## No. XII.

Harbours.

> An Act further to amend an Act intituled "An "Act for the better preservation of the Ports ‘'Harbours Havens Roadsteads Channels Navi's gable Creeks and Rivers in New Soutl Wales " and the better regulation of Shipping in the "' same." [8th December, 1843.]

Preamble. WHEREAS an Act was passed by the Governor and Council of New South Wales in the third year of the reign of His late Majesty 3 william Iv. no. G. King William the Fourth intituled "An Act for the better preservation " of the Ports Harbours Havens Roadsteads Channels Navigable "Creeks and Rivers in New South Wales and the better regulation "of Shipping in the same" and whereas another Act of the said Governor and Council was passed in the fourth year of the reign

4 Victoria No. 4. of Her Majesty Queen Victoria intituled "An Act to amend an " Act intituled 'An Act for the better preservation of the Ports "، Harbours Havens Roadsteads Channels Navigable Creeks and Rivers "' in New South Wales and the better regulation of Shipping in the " same"" by which it was amongst other things enacted that it should be lawful for the Governor with the advice of the Executive Council of the said Colony to frame rules and regulations to be observed by the masters and commanders of all ships in any port or harbour of New South Wales except Port Jackson and whereas it is expedient to discontinue such exception in regard to Port Jackson and further to alter and amend the said recited Acts Be it therefore enacted by His Excellency the Governor of New South Wales with the advice of the Legislative Council thereof That from and after the passing of this Act it shall be lawful for the said Governor with the advice of the Executive Council of the said Colony from time to time to frame rules and regulations to be observed by the masters and commanders of all ships or vessels in the Harbour of Port Jackson and by all persons duly licensed to act as pilots in the said harbour and the said rules and regulations and all rules and regulations relating to the said

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harbour which may be in force at the time of the passing of this Act to alter amend or repeal and substitute others in their stead as to the said Governor and Executive Council may seem necessary or expedient Provided that all such rules and regulations or such amended altered or new rules and regulations and notice of the repeal of any such rules and regulations shall be promulgated by proclamation of "His Excellency the Governor for the time being of the said Colony to be published in the New South Wales Government Gazette at least one month before the same shall take effect at the expiration of which time the same shall be and thenceforth continue to be in full force and effect.
2. And be it enacted That if any person being the master or in Any person violating command of any ship or vessel in Port Jackson or being duly licensed such rules to firfeit to act as a pilot in the said port shall in any case fail or neglect to observe all or any of such rules and regulations as shall or may from time to time be so promulgated as aforesaid or shall do or commit anything contrary to the true and plain meaning of any of the said rules and regulations such person so offending shall for every such offence forfeit and pay a fine of not more than twenty pounds to be recovered as hereinafter mentioned Provided that no master of any ship or vessel shall be liable to any fine imposed by such rules or regulations unless a copy thereof shall have been previously delivered to the said master or left on board the ship or vessel to which he belongs or with some officer in the absence of the said master.
3. And be it enacted That whenever the person duly authorized masters to allow to perform the duties of Port Master in Port Jackson shall in pursuance warys to be tastene of the authority vested in him by the said first recited Act go on board order of the P,int any ship or vessel within the said harbour for the purpose of directing the removal of such ship or vessel from one place of moorage or anchorage to another it shall be lawful for such person if he shall see fit to cause such ship or vessel to be made fast to any other vessel or to any warp for the purpose of such removal and every person who shall refuse to allow of or offer any impediment or resistance to such ship or vessel so being made fast as aforesaid or who shall untic or cut away any such warp or fastening shall forfeit and pay for every such offence a penalty of five pounds Provided that if any injury be done to any ship or vessel hy reason of the fastening of any other ship or vessel thereto or to such warp by means of any warp or other fastening for the purpose hereinbefore mentioned the owner or master or person in command of such ship or vessel so injured shall be entitled to recover damages from the owner or master or person in command of the ship or vessel by reason of the fastening of which such injury shall have been sustained and if the amount of such damages shall not exceed or be estimated at more than thirty pounds the same shall be recovered in a summary manner as hereinafter mentioned.
4. And whereas it is expedient to reduce the rates of pilotage Repenling rates of charged in the Schedule to the said first recited Act annexed marked $B$ Bclhedule $B$ to the Be it therefore enacted That from and after the passing of this Act so Act 3 william Iv. much of the said first recited Act as relates to such rates and to the table thereof in the Schedule to the said Aet annexed marked B shall be and the same is hereby repealed.
5. And be it enacted That the rates and charges of pilotage on Substituting new all ships or vessels arriving in any port or harbour except Port Phillip, rates. from any distance not less than two leagues at sea or departing therefrom to a like distance at sea shall be the same as are respectively inserted described and set forth in figures in the Schedule to this Act annexed marked A subject however to the reductions and exemptions therein contained.

