



1857.

*Repealed by 53 Vic 34.*

ANNO VICESIMO-PRIMO

VICTORIÆ REGINÆ,

No. 16.

*Am. by 28 No. 2  
29 " " 17  
31 " " 30  
38 " " 17*

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AN ACT to establish Marine Boards, and to vest in such Boards the general Control and Management of Ports, Pilots, Light-houses, and other Matters relating to Navigation.

[22 December, 1857.]

WHEREAS it is expedient that the general control and management of Ports, Harbours, Wharfs, Docks, Pilots, Light-houses, and other matters relating to Navigation and Shipping should be vested in Corporate Bodies: Be it therefore enacted by His Excellency the Governor of *Tasmania*, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

*Construction.*

1 In the construction and for the purposes of this Act, and of all proceedings under this Act, the following words shall have the meanings hereunder assigned to them, unless there is something in the context of the Act repugnant to such construction—

- “ Board ” shall mean the Marine Board of the Port in relation to which the term is used. “ Board.”
- “ Warden ” shall include Master Warden. “ Warden.”
- “ Port ” shall extend to and include any port, harbour, or haven, or navigable creek or river within the jurisdiction of the Boards respectively. “ Port.”
- “ Wharf ” shall extend to and include any public wharf, quay, or pier, or any place used for the landing of goods or passengers situate within any “ Port.” “ Wharf.”

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PREAMBLE.

Interpretation.

“Collector of Customs.”

“Collector of Customs” shall include the person acting as such at the Port in respect of which the term is used.

“Harbour Master.”

“Harbour Master” shall extend to and include any person for the time being acting as Harbour Master of the Port in which the vessel or boat shall be in respect of, or in relation to, which any such term is used; and whenever any act is directed to be done by or to the “Harbour Master,” the principal Harbour Master of the Port shall be deemed to be intended.

“Master.”

“Master” shall extend to and include the person, not being a Pilot, commanding, or for the time being having the principal or actual charge, custody, or control of a vessel.

“Colonial Ports.”

“Colonial Ports” shall mean all Ports within this Colony, and also all Ports within the other *Australian* Colonies, and the Colony of *New Zealand*.

“Colonial Trader.”

“Colonial Trader” shall mean and intend a vessel the Master of which has at any time made more than Two consecutive voyages to and fro between the Port in this Colony in which the vessel may be and any other Colonial Ports, and which is actually trading between such Ports.

“Ponderous Matter.”

“Ponderous Matter” shall mean coal, ballast, rubbish, earth, stone, wreck, filth, or other like matter.

*Constitution of Boards.*

Governor in Council to establish Marine Boards at *Hobart Town* and *Launceston*.

Boards to consist of Five Wardens, and to elect a Master Warden.

Mayor and Collectors of Customs of *Hobart Town* and *Launceston* respectively to be *ex officio* Wardens, and together with three other Wardens appointed by the Governor in Council to constitute Boards.

Chamber of Commerce at *Hobart Town* to hold Meetings for the purpose of nominating persons as Wardens.

*Establishment and Constitution of Boards.*

**2** The Governor in Council is hereby empowered and required as soon as may be after the commencement of this Act, by notice published in the *Gazette*, to establish a Guild at the Port of *Hobart Town* and a Guild at the Port of *Launceston*, to be constituted as hereinafter provided; and the Guild so established at *Hobart Town* shall be called “The *Hobart Town* Marine Board,” and the Guild so established at *Launceston* shall be called “The *Launceston* Marine Board.”

**3** Such Boards shall respectively consist of Five Wardens; and such Wardens shall, as soon as may be after the establishment of the Board, elect One of their number as and to be the Master Warden of the Board; and from time to time as any vacancy occurs in the office of Master Warden the Wardens shall, as soon as may be after their number is complete, in like manner elect a Master Warden to supply such vacancy.

**4** The Mayor of the City of *Hobart Town* and the Collector of Customs at *Hobart Town* for the time being shall, *ex officio*, be Two of the Wardens, and together with Three other persons appointed to be Wardens by the Governor in Council, in manner hereinafter provided, shall constitute the *Hobart Town* Marine Board; and the Mayor of the Town of *Launceston* and the Collector of Customs at *Launceston* for the time being shall, *ex officio*, be Two of the Wardens, and together with Three other persons appointed to be Wardens by the Governor in Council, in manner hereinafter provided, shall constitute the *Launceston* Marine Board.

**5** The Secretary of the Society called the Chamber of Commerce at *Hobart Town* shall, from time to time, upon being thereunto required by writing under the hand of the Colonial Secretary, convene a Meeting of the Members of the said Society by advertisement in one or more newspapers published in *Hobart Town*, for the purpose of nominating fit persons resident in or near *Hobart Town* for appointment as Wardens at *Hobart Town*; at which Meeting the Chairman

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or Deputy Chairman of the Society shall preside, or in their absence a Member elected as Chairman by the Members present; and the Chairman at such Meeting shall have a casting and not a deliberative vote: Provided that such advertisement shall be published not less than seven days before the day fixed for the Meeting, and shall specify the purpose for which, and the time and place at which, such Meeting is to be held.

**6** At every such Meeting so many fit persons resident in or near *Hobart Town* as there are Wardens then to be appointed shall be nominated by a majority of the Members of the said Society present at the Meeting for appointment as Wardens at *Hobart Town*; and the Secretary of the said Society shall forthwith transmit to the Colonial Secretary the names of the persons so nominated; and it shall be lawful for the Governor in Council to appoint the persons so nominated, or any of them, to be Wardens at *Hobart Town*; and in the event of the Governor in Council not appointing the persons so nominated or any of them, a fresh nomination to supply the place of any person not appointed shall in like manner be made by the said Society.

Chamber of Commerce to nominate persons as Wardens.

**7** The like proceedings shall be had for the purpose of nominating and appointing fit persons resident in or near *Launceston* to be Wardens at *Launceston* as are hereinbefore directed in respect of the nomination and appointment of Wardens at *Hobart Town*, the Chamber of Commerce at *Launceston*, and one or more newspapers published in *Launceston*, being respectively substituted for the Chamber of Commerce at *Hobart Town*, and one or more newspapers published in *Hobart Town*.

Wardens at *Launceston* to be nominated and appointed in like manner.

**8** In default of nomination, in manner aforesaid, by the Chamber of Commerce, the Governor in Council may appoint Wardens without nomination.

Provides for default of nomination.

**9** Every appointment by the Governor in Council of a Warden shall be made by notice published in the *Gazette*.

Appointments to be notified in *Gazette*.

**10** If any Warden is declared insolvent, or ceases or neglects to attend the sittings of the Board for a period of Three Months at one time, except in case of illness certified by a duly qualified Medical practitioner, or of absence by permission of the Board, it shall be lawful for the Board to declare such Warden's seat vacant, and it shall thereupon be vacant accordingly.

Wardens how disqualified.

**11** The Governor in Council is hereby empowered at any time to remove from his office any Warden, and thereupon such Warden's seat shall be vacant.

Governor in Council may remove Wardens.

**12** Upon every vacancy among the Wardens appointed by the Governor in Council, a new Warden shall be nominated and appointed in manner aforesaid to supply such vacancy.

Governor in Council to supply vacancies among Wardens.

**13** Such Boards respectively shall be Bodies Corporate by the respective names aforesaid, and by those names respectively shall have perpetual succession, and be capable of suing and being sued, and of taking, purchasing, and holding land and personal estate, and of alienating and conveying the same for any estate or interest and shall respectively have

Boards to be Corporations.

a Common Seal; and in all cases of legal proceedings service or notice thereof upon the Master Warden for the time being shall be sufficient service on the Corporation.

*Jurisdiction of Boards.*

Limits of Jurisdiction of the respective Boards.

*Mercantile  
2cc 31.10.1830*

Boards to have charge of Ports, &c. within jurisdiction.

*Application.*

Provisions of Act to apply to Boards, &c. in respect of matters within jurisdiction.

