



WESTERN AUSTRALIA.

ANNO VICESIMO QUINTO

VICTORIÆ REGINÆ.

NO. IX.

AN ORDINANCE to regulate the Carriage of Passengers
by Vessels engaged in the coasting Trade.

WHEREAS it is expedient to regulate the Carriage of Passengers Preamble.
in Vessels voyaging from any Place to any Place respectively
within the Colony of Western Australia; Be it therefore enacted by
His Excellency the Governor of Western Australia and its Depend-
encies by and with the Advice and Consent of the Legislative Council
thereof;

I. THAT on the first Day of January next this Ordinance shall Commencement of Or-
commence and come into Force, and shall extend to every colonial dinance.
Ship or Vessel proceeding on any coasting Voyage from Port to Port Voyages defined.
or Place to Place respectively within the said Colony; but shall not
extend

extend to any of Her Majesty's Ships of War or to Vessels belonging to or in the Pay of the Imperial or Local Government.

Superintendent of Water Police and others to carry Ordinance into Operation.

II. THAT the Governor shall and may authorise and empower the Superintendent of Water Police, or any other Person or Persons appointed under his Hand, to carry this Ordinance into Execution, and all Powers and Duties to be exercised or performed by such Superintendent of Water Police, or other Person or Persons as aforesaid, shall be exercised and performed respectively by his or their Assistants; or at any Port where there shall be no such Superintendent of Water Police, or other Person or Persons appointed as aforesaid, or any Assistant, or in their Absence, by the principal Officer of Customs for the Time being at such Port and his Assistants.

Facilities to be given to proper Officers for the Inspection of Ships for Passengers.

III. THAT the Master of every colonial Ship or Vessel fitting or advertised, or intended for the Carriage of Passengers, or which shall carry Passengers upon any coasting Voyage to which this Ordinance extends, shall afford to such Superintendent of Water Police or other Person or Persons or his or their Assistants as aforesaid at any Port or Place in the said Colony every Facility for inspecting such Ship or Vessel, and for communicating with the Passengers, and for ascertaining that the Provisions of this Ordinance, so far as the same may be applicable to such colonial Ships or Vessels have been duly complied with.

No Ship to be cleared out without a Certificate.

IV. THAT no colonial Ship or Vessel fitted, or advertised, or intended for the Carriage of Passengers on any coasting Voyage, shall clear out or proceed to Sea until the Master thereof shall have obtained from the Superintendent of Water Police or other Person or Persons or his or their Assistants as aforesaid at the Port of Clearance, a Certificate under his Hand that all the Requirements of this Ordinance, so far as the same can be complied with before the Departure of such colonial Ship or Vessel, have been complied with.

Number of Passengers limited.

V. THAT no colonial Ship or Vessel shall clear out at the Custom House or shall proceed to Sea with a greater Number of Persons on board (including the Master, Crew, and Passengers, and counting Two Children above the Age of One Year and under that of Fourteen as One Person) than can be duly accommodated under the Deck to the Satisfaction of the Superintendent of Water Police or other Person or Persons or his or their Assistants as aforesaid: Provided that if there be on board of any such colonial Ship or Vessel, at or after the Time of Clearance, weighing Anchor, or proceeding to Sea, a greater Number either of Persons or of Passengers than can be reasonably accommodated as aforesaid, or if any Passenger shall not be duly accommodated under the Deck, the Master of such colonial Ship or Vessel shall be liable

Penalty.

on

on Conviction to a Penalty not exceeding Five Pounds nor less than Two Pounds sterling for each Person or Passenger constituting any such Excess, and for each Passenger not duly accommodated as aforesaid.

