



WESTERN AUSTRALIA.

ANNO DECIMO SEXTO

VICTORIÆ REGINÆ.

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No. XX.

**An Ordinance to make further provision for  
the Licensing of Boats and Boatmen, and  
for the preservation of Jetties, &c.**

**W**HEREAS it is expedient to make provision for the better re-  
gulation of Boats any Boatmen carrying goods and passengers Preamble.  
for hire;—Be it therefore enacted, by His Excellency the Gov-

ernor of Western Australia and its Dependencies, by and with the advice and consent of the Legislative Council thereof—

Annexed Schedule to be used in place of the schedules annexed to Act No. 1843.

I. THAT from and after the passing of this Ordinance, in the place and stead of the Schedules numbered respectively 1, 2 and 3, and annexed to the Act No. 2, 1843, the Schedules respectively numbered 1, 2, and 3, and annexed to this Ordinance and the forms and scale of charges therein mentioned, shall be used and in force, with reference to all applications for licenses to be made and licenses to be issued, under the said Act, and as if the last-mentioned Schedule had been originally inserted in, and formed part of, the said Act instead of the said first-mentioned Schedule.

Applicants for licenses to have boats inspected, and to obtain certificate of capacity of same to carry goods and passengers, &c.

II. THAT every applicant for a license under the said Act shall previously to such application have his boat inspected by the Harbour Master of the port nearest to the place of residence of such applicant, or by such other person as may be appointed by the Governor for that purpose, who shall, upon such inspection, certify, in the form mentioned in the Schedule No. 1, hereunto annexed, as to the capacity of the boat mentioned in such application to carry goods and passengers, and for which inspection and certificate he shall be entitled to charge and receive for his own use, from the applicant, the sum of 5s; and the majority of the Justices to whom such application for a license shall be made, shall have full discretionary power to decide upon the quantity of goods and the number of passengers, inclusive of crew, to carry which any boat may be licensed, notwithstanding that such quantity or number may be greater or less than that mentioned in such application, or certificate, or both.

Discretionary power given to majority of Justices.

The licensee of any licensed boat carrying any greater quantity of goods or number of passengers than that mentioned in the license, or carrying passengers when at sea with less than one-eighth of her tonnage, or elsewhere with less than one-twelfth of her tonnage in ballast, &c, subjected to a penalty.

III. THAT if any licensed boat shall on any occasion carry any greater quantity of goods or number of passengers than that mentioned in the license for such boat, or shall so carry any quantity of goods and number of passengers which, taken together and estimated according to the scale hereinafter mentioned in that behalf, would exceed the tonnage which such boat was licensed to carry, or shall on any occasion carry passengers with less than one-eighth part of her tonnage when at sea or with less than one-twelfth of her tonnage when not at sea, in ballast or other dead weight, the person to whom the license for such boat may have been granted shall upon conviction of such offence, forfeit and pay any sum not exceeding Five Pounds

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Provided that no child under the age of ten years shall be considered to be a passenger under this section; and for the purposes of this section only, in estimating a mixed cargo of goods and passengers, one passenger shall be considered as equivalent to one-eighth part of a ton of goods, either dead weight or measurement. In estimating a mixed cargo, one passenger equal to one-eighth part of a ton of goods, &c.

IV. THAT in addition to the requisition contained in the 4th section of the said Act, and under the penalty therein mentioned in case of default, every person licensed to keep a boat shall at all times have the quantity of goods and the number of passengers to carry which such boat may have been licensed, painted in the manner in the said section provided, with reference to the name and place of abode of such licensed person. Quantity of goods, &c., for which boat is licensed to be painted, &c.

V. THAT no person shall smoke in any boat licensed under the said Act, and carrying any passenger or passengers for hire, on any river or estuary, unless with the consent, first obtained and expressed verbally, of every such passenger at the time on board of such boat; and every person who shall so smoke without having first obtained such consent, as aforesaid, of every such passenger, shall upon conviction, forfeit and pay for every such offence any sum not exceeding £2. No person to smoke in any licensed boat, &c., without the consent of every passenger.

VI. THAT if any wearing apparel, luggage, or other personal property, be left by any passenger in any licensed boat, without special instructions concerning the same, such articles shall, with all convenient speed, be conveyed by the owner of such boat to the owner of such property, if known, or to the nearest Police Office or other place appointed by the Governor for that purpose, and shall be delivered to the Officer or person in charge thereof for the time being, who shall thereupon enter in a book to be kept for that purpose the number and description of the articles so delivered, and the name of the person who delivered the same, and also the date of such delivery, and all such articles shall thereupon remain in the custody of the Police, or in the custody of such other person as may be named by the Governor for the purpose, until they shall be claimed by persons entitled to receive the same respectively: and every owner of any licensed boat who shall not comply with the requisitions of this section, shall, upon conviction of every such offence, forfeit and pay any sum not exceeding Ten Pounds. Provided always that any boatman making any such delivery as aforesaid, shall be enti- All wearing apparel, &c., left by any passenger in any licensed boat, without special instructions, to be conveyed to the owner of such property, or to the nearest police office.

tled to demand and recover from the owner of the property so delivered, reasonable compensation for his trouble and loss of time therein.

Any person in charge of any licensed boat, by wilful breach or neglect of duty, does any act tending to the immediate loss, &c., shall be guilty of a misdemeanor, and be punishable with fine or imprisonment, &c., or both.