Pilotage rates for Port Phillip.

Repealing former pilotage rates for Port Phillip.

Pilots to provide themselves with blue flags and hoist them on board ressels subject to pilotage.

Coasting vessels to anchor after dark to eastward of Pinchgut.

Coasting and Vin Diemen's Land vessels to hoist a white flag.

No dead animals to be thrown overboard westward of Pinchgut.
6. And be it enacted That the rates and charges of pilotage on all ships and vessels arriving in the Harbour of Port Phillip from any distance not less than two leagues at sea or departing therefrom to a like distance at sea shall be the same as are respectively inserted described and set forth in figures in the Schedule to this Act annexed marked B subject however to the reductions and exemptions therein contained.
7. And be it enacted That so much of the said last mentioned recited Act as relates to the making increased rates and charges for the pilotage of vessels entering into and departing from the Harbour of Port Phillip be and the same is hereby repealed.
8. And be it enacted That erery pilot in charge of a vessel arriving in the Harbour of Port Jackson from parts beyond seas not being from ports in Van Diemen's Land or Port Phillip shall immediately on boarding such vessel cause a blue flag to be hoisted at the main-mast head and shall cause the same to be kept flying until such vessel shall be boarded by the Health Officer and every pilot who shall not be provided with a blue flag for the purpose aforesaid or who shall wilfully neglect to cause the same to be hoisted in manner aforesaid shall forfeit and pay for every such offence any sum not exceeding ten pounds to be recovered in manner hereinafter mentioned.
9. And be it enacted That no coasting vessels which shall enter the Harbour of Port Jackson between sunset and sunrise shall come higher up than Pinchgut Island but shall anchor to the eastward thereof under a penalty of ten pounds Provided always that this regulation shall not extend to steamers or vessels commonly known as packet vessels employed in the conveyance of passengers and merchandise and having a license so to do from the Collector of Customs.
10. And be it enacted That the masters or commanders of all coasting vessels and of all ships and ressels trading between Port Jackson and Van Diemen's Land shall on arriving within one league of the Light-house on the South Head of Port Jackson cause a white flag to be hoisted at the main-mast head and keep the same flying until abreast of the Floating Light near the entrance of Port Jackson and the master or commander of any vessel arriving as aforesaid who shall neglect to have such flag flying as aforesaid and whose vessel shall be boarded by a licensed pilot in consequence of such neglect shall be subject to the payment of pilotage rates in respect of such vessel in the same manner as if a pilot had been actually required and employed by him any law or regulation to the contrary notwithstanding.
11. And be it enacted That from and after the passing of this Act when any animal shall have died or been killed on board any ship or vessel in the Harbour of Port Jackson it shall not be lawful for any person on board such ship or vessel to throw or cause such dead animal to be thrown into the said harbour unless there shall be properly attached thereto a sufficient weight to sink the same and that no such animal shall be thrown or sunk as aforesaid in any part of the said harbour to the westward of Pinchgut Island and any person who shall offend against the provisions of this enactment shall forfeit and pay a penalty of not more than five pounds to be recovered as hereinafter mentioned.
12. And be it enacted That if any master or commander of any vessel shall interfere with any Port Master Harbour Master Assistant Harbour Master or Pilot in the execution of his duty in regard to such vessel so as to resist or impede him in the proper performance thereof such master or commander shall forfeit and pay for every such offence any sum not exceeding ten pounds to be recovered in manner hereinafter mentioned.