VI. THAT the Master of every colonial Ship or Vessel carrying Passengers on any coasting Voyage to which this Ordinance extends, shall, before demanding a Clearance for such colonial Ship or Vessel, sign Two Lists, made out according to the Form contained in the Schedule hereto annexed, correctly setting forth in the Manner therein directed the Name and other Particulars of the colonial Ship or Vessel and of every Passenger on board thereof: and the said Lists, when countersigned by the Superintendent of Water Police, or other Person or Persons or his or their Assistants as aforesaid, shall be delivered by the Master to the Collector or principal Officer of Customs, from whom a Clearance of the said colonial Ship or Vessel shall be demanded, and such Officer shall thereupon also countersign and return to the said Master One of such Lists, and the said Master shall deliver such last mentioned List to the principal Officer of Customs at the Port or Place of Discharge.

Lists to be made out and delivered in every Case before Clearance.

VII. THAT if any Person shall be found on board any colonial Ship or Vessel with Intent to obtain a Passage therein, without the Knowledge or Consent of the Owner, Charterer, or Master thereof, such Person, and every Person aiding and abetting him in such fraudulent Intent, shall respectively be liable on Conviction to a Penalty not exceeding Five Pounds, and in default of Payment to Imprisonment with hard Labour for a Period not exceeding Three Calendar Months; and such Person so found on board may be taken before any Justice of the Peace without Warrant, and such Justice may hear the Case and on Proof of the Offence convict such Offender as aforesaid.

Penalty on Persons found on board attempting to obtain a Passage.

VIII. THAT no colonial Ship or Vessel shall clear out or proceed to Sea on any coasting Voyage unless she shall have been surveyed, under the Direction of the Superintendent of Water Police or other Person or Persons or his or their Assistants as aforesaid, at the Port of Clearance, but at the Expense of the Owner or Charterer thereof, by Two or more competent Surveyors, One of whom shall be appointed by the said Superintendent of Water Police or other Person or Persons or his or their Assistants as aforesaid, nor unless it shall be reported by such Surveyors, that such colonial Ship or Vessel is in their Opinion seaworthy and fit in all Respects for her intended coasting Voyage: Provided nevertheless that such Superintendent or other Person or Persons or his or their Assistants as aforesaid shall have Power to dispense with such Survey in any Case he or they may deem it proper so to do.

Ships to be surveyed before clearing out.

IX. THAT every colonial Ship or Vessel shall be commanded by

Ships to be properly manned.

a competent Master and shall be manned with an efficient Crew for her intended coasting Voyage, and shall carry One Boat of a suitable Size and seaworthy, and shall have a life Buoy made of Cork and Hoop shaped, properly suspended to the Satisfaction of the Officer from whom a Clearance of such colonial Ship or Vessel may be demanded, and such Boat and such life Buoy shall be kept clear at all Times for immediate Use at Sea: And no Part of the Cargo or of the Provisions, Water, or Stores, whether for the Use of the Passengers or Crew, shall be carried on the upper Deck, unless in the Opinion of such Superintendent of Water Police or other Person or Persons or his or their Assistants as aforesaid, it shall be placed to the Satisfaction of such Officer so as not to endanger the Safety of the Ship or interfere with the Accommodation of the Passengers.

Before clearing out the Provisions and Water to be surveyed.

X. THAT before any colonial Ship or Vessel shall be cleared out, the Superintendent of Water Police or other Person or Persons or his or their Assistants as aforesaid, shall survey or cause to be surveyed by some competent Person the Provisions and Water placed or to be placed on board for the Consumption of the Passengers and Crew and others, and shall satisfy himself that the same are sufficient and of good, wholesome, and suitable Quality, and in a sweet and good Condition, and are in Quantities sufficient to secure throughout the coasting Voyage, in addition to and irrespective of any Provisions of their own, a reasonable and suitable Board and Maintenance of the Passengers, and Crew, and Others, such Quantities not being less than shall from Time to Time be declared by the Governor by Proclamation published in the Government Gazette; and if a Clearance be obtained for any such colonial Ship or Vessel, which shall not be then stored with the requisite Quantity of such Water, Provisions, and Stores as are required by this Ordinance, or if the Passengers or any One or more of them shall not be supplied daily with the suitable Board and Maintenance, the Owner, Charterer, or Master of such colonial Ship or Vessel shall be liable on Conviction to a Penalty of any Sum not exceeding Fifty Pounds.

