, timber, or other articles, be landed without permission being first had and obtained from the Harbor Master, or other person appointed for that purpose by the Governor.

No vessel or boat to be hauled up or guns or other articles landed without permission.

3. All masters and commanders of vessels shall get their spritsail yards fore and aft, and shall rig in their jib and driver booms, when thereto required by the Harbor Master, his assistant, or other person so appointed as aforesaid.

Masters to get spritsail yards fore and aft, and rig in jib and driver booms when required.

4. No master or commander of any vessel shall unmoor or quit his anchorage without giving previous notice in writing to the Harbor Master, or other person so appointed as aforesaid, nor having unmoored and set sail with the intention of going to sea, shall he again come to anchor unless compelled so to do by stress of weather or other unavoidable cause, and in such latter case he is not to fail on demand to deposit his clearance with the clearing officer, nor shall again weigh anchor without permission from the Harbor Master, or other person for that purpose appointed by the Governor.

No vessel to unmoor or quit anchorage without notice to the Harbor Master.

5. When any person shall die on board of any vessel lying in any one of the ports or harbors of the Province, the master or commander of such vessel shall cause the body of such deceased person to be brought on shore and interred.

Persons dying on board ships in harbor to be buried on shore.

6. All vessels under one hundred tons shall be allowed six days for the purpose of discharging, and all vessels above one hundred tons shall be allowed the following number of days, Sundays not included:—

Vessels discharging to be allowed the following number of days.

Vessels from 100 to 300 tons	10 days
“ 300 to 600 tons	16 days
“ above 600 tons	21 days

Vessels discharging cargo to have preference to the wharf.

Vessels discharging to have preference.

7. All merchant vessels entering any of the harbors or ports of the Province shall unshot their guns before they anchor, and no great guns shall be fired from any vessel in the harbors or ports of the Province.

Vessels arriving to unshot their guns, and no great guns to be fired in harbor.

TABLES REFERRED TO.

SCHEDULE B.
PILOTAGE RATES.

A table of the rates of pilotage payable to licensed pilots on vessels from and to sea into and out of Port Adelaide: Vessels registered in the Province not exceeding fifty tons, or while employed in the coasting trade, and steam vessels when so employed excepted, unless the assistance of a pilot be required and received:—

	£	s.	d.
For every vessel drawing 7 feet or under	2	10	0
“ “ 8 ft. and under 9 ft.	2	15	0
“ “ 9 ft. “ 10 ft.	3	0	0
“ “ 10 ft. “ 11 ft.	3	5	0
“ “ 11 ft. “ 12 ft.	3	10	0
“ “ 12 ft. “ 13 ft.	4	0	0
“ “ 13 ft. “ 14 ft.	4	10	0
“ “ 14 ft. “ 15 ft.	5	0	0
“ “ 15 ft. “ 16 ft.	6	0	0

and so on increasing £1 for every additional foot.

SCHEDULE C.
HARBOR DUES.

A table of the dues and charges payable to the Harbor Master for repairing on board and appointing the place of anchorage of vessels entering Port Adelaide, or for the removal of the same from one place of anchorage or mooring to another, not being for the purpose of leaving the port: Vessels registered in the Province under fifty tons, or while employed in the coasting trade of the Province excepted:—

	£	s.	d.
For every vessel under 100 tons	0	5	0
“ of 100 tons and under 200 tons	0	10	0
“ 200 tons “ 300 tons	0	15	0
“ 300 tons “ 400 tons	1	0	0
“ 400 tons “ 500 tons	1	5	0
“ 500 tons and upwards	1	10	0

SCHEDULE D.
ENTRANCE AND CLEARANCE CHARGES.

A table of the charges payable to the Collector, or other authorized officer, for the entry inwards or clearance outwards of vessels at any port or harbor of the Province where an Officer of Customs is stationed: Vessels under fifty tons registered in the Province excepted (that is to say):—

	ENTRY.			CLEARANCE.		
	£	s.	d.	£	s.	d.
For every steam vessel employed in the coasting trade, and for every vessel registered in the Province and so employed, and being above fifty and not exceeding 100 tons	0	10	0	0	10	0
For every vessel so employed, if above 100 tons ..	0	15	0	0	15	0
For every other vessel	1	0	0	1	0	0

SCHEDULE

SCHEDULE E.
WHARFAGE RATES.

A table of the rates of wharfage payable to the Collector, or other properly appointed officer, on articles landed in the Province:—

	£	s.	d.
Pipe or puncheon	0	2	0
Hogshead or tierce	0	1	6
Barrel, case, cask, or keg of smaller size	0	0	6
Crate, cask, or case of hardware, earthenware, or ironmongery, } bale, case, or box not exceeding half a ton weight or } measurement	0	2	0
Ditto, exceeding half a ton	0	4	0
For every chest of tea	0	1	0
Half chest or box of tea	0	0	6
Bag of sugar	0	0	6
Bag of coffee	0	0	6
Package of rice	0	0	6
Basket of tobacco	0	0	6
Bag of hops	0	0	6
Pocket of hops	0	0	6
Bag of grain	0	0	6
Dozen of oars	0	0	6
1,000 shingles	0	0	6
Dozen of spades and shovels	0	0	6
Bottle of paint, oil, or turpentine	0	0	6
Small packet not otherwise enumerated	0	0	6
100 of deals	0	5	0
100 of staves	0	2	0
Four-wheeled carriage	0	10	0
Two-wheeled carriage	0	6	0
Ton of goods not otherwise enumerated	0	5	6

REDUCTION OF PILOTAGE.

Notice is hereby given, that His Excellency the Governor having considered that the rates of pilotage for Port Adelaide as fixed by Act of Council, No. 3, 1st Victoria, are too high, has been pleased in accordance with the powers vested in him by the said Act, to direct that the several rates hereinafter set forth shall be the rates of pilotage either into or out of Port Adelaide, instead of those contained in the schedule to the said Act annexed and mentioned:—

	£	s.	d.
7 ft. and under	1	12	6
8 ft. to 9 ft.	1	15	6
9 ft. to 10 ft.	1	17	6
10 ft. to 11 ft.	2	0	0
11 ft. to 12 ft.	2	5	0
12 ft. to 13 ft.	2	10	0
13 ft. to 14 ft.	3	0	0
14 ft. to 15 ft.	3	10	0

and so on increasing 10s. for each foot.

Colonial Secretary's Office,
Adelaide, March 10, 1838.

T. B. STRANGWAYS,
Colonial Secretary, *pro tem.*