



WESTERN AUSTRALIA.

ANNO OCTODECIMO

VICTORIÆ REGINÆ.

No. XV.

An Ordinance to consolidate and amend the
Laws for the Regulation of Shipping, and
of Pilotage and other Dues, in the Har-
bours of Western Australia,

WHEREAS it is expedient that the laws relative to the Regu-
lation of Shipping, and of Pilotage and other Dues, in the Preamble.
Ports or Harbours of this colony should be consolidated and in some
respects amended;— 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.

Repeal.

I. THAT the following Ordinances (that is to say) the 2nd William the IV, No. 9, the 4th & 5th Victoria, No. 15, the 9th Victoria, No. 10, the 14th Victoria, No. 2, and the 16th Victoria, No. 15, shall be and the same are hereby repealed, save and except as to any penalties incurred, and any bonds or securities given and still in force, under any of the said Ordinances.

Governor make Rules and publishes in Gazette.

II. THAT from and after the passing of this Ordinance, 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 not repugnant to any of the provisions of this Ordinance, to be observed by all Masters and Commanders of all ships or vessels in any of the Ports or Harbours of the said colony, and by all persons duly appointed or licensed to act as Harbour Masters or Pilots in such ports or harbours; and the said rules and regulations to alter, amend, or repeal, and substitute others in their stead. Provided that all such rules and regulations shall be promulgated by proclamation in the Government Gazette at least one month before the same shall take effect at the expiration of which time the same shall be in full force and effect: Provided further that until any rules and regulations shall be made and promulgated under the authority of this Ordinance, any rules and regulations on the same subject, in force immediately before the passing of this Ordinance, shall continue in force.

Penalty.

III. THAT in case any person, being the master, or in command of any ship or vessel, or being a Harbour Master, or being duly licensed to act as a Pilot in any of the said ports or harbours, shall in any case violate or neglect to observe any of such rules and regulations so promulgated as aforesaid, every person so offending shall, for every such offence, forfeit and pay any sum not exceeding twenty pounds Sterling. Provided that no master or commander of any ship or vessel shall be liable to a fine for any breach of such rules and regulations, unless a copy thereof shall have been previously delivered to him or left on board his ship or vessel.

IV. THAT the master or commander of every ship or vessel (not *bonâ fide* engaged in the coasting trade of this colony,) entering any port or harbour of this colony, shall pay the several Harbour Master's, Pilotage and Tonnage Dues set forth in the scales or lists respectively lettered A, B, and D in the schedule to this Ordinance annexed; and the master or commander of any ship or vessel, including

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cluding such coasters as aforesaid, entering any such port or harbour as aforesaid, in which, or in the vicinity of which, any Public Light is, or shall be established, shall pay the dues set forth in the scale or list lettered C in the said schedule. Provided that no such dues as aforesaid (save those for ordinary pilotage) shall be deemed payable by any of Her Majesty's Ships or Vessels of War, or ships or vessels chartered on behalf of Her Majesty; and that no such dues as aforesaid (except light dues) shall be deemed payable by any ship or vessel breaking bulk and discharging cargo, for the sole purpose of procuring supplies or effecting repairs, to an amount not exceeding one hundred pounds Sterling. Coaster may compound, Provided further, that the owner of any ship or vessel *bona fide* engaged in the coasting trade of this colony may, by agreement with the Collector of Customs of any such port or harbour as aforesaid, pay a fixed annual sum on account of Light Dues, in proportion to the tonnage of such ship or vessel, instead of paying the said last-mentioned dues for each entry into port; but such fixed sum shall not in any case be less than one pound or exceed three pounds in the year for the lights of any one port.

V. THAT it shall be lawful for the said Governor, with the Governor may alter advice of the said Executive Council, to alter and vary (but so as never to exceed) all or any of the scales of dues set forth in the said schedule.

VI. THAT it shall be lawful for the said Governor to grant License. licenses to persons duly qualified to act as Pilots for any of the ports or harbours of the said colony; and that every such license shall contain the name, age, stature, complexion, and place of abode of the person thereby licensed, and shall further certify for what Port he is duly qualified to act as Pilot.