*Penalties.*

General provision as to Penalties.

Averment that offence committed within limits of any Port.

*Funds at disposal of Board.*

Light-house Rates.

*Apr. 6th  
29.10.1837*

*Jurisdiction of Boards.*

**14** The jurisdiction of the *Hobart Town* Marine Board under this Act shall extend to all Ports, Harbours, and Islands between Cape *Portland*, near the 148th parallel of East Longitude, and the 42nd parallel of South Latitude, round the Eastern, Southern, and Western Coasts, and One nautical League to the seaward from low water-mark along the whole coast-line between such localities; and the jurisdiction of the *Launceston* Marine Board shall extend to all Ports, Harbours, and Islands between the 42nd parallel of South Latitude and Cape *Portland* aforesaid, round the Western and Northern Coasts, and One nautical League to the seaward from low water-mark along the whole coast-line between such localities

**15** The Boards respectively shall have and take the charge, management, and control of all Ports, and of all wharfs, quays, piers, and docks, now or hereafter constructed, within their respective jurisdiction.

*Application of Provisions of Act.*

**16** All the provisions of this Act relating to the Board or any Warden shall apply to the Boards respectively and the Wardens of such Board in respect of the Ports and other matters to which such provisions relate which are within the jurisdiction of the respective Boards; and all provisions of this Act relating to any Harbour Master or other Officer shall apply to such Harbour Master or other Officer in respect of the Port of which he is such Harbour Master or other Officer.

*General Provision as to Penalties.*

**17** If any person fails, refuses, or neglects to do, or in any manner obstructs, impedes, or interferes with the doing of anything enjoined or authorised to be done, or wilfully does anything prohibited by this Act, or molests, or makes use of any threatening or abusive language to any Warden, Harbour Master, Pilot, or other Officer whilst in the execution of his duty under this Act, or in any other respect offends against any of the provisions of this Act, every such person in any such case so offending shall, where no other penalty is in that behalf specially provided, forfeit a penalty not exceeding Fifty Pounds.

**18** In any proceeding for any offence against this Act, the averment that such offence was committed within the limits of the Port within which the same is alleged to be committed shall be sufficient without proof of such limits, unless the contrary is proved.

*Funds at Disposal of Boards.*

**19** The several Light-house Rates specified in the Schedule shall be payable and paid to the Collector of Customs at any Port, in respect of all vessels arriving at such Port, by the Master of every such vessel; and such rates shall be paid over to the Colonial Treasurer, and be carried by the Colonial Treasurer to a separate account; and the whole amount of such Rates shall from time to time be paid by the Colonial Treasurer, upon the Warrant of the Governor, to the *Hobart Town* Marine Board, and shall form a Fund to be applied exclusively to the erection, maintenance, and repair of Light-houses.

\*. Hon, May 80 p. 688

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**20** Such Wharfage Rates on goods entered to be landed at any Port, not exceeding those specified in the Schedule, as may from time to time be fixed by the Board by any Bye-law made under the authority of this Act, shall be payable and paid to the Collector of Customs at such Port for the purposes of this Act.

Wharfage Rates to be received by Collector of Customs for purposes of Act.

**21** All Pilotage, and other rates, dues, charges, fees, and sums of money whatsoever, paid or levied within the several Ports of this Colony by virtue of this Act, shall be paid to the Collector of Customs at the Port where the same are paid or levied, for the purposes of this Act, unless the same are otherwise specifically appropriated by this Act.

Port dues to be paid to Collector of Customs for purposes of Act.

**22** Subject to any alteration made by this Act, and until other provision is made in that behalf under the authority of this Act, all Port, Pilotage, Wharfage, and other dues, rates, and charges now payable by law within any of the Ports of this Colony, shall continue to be levied, and shall be paid to the Collector of Customs at the Port where the same are payable, for the purposes of this Act.

Present Port and Pilotage dues to continue to be paid till altered under this Act.

**23** All fines and penalties for offences against this Act, or any Bye-law made under the authority hereinafter contained, shall be paid over to the Colonial Treasurer for the purposes of this Act.

Fines to be paid to Colonial Treasurer for purposes of Act.

**24** All sums of money whatsoever other than Light-house Rates, by this Act directed to be paid to the Collector of Customs for the purposes of this Act, shall be paid over by such Collector of Customs to the Colonial Treasurer, who shall carry the same, and all fines and penalties paid to him for the purposes of this Act, to a separate account, and shall from time to time pay such moneys, upon the Warrant of the Governor, to the Board within whose jurisdiction the same were paid or levied; and such moneys shall be applied by the Board to and for the purposes and objects of this Act, and shall be funds at its disposal for such purposes.

Moneys received for purposes of Act to be paid to Colonial Treasurer.

Appropriation of such moneys.

*Accountability of Boards.*

*Accountability of Boards.*

**25** An annual Account of all moneys received and expended by the Boards respectively for the purposes of this Act, signed by the Master or two of the Wardens, made up to the Thirty-first day of *December* in each year, shall, before the end of the then next *January*, be transmitted by the Board to the Colonial Auditor, who shall cause the same to be published in the *Gazette*; and a copy of such Account, signed as aforesaid, shall also be laid before both Houses of the Legislature before the end of the then next *January* if Parliament is then sitting, and if not within Fourteen days after the opening of the then next Session; and such Account shall specify the total sum received for the purposes of this Act, and also the different heads of expenditure for the purposes of this Act, and the amounts actually expended under each head; and every such Account shall be audited by the Colonial Auditor.

Annual account of receipts and expenditure.

**26** All sums of money received by the Board by virtue and for the purposes of this Act of which the application or disposition for the purposes of this Act is not duly shown or accounted for by the Board, or for the payment and disbursement of which for such purposes no legal or proper Voucher or Receipt is produced by the Board, or which is wrongfully or improperly retained by the Board or any Member thereof, shall be and be recoverable as a debt upon record from the Board to Her Majesty.

Moneys received by Board not accounted for, or improperly retained, recoverable as a Crown debt of record.

*Salaries, &c., of  
Wardens.*

Salaries to Master  
Wardens and  
Wardens.

*Salaries and Expenses of Wardens.*

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**27** Subject to such Regulations as may from time to time be established by the Board, the Master Warden of each Board shall be entitled to receive, as a compensation for his services in the execution of this Act, such sum not exceeding Two hundred Pounds per annum, and each of the Wardens shall be entitled to receive as such compensation such sum not exceeding Fifty-four Pounds Twelve Shillings per annum, as the Board may from time to time fix and determine; and such sums shall be paid to such Master Wardens and Wardens out of the funds at the disposal of the respective Boards under this Act.

Necessary  
expenses incurred  
by Boards.

**28** All necessary and lawful expenses incurred by the said Boards in the execution of this Act, or of any powers or duties at any time vested in such Boards by law, shall be defrayed out of the funds at the disposal of such Boards by virtue of this Act.

*Construction of  
Wharfs, &c.*

Board to complete  
unfinished wharfs,  
&c.

To maintain and  
repair present  
wharfs, &c.

To construct new  
wharfs, &c.

To make roadway  
at rear of wharfs,  
&c.

Works not to be  
constructed on  
private property.

Before commen-  
cing new wharf,  
&c. plans to be  
submitted for  
approval of Go-  
vernor.