VII. THAT any person for the time being in charge of any licensed boat or any of the crew of such boat carrying goods or passengers for hire, who by any 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 licensed boat, or tending immediatly to endanger the life or limb of any person belonging to or on board of such boat, or who by wilful breach of duty, or by neglect of duty, or by reason of drunkenness, refuse or omits to do any lawful act proper and requisite to be done by him for preserving such boat from immediate loss, destruction, or serious damage, or for preserving any person belonging to or on board of such boat from immediate danger to life or limb, shall, for each such offence be deemed guilty of a misdemeanor; and shall upon conviction thereof be punishable with fine or imprisonment, with or without hard labour or both, as the Court before which the offender shall be tried may think fit, and such Court may, if it think fit, order payment of the costs and expenses of the prosecution.

No person to light &c., a fire upon any jetty, &c., being public property.

VIII. THAT no person shall, under any pretext whatever, light, place or keep a fire upon, or so near as to endanger any Jetty, pier, wharf, bridge or other work of the like nature, being public property, constructed wholly or in part of wood; and every person so offending shall, upon conviction of every such offence, forfeit and pay any sum not exceeding Ten Pounds.

Any person wilfully injuring or destroying any jetty, &c., or making fast to any vessel, &c., to any buoy, &c., subjected to a penalty of £20; and upon conviction for the second time, to be guilty of felony.

IX. THAT any person who shall wilfully injure or destroy any jetty, pier, wharf, buoy, beacon, or river or sea-mark, being public property, or who shall make fast any vessel, boat, raft, timber, or other article, to any such buoy, beacon, river or sea mark, shall upon conviction of every such offence, forfeit and pay any sum not exceeding £20; and upon conviction for the second time of the offence of wilfully injuring or destroying any such jetty, pier, wharf, buoy, beacon, or river, or sea mark, shall be deemed guilty of felony, and being convicted thereof, shall be liable to be transported for seven years.

X. THAT the Governor in Executive Council may frame, and

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from time to time alter and amend general regulations for the management of all public bridges, jetties, piers, wharfs, and landing places; or Special Regulations for the management of any number of public bridges, jetties, piers, wharfs, and landing places, as may be found most convenient; and the said Regulations, whether original, altered, or amended, shall, together with such other matters as it may be deemed necessary to regulate and control thereby, provide for the manner of mooring or fastening and of loading and unloading boats and vessels at such jetties, piers, wharfs, and landing places, the nature of the cargo which may be landed thereon respectively, and the time which boats or vessels may be permitted to lie alongside of, and cargo to remain upon, such jetties, piers, wharfs, and landing places. And all such Regulations as aforesaid, whether original, altered, or amended, shall be promulgated, by Proclamation in the Government Gazette, and from and after such proclamation as aforesaid, and until the promulgation in like manner of any new, altered, or amended regulations as aforesaid, shall have the effect of law, and have the same force, as if they had been originally embodied in this Ordinance; and every person who shall act in opposition to, in violation of, or at variance with the said Regulations, or any part thereof respectively, shall upon conviction of such offence, forfeit and pay any sum not exceeding twenty pounds

The Governor in Executive Council may frame regulations for the management of bridges, jetties, &c.

Persons violating regulations subject to a penalty of £20.

XI. THAT the said Act and this Ordinance shall be taken and construed together as one Act or Ordinance, to all intents and purposes whatsoever.

Act No. 2, 1843, and this Ordinance to be one ordinance.

CHARLES FITZGERALD,  
GOVERNOR AND COMMANDER-IN-CHIEF.

*Passed the Legislative Council, }  
the 20th day of April, 1853. }*

A. O'GRADY LEFROY,  
Clerk of the Council.

SCHEDULE No. 1.

APPLICATION FOR A LICENSE.

I \_\_\_\_\_ of \_\_\_\_\_ in the district of \_\_\_\_\_, hereby apply for a License to ply the Boat hereunder described, to carry goods and passengers for hire, and which description I declare to be true and accurate, to the best of my knowledge.

Name of Boat.	Description of Boat.	Extreme length and breadth.	Number of passengers Boat is capable of carrying.	Tonnage.

A. B.

I certify that I have inspected the above-mentioned Boat, and that in my opinion she is capable of carrying in safety \_\_\_\_\_ passengers, inclusive of crew, or \_\_\_\_\_ tons of cargo.

C. D.  
Harbour Master,  
or  
Officer duly appointed for the purpose.

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**SCHEDULE No. 2.**

**SCALE OF GRADUATED CHARGE FOR LICENSE.**

	£	s.	d.
For every Boat under two tons.....	0	10	0
Two tons and under five .....	1	0	0
Five tons and under fifteen .....	1	10	0
Fifteen tons and upwards.....	2	0	0
Fee for each License to be paid to Clerk to Magistrate	0	2	6

**SCHEDULE No. 3.**

**LICENSE.**

We certify that \_\_\_\_\_, of \_\_\_\_\_, is Licensed under the Act 7th Victoria, No. 2, to ply for Hire, by carriage of the undermentioned quantity of goods and number of passengers, the boat hereunder described, from the date hereof till the first day of January next ensuing; for which License he has paid the sum of \_\_\_\_\_

**DESCRIPTION OF BOAT LICENSED.**

Number.	Name.	Description of Boat.	With extreme length & breadth.	Number of passengers, (inclusive of crew).	Tonnage.

Given under our hands this \_\_\_\_\_ day of \_\_\_\_\_

J. P.  
J. P.