Power to reject and mark bad Provisions, and direct the same to be landed

XI. THAT if such Superintendent of Water Police or other Person or Persons or his or their Assistants as aforesaid, shall consider that any of the Water, Provisions, or Stores are not of a good and wholesome Quality, or are not in a sweet or good Condition, it shall be lawful for him to reject and mark the same or the Packages in which they are contained, and to direct the same to be landed; and if such rejected Water, Provisions, or Stores shall not thereupon be forthwith landed, or if, after being landed, the same or any Part thereof shall be reshipped in such Ship, the Owner, Charterer, or Master thereof, or if reshipped in any other Ship or Vessel the Person causing the same to be reshipped, shall be liable on Conviction to a Penalty not exceeding Fifty Pounds.

XII. That in every colonial Ship or Vessel the Water laden on board, as hereinbefore required, shall be carried in Tanks or in Casks, to be approved by such Superintendent of Water Police or other Person or Persons or his or their Assistants as aforesaid, at the Port of Clearance; and when Casks shall be used they shall be sweet and tight, of sufficient Strength, and properly charred inside, and shall not be made of Fir or soft Wood Staves, nor be capable severally of containing more than Two Hundred Gallons each.

Water Tanks or Casks
to be approved.

XIII. THAT if any such colonial Ship or Vessel shall not actually put to Sea, or proceed on her intended coasting Voyage on the Day appointed for sailing in and by any Contract made by the Owner, Charterer, or Master of such Ship, or by his or their Agent, with or on behalf of any Passenger who shall on that Day be on board the same, or ready to go on board, the Owner, Charterer, or Master of such Ship, or his or their Agent, or any of them, at the Option of such Passenger, shall pay to every Passenger Subsistence Money, after the Rate of Five Shillings for each Statute Adult in respect of each Day of Delay until the final Departure of such Ship on such Voyage; and the same may be recovered in like Manner as any Penalty imposed by this Ordinance: Provided that if such Ship be unavoidably detained, either by Wind or Weather, no such Subsistence Money shall be payable.

As to subsisting in Case
of Detention.

XIV. THAT a Penalty not exceeding Fifty Pounds, nor less than Five Pounds, is hereby imposed on the Master or Owner of any colonial Ship or Vessel, as the Case may be, coming within the Provisions of this Ordinance, who shall be convicted in Manner hereinafter mentioned of any One of the following Offences, that is to say, If in any colonial Ship or Vessel, fitting, or advertised, or intended for the Carriage of Passengers, or which shall carry Passengers on any coasting Voyage to which any of the Provisions of this Ordinance may extend, every such Facility for Inspection shall not be afforded as hereinbefore required; or if a Clearance be demanded for any such Ship before such Lists of Passengers shall be signed and delivered to the proper Officer as hereinbefore required; or if such Lists shall be false; or if any colonial Ship or Vessel shall clear out or proceed to Sea on any coasting Voyage, without having been duly surveyed as hereinbefore required, unless such Survey be dispensed with by the proper Officer as aforesaid, or without having obtained the Certificate hereinbefore required; or if any Ship shall proceed to Sea on any coasting Voyage without a Boat and life Buoy as aforesaid, or without being properly commanded and manned as aforesaid; or if any Part of the Cargo or the Provisions, Water, or Stores shall be carried on the upper Deck, or otherwise contrary to the Provisions of this Ordinance, or if bad and unwholesome Provisions be issued to any Passenger contrary to the

Penalties.

Inspection.

Passenger Lists.

Survey.

Manning.

Provisions.

Water.
Cleanliness.

the Requirements of this Ordinance ; or if the Water shall not be carried in Tanks or Casks as hereinbefore required ; or if any such Ship shall not be kept cleanly and healthy in all respects ; or if any Passenger shall, without his previous Consent, be landed at any Place other than the Place at which he may have contracted to land ; or if any Passenger after his Arrival at the End of his Voyage shall not be allowed a reasonable Time to quit such Ship: Provided Nothing in this Ordinance shall take away any Right of Action which may accrue to any Person for the Breach of any Contract with the Master, Charterer, or Owner of any colonial Ship or Vessel.