*Construction and Maintenance of Wharfs and Docks.*

**29** The Board is hereby authorised and required, so far as the funds at its disposal will admit, to proceed to the completion of all wharfs, quays, docks, and works which have been commenced and remain unfinished at the time of the establishment of the Board; and from time to time, and at all times hereafter, to maintain, support, amend, repair, and cleanse the wharfs, quays, piers, and docks which have been made and constructed at the time of the establishment of the Board, or which hereafter may be completed, made, or constructed under the authority of this Act; and also to make and construct, with the consent and approbation of the Governor in Council, upon and along the water frontage of Waste Lands of the Crown, and also to make and construct upon any lands which may become vested in the Board for the purposes of this Act in manner herein provided, such new or additional wharfs, quays, piers, docks, buildings, and works as may be required from time to time for the accommodation of the Shipping frequenting any Port within the jurisdiction of the Board, and as the Board deems necessary or expedient for effectuating the purposes of this Act; and also to make, complete, and maintain a sufficient roadway adjoining and extending along the rear of every such wharf, quay, or dock, and parallel thereto, which roadway shall be deemed to be part thereof; and generally to do and perform, and cause to be done and performed, all works, acts, matters, and things which may from time to time be necessary for effectuating all or any of such purposes: Provided, that it shall not be lawful for the Board to construct any such works on any lands which are not Waste Lands of the Crown, or vested in the Board in manner hereinafter provided.

**30** Before commencing or undertaking any such new or additional wharfs, docks, or other works so authorised to be made and constructed as aforesaid, the Board shall lay before the Governor detailed plans, sections, and specifications of such intended wharfs, docks, or other works; and it shall be lawful for the Governor thereupon to refer such plans, sections, and specifications to the Director of Public Works, or other competent person, who is hereby required to examine and consider the same, and to report fully thereupon to the Governor with reference to the probable expense, practicability, and nature of such intended works; and no such works shall be undertaken till the same have been approved by the Governor in Council, and notice in writing of such approval received by the Board.

**31** The Board is hereby authorised and required to maintain all cranes, and all buildings and sheds for the security of goods, which have been erected upon any wharf or quay, and to construct, erect, and maintain such and so many other cranes, and buildings and sheds for the security of goods as the Board deems necessary or expedient for effectuating the purposes of this Act; and to set up such and so many lamp-posts and lamps for lighting the said wharfs, quays, or docks, and the roadways so adjoining and extending along the same as aforesaid, now or hereafter made and constructed, as the Board thinks proper and convenient, and to light the same accordingly, and to do all acts which may be necessary for such purposes.

Board to maintain cranes, sheds, &c.

To set up lamps

**32** It shall be lawful for the Board to enter into such contracts with any persons for the making, doing, executing, and completing of all or any of the works, matters, and things necessary for effectuating the purposes of this Act, or in anywise touching or concerning the same, or for supplying any of the materials for the same, as the Board deems expedient: Provided that the Board shall take security for the due fulfilment of every such contract by bond entered into by such person so contracting, and Two or more sufficient sureties, and conditioned to be void on the due fulfilment of such contract.

Board may enter into contracts for carrying out purposes of Act.

**33** The Boards respectively are hereby authorised and empowered to purchase and take any lands which may be required for enabling them to carry the purposes of this Act into due execution and effect; and for the purpose of facilitating the purchase and taking of such Lands *The Lands Clauses Act* shall be incorporated with and form part of this Act, and such Boards respectively shall be deemed to be the promoters of the undertaking within the meaning of the said Act for the purpose of such incorporation: Provided, that a plan of all such lands so required to be purchased, and of the works intended to be constructed thereupon, and an estimate of the probable cost of such lands and expense of such works, shall be laid before the Governor in Council, and the consent and approbation in writing of the Governor in Council shall be obtained before the purchase of such lands is carried into effect.

Boards authorised to purchase land.

**34** The Board is hereby empowered to appoint Clerks and Surveyors, and from time to time to employ such engineers, foremen, overseers, and other officers, and such labourers, workmen, and artificers, as the Board thinks proper and expedient for the better carrying out and executing the purposes of this Act; and to pay and allow to such persons, out of the funds at the disposal of the Board for the purposes of this Act, such salary or wages as the Board thinks fit.

Board may appoint Clerk, Surveyor, officers, workmen, &c.

**35** If any person wilfully obstructs, molests, or hinders any engineer, surveyor, workman, or labourer employed by the Board in the performance of his duty or employment in the execution of this Act, every person so offending shall forfeit for every such offence a penalty not exceeding Twenty Pounds.

Penalty for obstructing Surveyor, officers and workmen.

**36** If any person wilfully breaks, throws down, destroys, or in any wise damages or injures any wharf, quay, pier, dock, shed, roadway, building, or other work whatsoever which is under the charge of the Board, or any part thereof, every person so offending shall for every such offence forfeit a penalty not exceeding Fifty Pounds over and above the amount of injury or damage done.

Penalty for injuring wharf, &c.

Penalty for injuring lamps.

37 If any person wilfully or negligently breaks, throws down, damages, or takes away any lamp, lamp-post, lamp-iron, or other work set up for the purpose of lighting any such wharf, quay, pier, or dock as aforesaid, or any such adjoining roadway or street as aforesaid, or wilfully extinguishes the lights within such lamps, every person so offending shall forfeit for every such offence a penalty not exceeding Twenty Pounds over and above the amount of injury or damage done.

Limits of Wharfs, &c. *see 25 10 1863*

Limits of Wharfs and Docks.

Governor in Council authorised to define wharfs, &c. by Proclamation

38 For the prevention of doubts and disputes as to the extent of the powers and authority of the Board in respect of the limits of any wharf, quay, pier, or dock under the charge of such Board, and for the clearing up and settlement of any such doubts and disputes in case any such arise in the carrying out of this Act, it shall be lawful for the Governor in Council, from time to time as occasion may require, by Proclamation for that purpose published in the *Gazette*, to define the limits and boundaries for the purposes of this Act of any wharf, quay, pier, or dock which is under the charge of the Board at any Port or Harbour; and such Proclamation from time to time to revoke, and in manner aforesaid to re-define such limits and boundaries; and such wharf, quay, pier, or dock so defined or re-defined shall be a wharf, quay, pier, or dock within the meaning and for the purposes of this Act, and the limits and boundaries so defined or re-defined shall be the limits and boundaries of the same.

*Wharfs. Hobart*  
*Aug 79 - 681*  
*Hongkong Pt.*  
*Wharfs.*  
*Aug 66 - 1314*  
*" 67 - 1932*  
*Geo. Town Aug 75 - 169*

Regulation of Ports, &c.

Regulation of Ports, Wharfs, and Docks.

Board to appoint places for discharging and depositing ponderous matter.

39 The Board is hereby authorised and required, from time to time as occasion may require, to appoint the places within the Port in or upon which ponderous matter may be discharged, landed, or deposited from, or for the purpose of being put on board of, any vessel or boat.

Ponderous matter not to be unladen except on dry land.

40 Any person who discharges, throws out, or unloads, or causes to be discharged, thrown out, or unladen, any ponderous matter, from or out of any vessel or boat within any Port or Dock except upon dry land where no tide ever flows, or in or upon any such place as by the Board has been so appointed for that purpose, or who casts or throws, or causes to be cast or thrown, any ponderous matter into any Port or Dock, shall for any such offence forfeit a penalty not exceeding Fifty Pounds.

Ponderous matter to be deposited in places appointed, or at certain distance from edge of wharf, &c.

41 Any person who discharges, lands, or deposits, or causes to be discharged, landed, or deposited, any ponderous matter, whether from or out of, or for the purpose of being taken into, any vessel or boat or otherwise, upon any wharf in or upon any place other than has been so appointed by the Board for that purpose, or if no such place has been appointed, and until such places are appointed, at a distance less than Forty feet from the water-edge of such wharf, or at a distance less than Twenty feet from the water-edge of any wharf being the side of any dock, shall forfeit a penalty not exceeding Ten Pounds.

Ponderous matter deposited to be cleared away within Forty-eight hours.

42 All ponderous matter which is discharged, landed, or deposited upon any wharf shall be cleared away and removed or put on board a vessel or boat within Forty-eight hours after the same has been so discharged, landed, or deposited; and any person having so discharged, landed, or deposited, or caused to be discharged, landed, or deposited, any ponderous matter, who does not within the time aforesaid clear away and remove the same, or cause the same to be taken on board a vessel or boat, shall for every such offence forfeit a penalty not exceed-



ing Ten Pounds, and a further penalty not exceeding Five Pounds for every succeeding day that such ponderous matter remains not cleared away, or removed or taken on board a vessel or boat, as the case may be: Provided always, that it shall be lawful for a Warden, by writing under his hand, to extend for any fixed period the time limited for any such purpose as herein last aforesaid in any case in which it appears to him necessary or expedient so to do.