VII. THAT the Master or Commander of any ship or vessel, not being a coasting vessel or vessel of war, arriving from parts beyond the sea at or off any port or harbour of the said colony, wherein any Pilot shall have been appointed, for the purpose of entering the same, shall deliver and give in charge such ship or vessel to the Pilot, who shall first board or go alongside the same, in order to conduct the same into port; and such pilot shall, if required by such Master or Commander, produce his license to act as Pilot; and no Master or Pilot shew license. Commander of any such ship or vessel shall proceed to sea from any of the said Ports or Harbours, or quit his station or anchorage therein
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in order to proceed to sea, without receiving on board some duly licensed Pilot to conduct the said ship or vessel to sea; and any Master or Commander who shall take his ship or vessel into any of the said ports or harbours, or shall attempt to take the same to sea, without first receiving on board thereof some Pilot as aforesaid, shall, on conviction of such offence, forfeit and pay a sum equal in amount to such sum as the pilotage of such ship or vessel would have amounted to if a Pilot had been received on board. Provided that if such Master or Commander shall have made the signal for a Pilot at the proper time, and no Pilot shall offer himself to take charge of the ship or vessel, then such Master or Commander shall not be deemed liable to pay the dues in such case appointed.

Master of ship exempt from pilot duty after signal.

VIII. THAT no such Pilot as aforesaid, shall be bound to conduct any ship or vessel to sea, until the full amount of the outward pilotage and other dues of such ship or vessel shall be first paid, or secured to be paid to the satisfaction of the Collector of Customs or Harbour Master.

Pilot to receive allowance if on board over 48 hours

IX. THAT every Pilot in charge of any ship or vessel in, or entering or proceeding from, any such port or harbour as aforesaid, who shall be detained on board such ship or vessel for a period exceeding forty-eight hours, either on account of stress of weather or under quarantine, or by any act of the master thereof, shall be entitled to demand and receive, over and above lawful pilotage, such daily sum, not exceeding eight shillings, as may be appointed by any Rules and Regulations made and promulgated as aforesaid.

Penalty on refractory or mischievous Pilot.

X. THAT any licensed Pilot, who shall, without just and sufficient cause, refuse, neglect or delay to take charge of any ship or vessel when so required; or who shall quit any such ship or vessel, or decline the piloting thereof after he has been engaged, or before the service for which he was hired shall have been performed; or shall, by drunkenness or otherwise, render himself incapable of conducting any ship or vessel, or shall do any injury to the same, or to the tackle and furniture thereof, shall, on conviction of such offence, forfeit and pay any sum not exceeding £50 Sterling, or, at the discretion of the convicting Justices, be imprisoned, with or without hard labour, for any term not exceeding twelve months.

XI. THAT whenever any ship or vessel (not being *bonâ fide* engaged

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engaged in the coasting trade of the said colony) shall arrive in any ^{Harbour Master, board} of the ports and harbours aforesaid, the Harbour Master of such port ^{vessel.} shall, with due diligence, repair on board such ship or vessel, and shall appoint the place where every such ship or vessel shall moor or cast anchor; and as often as the Master or Commander of any such ship or vessel shall be desirous of moving the same from one place of moorage or anchorage to another, he shall notify his desire to such Harbour Master, who shall, in person or by a duly licensed Pilot as his Deputy, with all convenient speed, go on board of such ship or vessel, and, unless he shall see good and sufficient cause to the contrary, shall direct the removal thereof; and for every such service, such Harbour Master shall be entitled to demand and receive the several fees or dues appointed by the scale lettered A in the schedule hereunto annexed, or appointed by any other scale published under the authority of this Ordinance, and for the time being in force.

XII. THAT the Master or Commander of every ship or vessel ^{Bond.} entering any of the ports or harbours aforesaid shall, if so required to do by the Collector of Customs of such port or harbour, enter into a bond in the form, or to the effect of the form lettered E in the schedule hereunto annexed, with one surety to be approved by such Collector, conditioned for the due observance or the provisions of this Ordinance, and of any Rules and Regulations made and promulgated as aforesaid—Provided that if such Master or Commander shall deposit the certificate of registry of his ship or vessel with such Collector, to be delivered back to the depositor or his agent, with ^{Deposit certificate of Registry.} the port clearance, in such case it shall be lawful for such Collector, at his discretion, to dispense with such bond as aforesaid, retaining such certificate, until the departure of the vessel, as a security for the due payment of all dues and due observance of all regulations established, enacted, or authorised by this Ordinance.

XIII. THAT any person who shall throw or cause to be thrown out of any ship, vessel, or boat, in any port, harbour, or anchorage of this colony, any ballast or other rubbish into the water, or below high-water mark; or who shall remove or take away from any part of any such port, harbour, or anchorage, any sand, stone, or ballast, without having first obtained the consent of the Harbour Master thereof, shall forfeit and pay a sum not exceeding fifty pounds.

XIV.

XIV. THAT the corpse of any person dying on board any ship or vessel in any port, harbour, or anchorage of this colony, shall be carried on shore, and interred in a lawful and accustomed burial ground, and if any corpse shall be thrown overboard within the precincts of any of the ports, harbours, or anchorages of this colony, the master or commander of the ship or vessel from which such corpse shall have been removed, shall forfeit and pay a sum not exceeding twenty-five pounds.