Right of Action preserved

Definition of Terms.

XV. THAT the following Terms shall respectively have the following Significations, (that is to say,) the Term "Statute Adult" shall signify a Passenger of the Age of Fourteen Years or upwards, or Two Passengers above the Age of One Year and under that of Fourteen ; the Term "Colonial Ship or Vessel" shall signify any Description of sea-going Vessel, whether British or foreign, engaged for the Time being in the coasting Trade of the said Colony ; the Term "coasting Voyage" shall signify any Voyage from Port to Port or Place to Place within the said Colony ; the term "Master" shall signify the Person who shall be borne on the Ship's Articles as Master, or who for the Time being shall be in Charge or Command of any such Ship.

Penalty for having on board a greater Number of Persons than prescribed by Section 5.

XVI. THAT if any colonial Ship or Vessel arriving at or in any Port or Place from or out of any Port or Place after having performed any coasting Voyage within the Provisions of this Ordinance, shall have on board a greater Number of Persons or Statute Adults than provided for in the Fifth Section of this Ordinance, the Master of such Ship or Vessel shall be liable on Conviction to a Penalty of not exceeding Five Pounds for each such Person or Statute Adult constituting any such Excess.

Length of Voyages.

XVII. That for the Purposes of this Ordinance the Length of the Voyage between any Ports or Places in the Colony shall from Time to Time be determined by the Governor and published by Proclamation in the Government Gazette.

Misconduct endangering Ship, or Life, or Limb, a Misdemeanour.

XVIII. THAT any Master of or any Seaman or Apprentice belonging to any colonial Ship or Vessel who by wilful Breach of Duty, or by Neglect of Duty, or by Reason of Drunkenness, does any Act tending to the immediate Loss, Destruction, or serious Damage of such Ship, or tending immediately to endanger the Life or Limb of any Person belonging to or on board of such Ship, or who by wilful Breach of Duty, or by Neglect of Duty, or by Reason of Drunkenness, refuses or omits to do any lawful Act proper and requisite to be done by him

for preserving such Ship from immediate Loss, Destruction, or serious Damage, or for preserving any Person belonging to or on board of such Ship from immediate Danger to Life or Limb, shall for every such Offence be deemed guilty of a Misdemeanour, and shall be punishable by Fine or Imprisonment or both with or without hard Labour: Provided that such Offence shall also be deemed an Offence hereby made punishable by Imprisonment for any Period not exceeding Six Calendar Months, with or without hard Labour, or by a Penalty not exceeding One Hundred Pounds, and may be prosecuted accordingly in a summary Manner instead of being prosecuted as a Misdemeanour.

XIX. THAT Sections A, C, F, G, and I of "The Shortening Ordinance, 1853," shall be incorporated with and taken to form a Part of this Ordinance, to all Intents and Purposes and in as full and ample a Manner as if the said Sections had been introduced and fully set forth in this Ordinance. Sections of Shortening Ordinance.

XX. THAT the Schedule to this Ordinance shall be deemed to be a Part of this Ordinance, and all the Directions therein shall be duly followed. Schedule

XXI. THAT this Ordinance may be cited as the "Colonial Passengers Ordinance, 1861." Short Title.

A. E. KENNEDY,

GOVERNOR AND COMMANDER IN CHIEF.

*Passed the Legislative Council,
this 2nd Day of December, 1861.*

HENRY WAKEFORD,

Clerk of the Council.



SCHEDULE.

FORM OF PASSENGERS LIST.

Ship's Name and Tonnage	Names of Passengers.	Age.	Calling.

The above is a correct List of the Names and Descriptions of all the Passengers.

(Signed)

_____ Master.

(Countersigned)

_____ Superintendent of Water Police.

_____ Officer of Customs at

Date _____, 186