**43** A Warden or the Harbour Master is hereby authorised to cause to be cleared away and removed any ponderous matter which has been so discharged, landed, or deposited as last aforesaid, and not cleared away and removed, or taken on board a vessel or boat, within the time for that purpose fixed as aforesaid; and the costs and charges of such clearing away and removing of such ponderous matter by such Warden or Harbour Master shall be paid to the Collector of Customs at the Port for the purposes of this Act, and shall be a Port Charge upon the vessel or boat from which or for the purpose of being taken on board of which such matter was discharged, landed, or deposited as aforesaid.

Ponderous matter not so cleared away may be removed by Board.

**44** No ponderous matter shall be discharged or landed from, or be taken on board of, any vessel or boat within any Port or Dock unless tarpawlings of sufficient size, and properly stretched and spread, are used so as to prevent any part of such matter from falling into such Port or Dock; and any person who offends in any such case shall forfeit a penalty not exceeding Ten Pounds.

Tarpawlings to be used whilst discharging or taking in ponderous matter.

**45** Any person who deposits or causes to be deposited any cargo from any vessel or boat, or for the purpose of being taken into any vessel or boat, upon any wharf, in such quantities or in such manner as to damage or to be likely to damage such wharf, or to obstruct the public use thereof, shall forfeit a penalty not exceeding Five Pounds; and any person who has so deposited or caused to be deposited any such cargo, and who does not remove the same upon notice in writing so to do being given to him by a Warden or Harbour Master, shall forfeit a penalty not exceeding Five Pounds for every day that such cargo remains on such wharf after such notice has been so given.

Cargo not to be deposited so as to damage the wharf.

**46** The owner of, or person having property in, or the command of, any vessel or boat which has been sunk, stranded, or run on shore in any Port or Dock, or the owner of any baulk of timber or other bulky article which is in the water in any Port or Dock, who does not clear such Port or Dock of such vessel or boat, or remove such baulk of timber or other bulky article upon being required so to do by a notice under the hand of a Warden or Harbour Master, or any Justice of the Peace, within such reasonable time as may be mentioned for that purpose in such notice, shall for every such offence forfeit a penalty not exceeding Five Pounds for every day that such Port or Dock remains uncleared, or such baulk of timber or other bulky article remains unremoved, as the case may be, after the expiration of the time so mentioned in such notice; and it shall be lawful for any Justice, upon the complaint of a Warden or Harbour Master, or of any other person, to issue his warrant for the clearing of such Port or Dock, or the removing of such baulk of timber or other bulky article in such manner as he directs, and for causing such vessel or boat, baulk of timber, or other bulky article to be sold, and out of the money arising from such sale to pay the charges of such clearing or removal as the case may be, paying the overplus, if any, to the Collector of Customs at the Port for the purposes of this Act.

Vessels, &c. sunk or stranded to be cleared away.

Timber, &c. left  
on wharf to be  
removed.

**47** The owner of any timber or other bulky article which has been left on any wharf for the space of Forty-eight hours, who does not forthwith remove the same upon notice so to do being given to him by a Warden or Harbour Master, shall forfeit a penalty not exceeding Five Pounds for every day that such timber or other bulky article remains unremoved after such notice has been so given as aforesaid; and if the owner of any timber or other bulky article which has been left on any wharf for the space of Forty-eight Hours cannot be found, or is not known, it shall be lawful for the Board, after Fourteen Days notice of its intention so to do for that purpose given in the *Gazette*, and in one Newspaper published in the City or Town within or nearest to which such timber or other bulky article has been so left as aforesaid, if such timber or other bulky article is not in the meantime claimed and removed, to sell the same by public auction; and the proceeds thereof shall be paid to the Collector of Customs at the Port for the purposes of this Act.

*Obstructions to  
Navigation, &c.*

Trees felled in or  
over navigable  
rivers or creeks to  
be removed.

*Injuries and Obstructions to Navigation.*

**48** If any tree is felled by the owner or occupier of any land, or by any person employed or authorised by him, on the bank of any navigable river or creek, so that any part thereof is in or over the water below high-water mark, and the same is not removed within Ten Days after having been so felled, such owner or occupier shall for every tree so felled and not removed as aforesaid forfeit a penalty not exceeding Forty Shillings, and a further penalty of Forty Shillings for each day beyond the Ten Days aforesaid during which any such tree so felled as aforesaid so continues on the bank of such navigable river or creek; and if any tree is so felled by any unauthorised person, such unauthorised person shall for every such tree so felled forfeit a penalty not exceeding Five Pounds.

Injuring beacons  
or sea-marks.

**49** Any person who wilfully injures, removes, or destroys any buoy, beacon, or sea-mark used for the convenience of navigation or for the preservation of vessels, shall be guilty of felony, and on conviction of the said offence shall be liable to penal servitude for a period not exceeding Four Years.

Making fast  
vessels, &c. to  
beacons or sea-  
marks.

**50** Any person who makes any vessel, boat, timber, or other article fast to any buoy, beacon, or sea-mark, and any Master or owner of a vessel being navigated without having a Pilot on board, or the owner of any boat by which any such buoy, beacon, or sea-mark is accidentally removed, injured, or destroyed, who does not forthwith make good such damage, or pay to the Collector of Customs at the Port for the purposes of this Act a sum sufficient to cover the expense of so doing, shall for every such offence forfeit a penalty not exceeding One hundred Pounds.

*Vessels arriving in  
Port.*

Masters of vessels  
to furnish particu-  
lars of ship's crew,  
&c., and deliver  
up Mails.

*Regulations on Arrival of Vessels in Port.*

**51** Every vessel arriving from beyond sea shall be boarded by the Harbour Master, or some person for that purpose deputed by the Board; and for the purpose of enabling such Harbour Master or person deputed as aforesaid to board such vessel the Master shall bring to such vessel; and such Master shall furnish to such Harbour Master or person deputed as aforesaid such particulars of the ship's voyage, and concerning her crew and passengers, and shall deliver such documents in his possession concerning the same respectively, as may be then lawfully required of him, together with all Mails and Letters directed for persons in this Colony, as by the laws now or hereafter in force for the regulation of the Post Office in this Colony is or may be prescribed.

**52** No waterman or other person in charge of any boat shall go alongside of or board, or suffer or permit any person to board, any vessel arriving at any Port from beyond sea until such vessel is properly secured at her anchorage: Provided that nothing herein contained shall be construed to prevent the boarding of any such vessel by the owner or agent, or any other person having the written permission of the owner or agent, or by any Immigration Agent, Pilot, Boarding Officer, Officer of Customs, or Health Officer, or other person acting in the execution of his duty under this Act.

Boats not to go alongside of vessels arriving.

**53** The Harbour Master or person boarding any such vessel as aforesaid shall deliver to the Master a copy of the Rules and Regulations of the Port of this Colony in which such vessel arrives; and thereupon such Master shall give a receipt in writing for the same to such Harbour Master or person boarding as aforesaid.

Person boarding to deliver a copy of Port Regulations.

**54** All vessels arriving in any Port having gunpowder on board exceeding the quantity of Twenty-five Pounds in weight shall hoist a Union-jack at the main; and if any vessel is moored or anchored at the usual anchorage in any Port before all the gunpowder on board exceeding that quantity has been secured in such magazine as may from time to time be appointed for that purpose by the Board, and conformably with such regulations, if any, as are for the time being in force for that purpose, the Master of such vessel shall forfeit a penalty not exceeding Fifty Pounds: Provided that nothing herein contained shall apply to gunpowder on board of any of Her Majesty's ships or vessels of war, or those of foreign nations.