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13. And whereas by the said first recited Act it was enacted Ponalty on piths that every person licensed to act as a pilot by virtue of the said Act treglecting or by should on conviction before any two or more Justices of the Peace of pacitating themany of the offences specified in the seventeenth section of the said Act selves to periorn forfeit any sum not exceeding twenty pounds and whereas it is expedient that a higher penalty should be imposed for such offences and for the offences in this Act mentioned Be it therefore enacted That every pilot who shall commit any of the offences mentioned in any of the enactments or provisions of this Act for which no penalty is specially provided or who shall refuse neglect or delay to take charge of any ship or vessel unless upon good and sufficient cause to justify such refusal neglect or delay or who shall quit any ship or vessel or decline the piloting thereof after he has been engaged or before the service shall have been performed for which he was hired or who shall in any way neglect or by drunkeuness render himself incapable of performing any duties imposed on him under the said first recited Act or this Aet shall on conviction thereof forfeit any sum not exceeding thirty pounds to be recovered in manner hereafter mentioned.
14. And be it enacted 'That from and after the passing of this Repealing rites of Act so much of the said first recited Act as relates to the rates and wharfers fixed lyy charges for wharfage fixed thereby and inserted described and set and sulsstituting forth in the Schedule thereto annexed marked A shall be and the ${ }^{\text {others in their stead. }}$ same is hereby repealed and that in lieu thereof it shall and may be lawful to levy the several rates and charges for wharfage on all goods merchandise and packages landed at the Qucen's Wharf in the Town of Sydncy in the Colony aforesaid or at any other public wharf in any port or harbour within the Government of New South Wales which are inserted described and set forth in the Schedule to this Act annexed marked C Provided however that goods landed at any private sufferance wharf shall be charged with only one-third part of the said rates and charges.
15. And be it enacted That from and after the passing of this Reparal of scotion 36 Act the thirty-sixth section of the said first recited Act except so much of 3 willian Is. thereof as relates to the appropriation of all sums collected under the said Act shall be and the same is hereby repealed.
16. And be it enacted That all sums collected under this Aet one moiety of ant and not otherwise specially appropriated shall go to Her Majesty Her fines to go to the Heirs and Successors for the public uses of the said Colony and in to Her Majesty for support of the Government thereol and that all fines and forfeitures ${ }^{\text {public uses. }}$ recoverable under this or the said first and second recited Acts respectively and not otherwise specially appropriated shall be appropriated in manner following-that is to say one moiety thereof shall go to the party or parties informing or suing for the samo and the remainder shall be paid to Her Majesty Her Heirs and Successors for the public uses of the said Colony and in support of the Government thereof.
17. And be it enacted That all fines and forfeitures incurred Reeovery of under and by virtue of this Act shall be recoverable upon conviction penalties. in manner directed by the said first recited Act.

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## SCHEDULES REFERRED TO.

## A.

## PLLOTAGE RATES.

$\Lambda$ Table of the Rates of Pilotage payable to licensed Pilots on all ships or other vessels arriving at any port or harbour in New South Wales for which a Pilot shall have been appointed except Port Phillip from a distance not less than two leagues at sea or departing from any such port or harbour to a like distance at sea.
For every vessel drawing-
7 feet or under ... ... ... ... ... 2 0
8 feet and under 9 feet ... ... ... ... 2 26
9 feet and under 10 feet ... ... ... ... 25

10 feet and under 11 feet ... ... ... ... 210 0
11 feet and under 12 feet ... ... ... ... 2150
12 fect and under 13 feet ... ... ... ... 3 0 0
13 feet and under 14 feet ... ... .. ... 3 5 0
14 feet and under 15 feet ... ... ... ... 310 0
15 feet and under 16 fcet ... ... ... ... 3150
16 feet and under 17 feet . ... ... ... 4 0 0
17 feet and under 18 feet ... $\quad . .$.
18 fect and under 19 feet ... ... ... ... 410 0
19 feet and under 20 feet ... ... ... ... 4150
20 fect and under 21 feet ... ... ... ... 5 0 0
21 feet and under 22 feet ... ... ... ... $510 \quad 0$
22 feet and under 23 feet ... ... ... ... $6 \quad 0 \quad 0$
And so on at the rate of Ten shillings for every additional foot.

## Exceptions or Exemptions.

1. Vessels of all mations outfitting to or refitting from the Fisheries vessels and steamers engaged in Coasting Voyages and vessels under 25 tons burthen exempted from pilotage unless a Pilot be actually taken by them.
2. Vessels above 25 but under 50 tons burthen not required to take Pilots but though they decline taking them they are chargeable with half pilotage unless they be steamers or engaged in Coasting Voyages in either of which cases they are exempt.

