



## WESTERN AUSTRALIA.

ANNO VICESIMO QUINTO

# VICTORIÆ REGINÆ.

NO. XII.

AN ORDINANCE to amend "The Customs Ordinance, 1860."

**W**HEREAS it is expedient to amend the Ordinance entitled *An Ordinance to amend the Laws of the Customs in Western Australia*; Be it therefore enacted by His Excellency the Governor of Western Australia and its Dependencies by and with the Advice and Consent of the Legislative Council thereof:—

I. THAT from and after the Passing of this Ordinance the following Sections of the said recited Ordinance shall be and the same are hereby severally and respectively repealed (that is to say) the Thirty-sixth, the Fortieth, the Forty-fifth, the Ninety-first, the Ninety-second, the Ninety-third, the Ninety-fourth, and the Ninety-ninth.

Sections 36, 40, 45, 91, 92, 93, 94, and 99 of the 24th Vict. No. 5 repealed.

II. THAT no Goods shall be shipped on board any Ship or Vessel in any Port or Place in the said Colony to be carried to Parts beyond the

General Provisions outwards.

the Limits thereof before due Entry outwards of such Ship or Vessel, and before such Ship or Vessel shall depart a Content of all Goods which shall have been shipped on board thereof shall be made as provided in the Thirty-seventh Section of the said recited Ordinance, and no Goods shall be so shipped except at a Port or Place and in such Manner as are herein directed; and any Person or Persons shipping Goods which shall be shipped contrary hereto shall forfeit and pay any Sum not exceeding Thirty Pounds nor less than Ten Pounds: Provided that it shall be lawful for the Governor from Time to Time to grant a special Authority to any Master of a Ship or Vessel to lade Goods (not being Goods upon the Export or Transshipment of which Bond is required) on board his Ship or Vessel to be carried to Parts beyond Seas, at any Place or Places, not being within a Port or Place where a Collector shall be resident within the Meaning of this Ordinance; but such Master so authorised as aforesaid shall nevertheless enter outwards his Ship at the Custom House nearest the intended Place of Shipment or Lading.

Place for shipping Goods.

III. THAT no Goods upon the Export or Transshipment of which Bond is required shall be shipped or waterborne to be shipped in order to be exported except at a Wharf or Place appointed as a landing Place by the Governor and except during the legal Hours appointed for landing Goods.

Unregistered Boats to be licensed.

IV. THAT no Ship or Boat not duly registered according to Law whether licensed under any other Ordinance or not shall be employed in the Removal of Goods from any Ship or Vessel arriving from Parts beyond the Seas not being in the said Colony, at a Port or Place within the Limits of any Port of the said Colony unless duly licensed according to the Form and in the Manner hereinafter provided, or without being decked and having Hatches capable of being securely fastened; and every such Ship or Boat so employed without being duly licensed as aforesaid or without being decked and having Hatches as aforesaid together with the Tackle, Furniture, and Apparel thereof shall be forfeited: Provided nothing herein contained shall prevent registered Vessels from being licensed Lighters and provided that Boats belonging to any Vessel may be lawfully employed in the Landing of Cargo from such Vessel.

Registered Boats to be licensed.

V. THAT no Ship or Boat registered according to Law shall ply as a Lighter in any Port of the Colony for the Carriage of Goods to and from any Ship without being licensed as hereinafter provided; or without being decked and having Hatches capable of being securely fastened under

under a Penalty on the Master or Owner not exceeding One Hundred Pounds nor less than Ten Pounds.

VI. THAT the License for every Ship or Boat requiring a License under the said recited Ordinance or this Ordinance shall be granted by a licensing Board consisting at Fremantle of the Collector of Customs, the Harbour Master, and the Superintendent of Water Police, together with such Person or Persons as the Governor shall from Time to Time appoint; and at all other Ports, of the Sub-Collector, Resident, or Police Magistrate and such other Person or Persons as the Governor shall from Time to Time appoint; the Majority of whom assembled at any Meeting shall for the Purpose of this Ordinance have Power to grant such Licenses in or to the Effect of the Form in the Schedule hereto, having previously duly inspected such Ship or Boat proposed to be licensed as to the Particulars to be mentioned in such License and having first duly examined the proposed Master or managing Boatman of such Ship or Boat both as to moral Character and nautical Skill and general Ability to manage a Ship or Boat; and every such Board shall have Power at Discretion to refuse a License to any Ship or Boat if in their Judgment it shall or may appear unsafe or unsound in any material Particular; if its Hatches, Fittings, Gear, Tackle, or Furniture appear to have been in anywise unsound or incomplete; or if it is not provided with Hatches and with necessary Fittings for being secured and fastened with Padlocks; or to refuse such License if the Master or managing Boatman is incompetent or inexperienced, such Refusal to be final and without Appeal; and the Licenses so granted to any Ship or Boat shall be in Force until the Thirty-first Day of December next following the Date thereof and no longer: Provided no such License shall be transferable nor shall be used or pleaded by or in anywise serviceable to any other Person than the Boat-owner, Master, or managing Boatman named therein, nor be cognizable by any Court or Bench except as regards the original Holder named therein.

License, how obtained.

VII. THAT if any Master or managing Boatman of any Ship or Boat so licensed or any Person for the Time being in Charge of such Ship or Boat, or any of the Crew or Boatmen thereof, removing Goods under the Provisions of the said recited Ordinance or this Ordinance be found guilty on Conviction before any Justice or Justices of the Peace of overloading such Ship or Boat or of Carelessness, Negligence or Drunkenness on board thereof, or of wanton or vexatious Delay in or before the Passage or during the Passage thereof, it shall be lawful for such Justice or Justices to inflict a Fine on the Offender of any Sum not exceeding Five Pounds; and on a second Conviction the convicting Justice or

Certain Offences to cause a Forfeiture of License.

Justices

Justices shall fine as aforesaid, and declare the License of such Ship or Boat void; and any Ship or Boat whose License shall be so declared void which shall continue to be plied or used for the Removal of Goods to or from any Ship or Vessel within the Limits of any Port after such Sentence, shall be deemed and taken to be plying without a License and shall be forfeited.

Onus of Proof on Owner  
or Master of the Ship or  
Boat.

VIII. THAT the Onus of Proof of such License shall be on the Defendant.

Schedules.

IX. THAT the Schedules annexed to the said recited Ordinance shall form and be a Part thereof, and the Forms in such Schedules, or Forms to the like Effect, shall be held good, valid, and sufficient in Law.

Ordinances to be read  
together.

X. THAT this Ordinance and the said recited Ordinance shall be read together as One Ordinance.

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.

## SCHEDULE.

## FORM OF LICENSE FOR SHIP OR BOAT.

WE Certify that \_\_\_\_\_ of  
 Victoria No. 12 to ply for the Removal of Goods within the Port and Place of  
 the Ship (or Boat) hereunder described until  
 the 31st December next ensuing. :—

No.	Name of Ship or Boat.	Description.	Owner's Name.	Master of Ship, or managing Boatman.	Tonnage.