*Ref. 64/39 10. 4. 0 8*

Vessels arriving with gunpowder.

**55** The Master of every vessel entering any Port shall unshot the guns of such vessel at a distance of not less than Two Miles from the anchoring station of the Port.

Masters of vessels to unshot guns.

*Regulations for Vessels lying in Port.*

**56** If any vessel occupies any berth alongside any wharf or in any dock beyond the period for that purpose fixed and regulated by the Board, and any other vessel is ready and waiting at or after the expiration of such period to occupy such berth, of which notice in writing shall be given by the Harbour Master to the Master or owner of such vessel so occupying such berth beyond such period as aforesaid, such vessel as last aforesaid shall, if of the burthen of Two hundred Tons or under, be liable to a charge of Ten Pounds, and if above the burthen of Two hundred Tons to a charge of Twenty Pounds for every day, *Sundays* excepted, during which such vessel continues to occupy such berth after such notice has been so given as aforesaid, which charge such Master or owner is hereby required to pay to the Collector of Customs for the purposes of this Act, and the same shall be a Port Charge upon such vessel.

*Vessels in Port.*  
Penalty on vessels occupying berths beyond time prescribed.

**57** If any vessel whilst in any Dock is loaded to a greater depth than by any Bye-law or Regulation of the Board is in that behalf directed, the Master or owner of such vessel shall forfeit and pay a penalty not exceeding Fifty Pounds.

Penalty on vessels loading in Dock to greater depth than authorised.

**58** If the Master or owner of any vessel employed in coasting only, or the owner of any boat, does not forthwith upon notice in writing so to do being given to him by the Harbour Master, remove such vessel or boat from any berth alongside any wharf, or in any dock, or from or to any part of any Port, such Master or owner shall forfeit a penalty not exceeding Twenty Pounds.

Coasters to be removed if so ordered.

Masters of vessels to get spritsail yard fore and aft, &c., when required.

**59** If the Master of any vessel in any Port refuses or neglects to get the spritsail yard fore and aft, or to rig in the jib or driver boom, or to strike any yard or topmast, or to top any yard, or to get in any anchor or swinging boom, or to slack down any bower or stream chain of such vessel when in any such case so required by any Harbour Master, such Master shall forfeit a penalty not exceeding Ten Pounds.

Masters of vessels not to unmoor without permission.

**60** No Master of any vessel shall unmoor such vessel or cause her to quit her anchorage in any Port without the previous permission of the Harbour Master, nor, having unmoored or set sail with the intention of going to sea, shall any such Master again bring such vessel to anchor without permission of the Harbour Master unless compelled so to do by some unavoidable cause; and if any such vessel again comes to anchor as aforesaid, such Master shall, on demand, deposit his clearance with the Harbour Master until again about to sail, and shall not again weigh anchor without permission from the Harbour Master or a Warden.

Combustible matters not to be lighted on board ship.

**61** No pitch, tar, resin, oil, or other such like combustible matter shall be lighted or heated on board of any vessel in any Port or Dock; but the same shall be lighted or heated in such place as may be appointed for that purpose by the Board.

Persons dying on board ship to be buried ashore.

**62** When any person dies on board of any vessel lying in any Port, the Master shall, as soon afterwards as conveniently may be, cause the body of the deceased to be brought on shore and interred.

*Harbour Masters.*

*Harbour Masters.*

Boards to appoint Harbour Masters.

**63** The Boards respectively are hereby empowered from time to time to appoint and remove all such Harbour Masters and other Officers for the several Ports within their respective jurisdiction as the Boards respectively deem necessary, and to pay to such Harbour Masters and other Officers such reasonable salaries as the Boards respectively think fit: Provided, that all Harbour Masters and other Officers in office at the time of the commencement of this Act shall continue in office under this Act until removed by the said Boards respectively, and shall be subject to the control of such Boards respectively as if appointed under this Act.

Continues existing Officers until removed.

Duties of Harbour Masters, and fees for performing same.

*Power extended by 38 Vict. c. 19*  
**64** Whenever a vessel, not employed in coasting only, arrives within any Port, some Harbour Master shall appoint the place where she is to cast anchor or be moored; and as often as the Master of any vessel is desirous of removing from one place of anchorage or mooring to another, he shall notify in writing such desire to some Harbour Master, who shall thereupon, unless he sees sufficient reason to the contrary, direct the removal thereof accordingly; and the Harbour Master is hereby authorised and empowered to remove any vessel from any berth alongside any wharf or in any dock, or from or to any part of any Port, whenever such removal is, in the opinion of such Harbour Master, desirable and proper for the general accommodation of the shipping; and for every such service so to be performed by any such Harbour Master, such sum as may from time to time be fixed by the Board, not exceeding the sum specified in the Schedule, shall be paid to the Collector of Customs for the purposes of this Act by the Master or owner of such vessel, and the same shall be a Port Charge on the vessel.

Masters of vessels to assist Harbour

**65** In the performance of any such service by a Harbour Master, the Master of the vessel and the crew thereof are hereby

required to give and afford to such Harbour Master all possible aid and assistance to effect the same, and in effecting any such service the Harbour Master is hereby empowered to make fast and attach any rope or other tackle to any other vessel; and if there is no crew of the vessel to be removed, or the crew thereof refuse or fail to aid and assist as aforesaid, or if the crew or tackle or quantity of ballast on board of such vessel are not sufficient to enable the Harbour Master to effect such removal, he is hereby empowered to hire and employ such other assistance and tackle, and to purchase and put on board such vessel such other quantity of ballast as to him seems requisite at the cost and charge of the Master or owner of such vessel, and such costs and charges such Master or owner as aforesaid is hereby required and enjoined to pay to the Collector of Customs for the purposes of this Act, and the same shall be a Port Charge upon the vessel; and if any person, without the consent or authority of a Harbour Master, cuts or casts off any such rope or tackle so made fast and attached to any other vessel as aforesaid, such person shall forfeit a penalty not exceeding Fifty Pounds.

Masters in performance of duties.  
Harbour Master may attach ropes to other vessels.  
And may hire assistance and tackle, and purchase ballast.

**66** Any Harbour Master who refuses or neglects to perform any duty imposed on him by this Act, or who through negligence or drunkenness does or occasions any injury to a vessel or to the tackle or furniture thereof, or who while in the execution of his duty as such Harbour Master makes use of any threatening or abusive language to the Master of any vessel, shall forfeit a penalty not exceeding Fifty Pounds.

Misconduct by Harbour Masters.

*Shipping Masters.*

**67** The powers vested in the Governor by the Act of Council of the 19th Victoria, No. 21, relating to the establishment of Shipping Offices, the appointment and removal of Shipping Masters, the regulation of the mode of conducting business at such Offices, and the fees to be charged by such Shipping Masters, and all other the powers vested in the Governor by the said Act, are hereby transferred to and vested in the respective Boards established under the authority of this Act; and the Shipping Masters appointed under the said Act shall continue in office till removed by the Board, and shall be under the control of the Board.

*Shipping Masters.*  
Powers vested in Governor by 19<sup>th</sup> Vict. No. 21, relating to Shipping Masters, transferred to Boards.

*Pilots and Pilotage.*

**68** The Board is hereby empowered from time to time to examine, appoint, license, suspend, or dismiss all Pilots for the Ports within its jurisdiction, subject to such regulations as the Board from time to time thinks fit to make, and to settle the remuneration to be paid to Pilots, and to pay such remuneration out of the funds at the disposal of the Board under this Act, and to settle how Pilots' establishments are to be upheld and maintained.

*Pilots, &c.*

Board to grant Licences to act as Pilots.

**69** If any person, unless in the case of some unavoidable necessity, acts as Pilot without being licensed, or after he has been suspended or dismissed, such person shall forfeit a penalty not exceeding Fifty Pounds.

Penalty if person acts as Pilot without licence.