These exceptions or cxcmptions however only apply to vessels having British Registers or being entitled to the privileges of British registered ships.

Every vessel that actually takes a Pilot must pay full pilotage.

## B.

PILOTAGE RATES-PORT PHILLIP.
A Table of the Rates of Pilotage payable to licensed Pilots on all ships or other vessels arriving in the Harbour of Port Phillip from a distance not less than two leagucs at sea or departing therefrom to a like distance at sea.
For cerery vessel drawing-

|  |  |  |  | s. | d. |
| :---: | :---: | :---: | :---: | :---: | ---: | ---: |
| $\ldots$ | $\ldots$ | $\ldots$ |  | 0 | 0 |
| $\ldots$ | $\ldots$ | $\ldots$ |  | 7 | 6 |
| $\ldots$ | $\ldots$ | $\ldots$ | 6 | 15 | 0 |
| $\ldots$ | $\ldots$ | $\ldots$ | 7 | 10 | 0 |
| $\ldots$ | $\ldots$ | $\ldots$ | 8 | 5 | 0 |
| $\ldots$ | $\ldots$ | $\ldots$ | 9 | 0 | 0 |
| $\ldots$ | $\ldots$ | $\ldots$ | 9 | 15 | 0 |
| $\ldots$ | $\ldots$ | $\ldots$ | 10 | 10 | 0 |
| $\ldots$ | $\ldots$ | $\ldots$ | 11 | 5 | 0 |
| $\ldots$ | $\ldots$ | $\ldots$ | 12 | 0 | 0 |
| $\ldots$ | $\ldots$ | $\ldots$ | 12 | 15 | 0 |
| $\ldots$ | $\ldots$ | $\ldots$ | 13 | 10 | 0 |
| $\ldots$ | $\ldots$ | $\ldots$ | 14 | 5 | 0 |
| $\ldots$ | $\ldots$ | $\ldots$ | 15 | 0 | 0 |
| $\ldots$ | $\ldots$ | $\ldots$ | 16 | 10 | 0 |
| $\ldots$ | $\ldots$ | $\ldots$ | 18 | 0 | 0 |

And so on at the rate of Thirty shillings for every additional foot.

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## Exceptions or Exemptions.

1. Vessels of all nations outfitting to or refitting from the lisheries and vessels and steamers engrged in the Coasting Trade between Port Phillip and any part of New South Wales and Vain Dienen's Land and also all vessels under 30 tons burthen may decline taking Pilots but must nevertheless pay one-fourth of the above rates.

2 . Vessels above 30 but under 50 tons burthen not being steamers nor engaged in the Coasting Trade may also decline to take Pilots but must nevertheless pay one-half of the above rates.

All vessels actually taking Pilots must pay full pilotage and the above exceptions or exemptions apply only to vessels having British Registers or being entitled to the privileges of British registered vessels.

## C.

TABLE OF RATES OF WHARFAGE.


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Spades Shovels Forks and Frying-
pans-doz. ... ... ... 0 :
Spars-foot ... ... .. 0

| Spelter—ton | $\ldots$ | $\ldots$ | ... | 2 |
| :--- | :--- | :--- | :--- | :--- |

Starch-case ... ... ... 0
Stationery-package .... ...
Staves-100 ... ... ... 1 ©
Stcel--ton $\quad . . \quad$... ... : ${ }^{\circ}$
$\begin{array}{lllll}\quad, \quad \text { cask or case } & \ldots & \ldots & 0 & y \\ \text { Sugar refined-sugar-hhd. } & \ldots & \text { y } & 0\end{array}$
". hlid. ... ... 1 u
$\begin{array}{cccccc}\text { tierce } & \ldots & \ldots & 0 & 9 \\ ", & \text { cask } \text { or case } & \ldots & 0 & 6 \\ ", & \text { raw-bag } & \ldots & \ldots & \ldots & 0 \\ 1 \frac{1}{2}\end{array}$