**70** Every Pilot who, at the time of the commencement of this Act, is legally licensed as a Pilot, shall during the continuance of such licence, and until such licence is revoked by the Board, be deemed to be licensed as a Pilot under this Act.

Existing Pilot Licences continued.

**71** It shall be lawful for the Board from time to time, by Bye-laws made and published as hereinafter provided, to fix and establish the rates

Rates of Pilotage to be fixed by the Board.

of pilotage on vessels entering into and departing from the Port; and no such Pilot as aforesaid shall in any case be bound to conduct a vessel to sea from any Port until the full amount of the outward Pilotage, according to the rates so for the time being fixed and established for such Port, has been first paid: Provided, that such rates of Pilotage so to be fixed and established as aforesaid shall not exceed the rates specified in the Schedule.

Colonial Traders exempted from Pilotage except when a Pilot is actually employed.

**72** The Board is hereby empowered to grant Certificates of exemption from Pilotage to such Colonial Traders as the Board thinks fit, which Certificates shall state that the Master of the Colonial Trader, specifying his name, and that of the vessel, is qualified to conduct and navigate his vessel into the Port where the exemption is claimed; and all Colonial Traders in respect of which such exemptions are granted and in force shall, unless the Master actually requires the services of a Pilot and employs one accordingly, be exempt from Pilotage accordingly: Provided that no such vessel shall be so exempt from Pilotage unless the Master produces such Certificate of exemption when required by a Warden or Harbour Master, or by any licensed Pilot who may board such vessel, and permits the same to be read by such Warden, Harbour Master, or Pilot: Provided also, that no such vessel shall be entitled to such exemption from Pilotage unless, from the time of approaching within Six leagues of the shore up to the time of her anchoring in the Port, there is kept flying at her mast or main-mast head, as the case may be, such distinguishing flag as the Board from time to time for that purpose directs: Provided also that all vessels exempt from Pilotage at the time of the commencement of this Act shall continue so exempt for the period of Six months thereafter and no longer unless the vessel is then exempt under the provisions of this Act.

Outward bound vessels to take a Pilot.

**73** If any vessel not exempt from Pilotage, or not employed in coasting only, proceeds to sea from any Port except the Port of *Hobart Town* for which a Pilot is so licensed as aforesaid, or quits her station or anchorage in such Port in order to proceed to sea without receiving on board some Pilot so licensed for the purpose of conducting her to sea, the Master of such vessel shall, over and above the amount which would have been payable for Pilotage if a Pilot's services had actually been engaged, forfeit a penalty not exceeding Fifty Pounds.

Inward bound vessels to receive a Pilot.

**74** If the Master of any vessel not exempt from Pilotage, or not employed in coasting only, arriving from any place beyond sea at or off any Port for which a Pilot is so licensed as aforesaid, and intending to enter such Port, does not immediately upon demand receive on board such vessel the licensed Pilot who first offers himself to conduct her into Port, or does not forthwith upon demand, and upon the Pilot producing if required his licence, give the vessel in charge to such Pilot, the Master so offending shall, over and above the amount which would have been payable for Pilotage if the Pilot's services had actually been accepted, forfeit a penalty not exceeding Fifty Pounds.

Where Pilot detained on board vessels in certain cases an additional sum per diem to be paid.

**75** If any Pilot in charge of a vessel entering into or proceeding out of any Port remains on board such vessel whilst under Quarantine, or is delayed in the performance of his duty by any act of the Master, the Master or owner shall, for every day the Pilot remains on board, or is delayed as aforesaid, pay, in addition to the amount of pilotage so fixed as aforesaid, such sum as may from time to time be directed by the Board by any Bye-law made and published by it under the authority of this Act, and such additional amount shall be a Port Charge on the vessel.

76 Any Pilot who refuses, neglects, or delays to take charge of a vessel without good and sufficient cause in that behalf, or quits any vessel departing before the vessel has passed the *Iron Pot* if in the River *Derwent*, or before such vessel is clear of the river if in the River *Tamar*, or who by drunkenness renders himself incapable of conducting the vessel, or by ignorance or from want of due care does or occasions any injury to the vessel, or to the tackle or furniture thereof, or makes use of any threatening or abusive language to the Master, shall forfeit a penalty not exceeding Fifty Pounds.

Misconduct by Pilots.

*Light-Houses.*

77 The *Hobart Town* Marine Board shall have the management and control of, and is hereby charged with the maintenance and reparation of, the several Light-houses within this Colony, and, subject to the provisions of this Act, shall have all the powers and jurisdiction in respect of such Light-houses which the Guild or Fraternity, commonly called the Corporation of the Trinity House of *Deptford Strond* has and exercises in *England*.

*Light-houses.*

*Hobart Town* Marine Board to have the management and control of Light-houses.

78 For the purpose of erecting any new Light-house both the said Boards shall form a consolidated Board, of which the Master Warden of the *Hobart Town* Marine Board shall be the Chairman ; and such consolidated Board is hereby authorised and required to meet from time to time, as occasion requires, for the purpose of determining the necessity or expediency of establishing new Light-houses ; and such consolidated Board is hereby authorised to do all things necessary for the erection and establishment of any new Light-houses which such Board may determine to be necessary or desirable.

For the erection of new Light-houses both Marine Boards to form a consolidated Board.

*Tonnage how calculated.*

79 Where any vessel has been registered at a Port in the *United Kingdom* or any *British Possession*, the amount of Tonnage specified in the Certificate of such Registry shall for the purposes of this Act be deemed to be the Tonnage of such vessel.

*Tonnage how calculated.*

Tonnage of British ships.

80 In order to ascertain the Tonnage of any vessel not registered as aforesaid, or as to which any question arises, it shall be lawful for any Officer of the Customs, or other person appointed in that behalf by the Collector of Customs at the Port in which such vessel may then be, to measure such vessel ; and such officer or person, in measuring such vessel, shall follow the regulations contained in the law regulating the measurement of Shipping for the time being in force in this Colony.

If Tonnage disputed, how to be calculated.

Handwritten notes: 17418 No. C104 p12, 25426 No. C 63, 1711-698, Port Charges.

*Recovery of Port Charges.*

81 All sums of money which are by this Act declared to be Port Charges on vessels shall be paid and recovered in the same manner as any Port Charge is by law payable and recoverable ; and the Clearance of any vessel in respect of which any Port Charge or any other charge or sum of money has been imposed or is payable under this Act shall be withheld until all such Port Charges and other charges and sums of money are duly paid, satisfied, and discharged as by this Act required ; and if the Master of any vessel attempts to take such vessel to sea without such Clearance such vessel may be detained.

Port Charges under this Act recoverable as other Port Charges, and Clearance may be detained until all Port Charges paid.

*Exemptions from Port Charges.*

82 In order to encourage the resort of vessels of all nations engaged

*Exemptions.*

Certain vessels

exempted from all Port Charges.

in the Whale Fishery, and vessels arriving under the circumstances hereinafter mentioned, to the Ports of this Island, all vessels of all nations outfitting for or refitting from the Whale Fisheries, and all vessels arriving and sailing in ballast, or which do not break bulk, or only to such an extent as may be necessary to provide funds for the repairs, refittings, or refreshments required by such vessels, and all vessels belonging to any Foreign Power with which a Treaty of Commerce declared by any Royal Order in Council to be subsisting has been made, which arrive at any Port for the purpose of landing any oil or whalebone the produce of fish caught or taken by the crews of such vessels, and land such oil and whalebone at any wharf appointed by the Board for that special purpose, shall be and the same are hereby wholly exempted from the payment of all Port Charges, Light-house Dues, and all Port Dues whatsoever, except only those of pilotage in cases where the service of a Pilot has been actually required and received.

Certain oil and whalebone exempted from Wharfage Rates.

**83** Any such oil or whalebone so landed at any such wharf as last aforesaid shall be and the same is hereby exempted from the payment of any charge for wharfage imposed or payable under this Act.

Exempts Masters of vessels exempted from Port Charges from penalty for not taking a Pilot.

**84** No Master of any such vessel as last aforesaid shall, upon such vessel proceeding to sea from any Port, or arriving from any place beyond sea at or off any Port, be subject or liable to pay any fine or penalty by reason of such Master not receiving on board a Pilot for the purpose of conducting such vessel to sea or into Port as the case may be.

Such vessels not to anchor within certain limits without permission.

**85** No such vessel as last aforesaid shall be anchored or moored in any Port within the limits for the time being defined for the performance of the duties of the Harbour Master of such Port unless with the permission of such Harbour Master for that purpose first obtained: Provided always, that nothing herein contained shall render any person liable to any penalty for anchoring or mooring any such vessel within any such limits upon her first arriving if no Harbour Master then repairs on board such vessel and appoints the place where she is to be anchored or moored.

*Tamar Tug.*

*“Tamar” Tug.*

The *Tamar* Steam-tug transferred to *Launceston* Marine Board.

**86** The Steam-tug established under the Act of Council of the 16th *Victoria*, No. 8, is hereby vested in the *Launceston* Marine Board for the use of the Shipping entering and departing from the Port of *Launceston*, under such regulations as may from time to time be made in that behalf by the said Board, and the said Steam-tug shall be maintained for such purpose by the said Board; and the provisions of the said recited Act in relation to the Port Officer shall be applicable to the said Board in the same manner as if the term “*Launceston* Marine Board” were inserted in the said Act instead of the term “Port Officer;” and the proceeds of such Tug shall be appropriated by the said Board in the manner prescribed by the said Act.

Board to fix Rates for services of Tug.

**87** The Board is hereby empowered from time to time to fix the rates to be paid for the services of the said Steam-tug in conducting vessels into and out of the Port and otherwise; and such rates shall be a Port Charge upon the vessel in respect of which the service is performed, and shall be paid to the Collector of Customs at *Launceston*, and appropriated as proceeds of the said Steam-tug.



*General Powers and Duties of Boards.**General Powers and Duties of Boards.*

**88** The Boards respectively, besides the special powers and duties herebefore vested in and imposed on them, are hereby empowered and required to perform the following general functions and duties following:—

## General Powers.

To fix and regulate the Wharfage Rates to be paid on goods entered to be landed at any Port not exceeding those specified in the Schedule :

## Wharfage Rates.

To fix and regulate the fees to be paid for services performed by Harbour Masters not exceeding those specified in the Schedule :

## Harbour Master's Fees.

To regulate and determine, subject to the rates specified in the Schedule, the nature of the service for which Pilotage Rates and Charges shall be payable; the amount, payment, and remission of such Rates and Charges; and the amount to be paid for detention of Pilots on board vessels under Quarantine or otherwise :

## Pilotage Rates.

To superintend and maintain sea or harbour marks, buoys, and beacons now or hereafter erected or placed :

## Buoys, &amp;c.

To license Boatmen plying for hire in any Port, and fix the fees to be paid for such Licences, and also the penalties on persons plying for hire with boats, or keeping boats for the purpose of plying for hire without being licensed; to regulate the fares to be charged by licensed Watermen plying for hire within the Ports in their jurisdiction; to fix places at which licensed Watermen shall ply, and otherwise regulate their conduct and proceedings; and to regulate and control steam or other ferry boats plying for hire at wharfs or public thoroughfares :

## Boatmen's Licences.

To employ and license Tugs, if necessary, for conducting vessels into and out of Port; and to fix the fees to be paid for such licences and the rates to be charged for the services of such Tugs :

## To license Tugs.

To clean and deepen the Ports :

## Cleaning Ports.

To regulate the berthing of vessels at wharfs and in docks, and the mooring, unmooring, and removal of vessels, and the number of days during which a vessel shall be permitted to occupy any berth, and to fix and determine the depth of water to which vessels in any dock may be loaded whilst in such dock :

## Berthing of vessels.

To license ballast-boats, and as far as possible to regulate the supply of ballast to the shipping :

## Ballast.

To regulate the duties and conduct of the Pilots, Harbour Masters, and other persons employed and acting in carrying out and effectuating the several objects of this Act; the duties and conduct of Masters of vessels and other persons frequenting the Port; the limits to which the powers and duties of Harbour Masters shall extend; the mode in which Masters of vessels shall apply for and obtain the services of the Pilots and Harbour Masters; the hours within which vessels about departing shall be cleared; and the lights to be exhibited by Masters of vessels to prevent collision :

## Duties of Pilots, Harbour Masters, &amp;c.

To make and enforce rules for the convenience of persons walking upon or landing on or embarking from any wharf; for regulating the shipping or landing of goods, merchandise, or other commodities at or from any dock or wharf; the nature of the goods, merchandize, or other commodities which may or may not be shipped or landed, and the mode and time of shipping and landing the same; for the effectual preservation of docks and

## Rules for regulation of Ports.

48cs  
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see "276" - 1/10.

wharfs; for the governing and regulating of porters, carters, carmen, and others carrying goods or using or driving horses, waggons, carts, drays, trucks, or other carriages for conveying passengers, goods, merchandize, or other commodities to or from docks or wharfs; for the convenience of persons using or resorting to the same; and otherwise generally for the better governance, regulation, and management, safety, and protection of the Ports, Docks, Wharfs, and Shipping as to such Boards respectively seem necessary or desirable.

*Bye-laws.*

115 Bye-laws.  
 Power to Boards to make Bye-laws for effectuating purposes of Act.  
 Aug 6/77  
 1710.  
 Copy Bye Laws  
 Dec 3/76 - 1030  
 " " " - 1179  
 " " " 14 306  
 " " 80 2789  
 " " 81 p. 1029  
 Penalty £50.  
 Majority of Wardens to be present.  
 Copy to be laid before Parliament, if sitting, for approval, and published in *Gazette*.

If Parliament not sitting, copy to be published in *Gazette*, and to be in force till next Session of Parliament, and then laid before Parliament, and if disallowed, cease.

Bye-laws not repugnant to general Laws.

Bye-laws to have the force of this Act.

*Gazette* evidence of Bye-laws.

**89** The said Boards are respectively hereby empowered from time to time to make, publish, alter, modify, amend, or repeal such Bye-laws as to such Boards respectively seem meet for regulating their own proceedings; and for carrying into effect and enforcing the general powers and duties hereinbefore vested in and imposed on the Boards respectively, and also all other matters and things whatsoever which the Boards are respectively authorised to do or cause to be done under this Act; and for the collection of all dues and sums of money payable to such Boards for the purposes of this Act; and to appoint by such Bye-laws such penalties as are deemed necessary for enforcing the same: Provided that no such penalty shall exceed the sum of Fifty Pounds, and that no such Bye-law shall be made unless a majority in number of the Wardens are present; and that no such Bye-law shall, if the Legislature is sitting at the time of the making thereof, be of any force until the same or a copy thereof signed by the Master Warden has been laid upon the Table of both Houses of the Legislature, and approved by the Legislature, nor until One Week after a copy of the same so approved of has been published in the *Gazette*; and if the Legislature, or either House thereof, disallows such Bye-law or any part thereof, such Bye-law or the part thereof so disallowed shall not come into operation; and if the Legislature is not sitting at the time of the making of any such Bye-law, the same shall, upon the expiration of One Week after the publication of a Copy thereof in the *Gazette* signed by the Master Warden, be of full force and effect, and a copy of the *Gazette* containing any such Bye-law as last aforesaid shall be laid upon the Table of the said Houses of the Legislature within Five Days after the commencement of the Session thereof holden next after the making of such Bye-law as last aforesaid; and if the Legislature or either House thereof disallows any such Bye-law as last aforesaid, or any part thereof, within One Month after such Bye-law has been laid upon the Table as aforesaid, such Bye-law or the part thereof so disallowed shall, upon such disallowance thereof being notified in the *Gazette*, thenceforth cease to be of any force or effect whatsoever: Provided also that no Bye-law to be made by the Board shall be repugnant to this Act, or to the general spirit and intendment of the Laws in force in this Colony.