Tallow-hhd. ... ... ... 0 y
," slush or fat-cask ... ... 0 6
Tar or Pitch-barrel ... ... 0 bi
Ter-chest ... ... ... 0 6

| $\frac{1}{2}$-chest | .. | $\ldots$ | $\ldots$ | 0 | 3 |
| :---: | :---: | :---: | :---: | :---: | :---: |

$\begin{array}{llllll}\text { Timber-load } & \cdots & \cdots & \cdots & 9 & 1 \\ \text { Tin }\end{array}$
Tin Plates-box $\ldots$... $\quad$ Mach $\ldots$
—each ... ... ... 3 u
$\begin{array}{cccccc}\text { Twine-thach } & \cdots & \ldots & \cdots & 0 & 0 \\ \text { bale cask or case } & \ldots & \ldots & 1 & 0 \\ \text {,... } & 0 & \text { is }\end{array}$
$\begin{array}{cccccc}\text { Tobacco-hhd. } & \ldots & \ldots & \ldots & 1 & 6 \\ \text { tierce } & \ldots & \ldots & \ldots & 0 & 9\end{array}$
$\begin{array}{lllllll}" & \mathrm{keg} & \ldots & \ldots & . . . & 0 & 3 \\ " & \text { basket } & \text { ar roll } & \ldots & \ldots & 0 & 1 \frac{1}{9}\end{array}$
Toys and Turnery-cask or case ... $0 \quad 6^{2}$
Tongues and Tripe-keg ... ... 0 ;
$\begin{array}{cccccc}\text { Vitriol-case } & \ldots & \ldots & \ldots & 1 & 0 \\ \text { c. } & \text { carboys } & \ldots & \ldots & \ldots & 0 \\ \text { ( }\end{array}$
Vinegar-hhd. $\quad \cdots \quad$... $\quad . .$.
barrel or $\frac{1}{2}$ hhd.
... $0 \quad 4 \frac{1}{2}$
$\begin{array}{lllll}\text { Wheels cart or carriage-each } & \ldots & 0 & 3^{2} \\ \text { Whalebone-ton } & \ldots & \ldots & \ldots & 3 \\ 6\end{array}$
$\begin{array}{llllll}\text { Whalebone-ton ... } & \ldots & \ldots & 3 & 6 \\ \text { Whale and other boats each } & \ldots & 1 & 0\end{array}$
$\begin{array}{lllll}\text { Whate and other barrows-each } & \text {... } & \ldots & 0 & \text { on }\end{array}$
$\begin{array}{ccccc}\text { Wine and Spirits-leaguer } & \ldots & 1 & 6 \\ , & \frac{1}{2} \text { ditto } . . . & \ldots & 1 & 0\end{array}$
", $\quad \frac{1}{2}$ pipe butt or pun-
$\begin{array}{cccc}\text { cheon } & \ldots & 1 & 0 \\ \text { hhd. } & \ldots & \ldots & 0 \\ y\end{array}$
$\begin{array}{lrlll}" & \text { hhd. } \ldots & \ldots & 0 & 9 \\ ", & \text { barrel or } & \frac{1}{4} \text { cask. } & 0 & 4 \frac{1}{2} \\ " & 1 \text { or } 2 \text { dozen cask or case } & 0 & 3\end{array}$
", 3 or 4 do. ", 0
, 5 or 6 do. ", 0

| $"$ above 6 | do. |  |  | 0 |
| :---: | :---: | :---: | :---: | :---: |

$\begin{array}{ccccc}\text { Gin-case of } 4 \text { gallons... } & \ldots & 0 & 6 \\ , "- & 2 \text { gallons... } & \ldots & 0 & 3 \\ " & & 0 & 6\end{array}$
Unenumerated Goods:-

| Heavy-ton $\ldots$ | $\ldots$ | 3 | 6 |
| :--- | :--- | :--- | :--- |
| Ditto in packages-tun butt... | 2 | 0 |  |

$\begin{array}{llclll}\text { Ditto in packages-tun butt... } & 2 & 0 \\ \text { Butt or puncheon } & \text {... } & \ldots & 1 & 0\end{array}$
Hogshead or crate ... ... 09
Barrel... ... ... ... 0
$\begin{array}{lllll}\text { Keg or firkin ... } & \ldots & \ldots & 0 & 3 \\ \text { Bundle or case } & \ldots & \ldots & 0 & 6\end{array}$
Jar can or bottle $\ldots$...