**90** All Bye-laws so made and in force as aforesaid shall be deemed to be incorporated with this Act, and shall be of the same force and effect as though the provisions of such Bye-laws were expressly enacted in this Act.

**91** In all proceedings the production of the *Gazette* containing any such Bye-law shall alone be sufficient *prima facie* evidence that all the provisions of this Act relating to the making and confirmation of such Bye-law have been duly complied with, and that such Bye-law is in full force and effect; and the *onus* of proving the contrary shall, in every case, be on the person disputing the validity of such Bye-law.

*Local Boards at Outports.*

**92** It shall be lawful for the Governor in Council to appoint Local Boards at such Outports as he may deem advisable, such Boards to consist of not less than Three Members; and the Boards so appointed shall have power to regulate the Pilot and Harbour Establishments of such Outport for which they may be so appointed, and otherwise to control the proceedings of the Harbour Master and his assistants, subject to the general control and approval of the Marine Board within the jurisdiction of which such Outport may be; and every Warden when present shall be *ex officio* a Member of such Local Boards.

*Local Boards.*  
 Appointment of Local Boards.

*Protection of Persons executing this Act.*

**93** No plaintiff shall recover in any action commenced against any person for anything done in pursuance of this Act unless such action be commenced within Three Months after the fact committed, and unless notice in writing has been given to the defendant One Month before such Action is commenced of such intended action, signed by the Attorney of the plaintiff, specifying the cause of such action; nor shall the plaintiff recover in any such action if tender of sufficient amends has been made to him or his Attorney by or on behalf of the defendant before such action is brought; and in case no such tender is made, it shall be lawful for the defendant in any such action, at any time before issue joined, to pay into Court such sum of money as he thinks proper; and the defendant in every such Action may plead the general issue, and give the special matter in evidence, and that the same was done in pursuance and under the authority of this Act; and if the same appears to have been so done, or if such action or suit has been brought before the expiration of One Month next after such notice has been given as aforesaid, or after sufficient satisfaction made or tendered as aforesaid, or after the time limited for bringing the same as aforesaid, then and in every of such cases the jury shall find a verdict for the defendant; and upon such verdict, or if the plaintiff is nonsuited or discontinues his action, or if upon demurrer or otherwise judgment is given against the plaintiff, then and in every such case the defendant shall recover treble costs, and shall have the same remedy for recovering the same as any defendant has for his costs in any other cases by law.

*Protection.*  
 Limitation of Action.  
 Notice of Action.  
 Tender of Amends and payments into Court.  
 General issue.

*Summary Proceeding for Offences.*

**94** Any breach whatsoever of any of the provisions of this Act, or of any Bye-law made thereunder, shall, where no other mode or remedy is by this Act specifically provided, be heard and determined in a summary way before any One or more Justice or Justices of the Peace in the mode prescribed by *The Magistrates Summary Procedure Act*; and any person aggrieved by any summary conviction under this Act may appeal therefrom in the manner prescribed by *The Appeals Regulation Act*: Provided always, that no higher fine or penalty than Ten Pounds shall be imposed upon any person for any offence against this Act, unless the case is heard and determined before Two or more Justices.

*Summary Proceeding.*  
 Proceeding for penalties.  
 19 Vict. No. 8.  
 19 Vict. No. 10.  
 No higher penalty than £10 to be inflicted by One Justice.

*Commencement of Act, and Repeal of former Laws.*

**95** So much of this Act as relates to the establishment of the said Marine Boards shall commence and take effect immediately on the passing thereof, and the residue of this Act shall commence and take effect immediately upon the publication in the *Gazette* of the establishment of the said Boards; and upon such publication the *Port Act*,

*Commencement of Act.*  
 Commencement of Act.

203 58-49.

Repeal of *Port Act*, 1854, and so much of 2 Vict. No. 22, as relates to Boats and Boatmen, and 20 Vict. No. 16.

1854, and so much of the Act of Council of the 2nd *Victoria*, No. 22, as relates to the licensing of Boats and Boatmen, and also the Act of the Parliament of *Tasmania* of the 20th *Victoria*, No. 16, shall be repealed, excepting as to all offences committed and things done previously to the repeal of such enactments, which shall be dealt with as if this Act had not been passed: Provided that all Boatmen's Licences granted under the said Act which are in force at the commencement of this Act shall continue in force till the expiration thereof, or till revoked by the Board for misconduct, in the same manner as if such Licences had been granted under this Act.

*Existing Regulations continued.*

Existing rules and regulations to continue in force till revoked by Board.

*Existing Regulations continued.*

**96** All rules and regulations made under the *Port Act*, 1854, which are in force when this Act comes fully into operation shall continue in force as if made under this Act until revoked or altered by the Board under the authority of this Act, and no longer.

Short title.

*Short Title.*

**97** In referring to this Act it shall be sufficient to use the expression *The Marine Board Act*.

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## SCHEDULE.

### HARBOUR MASTERS' FEES.

For every Service performed by a Harbour Master under this Act a sum not exceeding One Penny per Ton of the Vessel in respect of which the Service is performed.

### PILOTAGE RATES.

For every Sailing Vessel a sum not exceeding One Shilling per Ton Inwards, and the same sum Outwards:

For every Steam Vessel a sum not exceeding Eight Pence per Ton Inwards, and the same sum Outwards:

For every day that a Pilot is detained on board any Vessel whilst under Quarantine, or by any act of the Master, a sum not exceeding Twenty Shillings per day.

### LIGHTHOUSE RATES.

For every Steam Vessel and for every Vessel employed in the Coasting Trade on entering Inwards at the Customs of this Colony, Four-pence per Ton:

For every other Vessel entering Inwards at the Customs of this Colony, Nine-pence per Ton.

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*pa 28 No. 2*

WHARFAGE RATES.

	£	s.	d.
For every Tun Butt .....	0	3	9
Pipe or puncheon .....	0	2	0
Hogshead .....	0	1	6
Barrel, tierce, quarter-cask, or cove .....	0	1	0
Case, crate, cask, bale, box, trunk, bag, or other large package of drapery, ironmongery, glassware, earthenware, stationery, or other goods, millstone, bellows, or other bulky article ....	0	2	0
Chest of tea, case of Geneva or wine, or other liquor in bottle, small case, keg, bag, or other small package not otherwise enumerated .....	0	0	9
Half-chest or box of tea, paint, paint oil, turpentine, varnish, or spirits of tar in keg, case, jar, or bottle .....	0	0	4
Oars, spades, shovels, forks, frying-pans, or other similar articles, per dozen .....	0	0	3
Bushel of grain, malt, or pulse .....	0	0	3
Four-wheel carriage .....	2	0	0
Two-wheel carriage .....	1	0	0
Piano .....	1	0	0
Sugar, coffee, rice, tallow, potatoes, flour, meal, salt, cordage, flax, oakum, iron, steel, lead, or other loose metal, machinery, and other heavy goods not otherwise enumerated, per cwt...	0	0	4
Coals, per ton .....	0	2	0
Brooms, handles, staves, handspikes, gun-stocks, and small pieces of shaped wood, per score .....	0	0	4
Table, chest of drawers, or bureau .....	0	2	0
Chairs or tubs, each .....	0	0	2
Timber, per load of fifty cubic feet .....	0	4	0

All articles for the use of Her Majesty's Government, and all goods or merchandize the produce of this Colony, or of the fisheries thereof, as well as all oil and whalebone landed in the Colony from any vessel, and all empty casks intended for the fisheries, and also guano, bones, and bone-dust, to be exempt from wharfage.

*Bye Laws of Council - 4th Maurice Board  
 " " " Table Cape M. B. - July 68 p.p. 243. 420  
 " " " " " - July 68 p.p. 495. 540  
 " " " " " - 1345. Aug 58 - 346  
 " " " " " - 71 - 770. Aug 79 - 12092  
 " " " " " 1312*