XV. THAT any person who shall wilfully remove, injure, or remove any buoy, beacon, or seamark used for the convenience of navigation, or security of shipping, shall forfeit and pay a sum not exceeding fifty pounds.

XVI. THAT any person who shall, without permission from the Harbor Master, make fast any ship, vessel, boat, raft, timber, or any other article to any such buoy, beacon, or seamark as aforesaid, shall forfeit and pay a sum not exceeding ten pounds.

XVII. THAT any person who shall oppose or obstruct the execution on board any ship or vessel in or off any of the ports, harbours or anchorages of this colony, of any warrant or other legal process, shall forfeit and pay a sum not exceeding fifty pounds; but in case such opposition or obstruction shall appear to the Justice or Justices of the Peace before whom the information shall have been laid, to be accompanied by any circumstances of aggravation, it shall be lawful for such Justice or Justices to commit the offender for trial at the next Quarter Sessions of the Peace; or to take sufficient bail for the appearance of such offender to take his trial at the said Sessions; and in case such offender shall be thereat convicted of an aggravated act of such obstruction or opposition as aforesaid, he shall suffer such punishment by fine not exceeding one hundred pounds, or by imprisonment for any period not exceeding six months, as to the said Court of Quarter Sessions shall seem meet.

XVIII. THAT no seaman forming part of the crew of any ship or vessel shall be arrested on account of any debt of less amount than ten pounds, unless he shall have engaged himself as such while resident in this colony.

XIX. THAT every Publican or other person, who shall knowingly

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ingly harbour or conceal, directly or indirectly, any seaman belonging to any ship or vessel in any of the ports or harbours aforesaid, being absent without leave of the master thereof, or deserting from his duty, shall forfeit and pay, for every seaman so harboured or concealed, any sum not exceeding twenty pounds. Penalty for harbouring any Deserters.

XX. THAT every Master or Commander of any private or merchant ship or vessel, who shall hire or engage to serve on board such ship or vessel, any seaman or other person, who shall, to the knowledge of such Master or Commander, have deserted from any other ship or vessel then being in any of the said ports or harbours, shall, on conviction thereof, forfeit and pay, for every seaman, or other person so hired or engaged, any sum not exceeding ten pounds. Ditto for engaging.

XXI. THAT if any Master or Commander of any vessel shall interfere with any 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, for every such offence, forfeit and pay any sum not exceeding twenty pounds.

XXII. THAT all forfeitures and penalties imposed by this Ordinance may be recovered by summary conviction before any two or more Justices of the Peace.

XXIII. THAT sections A, D, and F, of the Shortening Ordinance, 1853, shall be, and the same are hereby incorporated with this Ordinance.

XXIV. THAT if any fine imposed under this Ordinance shall exceed ten pounds, or the imprisonment adjudged shall exceed one month, and that the person convicted shall consider himself aggrieved by such conviction, such person may appeal therefrom to the next Court of Quarter Sessions, which Court shall hear and determine the matters of such appeal, and shall make such order therein in affirmance or reversal of the conviction appealed from, with or without costs to either party as the said Court shall seem meet, and shall enforce such order as they make by distress and sale of the goods and chattels of any person neglecting or refusing to obey such order, or by imprisonment of such person, to be kept to hard labour for any time,

time, not exceeding six calendar months. Provided always that the person so appealing shall give notice thereof to the convicting Justices, within three days next after conviction, and shall deposit with them the sum of twenty-five pounds, or enter into a recognizance with two sureties for the purpose of securing payment of the costs of such appeal.

XXV. THAT it shall be lawful for the Governor to direct that any such bond as aforesaid shall be put in suit for the benefit of any private person who shall consider himself aggrieved by any act committed contrary to the provisions of this Ordinance.

XXVI. THAT no proceedings upon such bond as aforesaid shall be had against the surety or sureties in such bond, unless the same be commenced within six calendar months after the departure of the respective ship or vessel; and that any summary conviction under this Ordinance followed by payment of the costs and fine thereby imposed, shall be a bar to any proceedings on such bond for the same offence.

XXVII. THAT this Ordinance may be cited as "the Shipping and Pilotage Consolidation Ordinance, 1855."

CHARLES FITZGERALD,
GOVERNOR AND COMMANDER-IN CHIEF.

*Passed the Legislative Council }
this 26th day of April, 1855. }*

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

SCHEDULES

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Schedules referred to by the annexed Ordinance.

A.

HARBOUR MASTER'S DUES.

Removal from Gage's Roads into Owen's Anchorage, or Cockburn Sound, and from Cockburn Sound into Gage's Roads, or Owen's Anchorage, or from Owen's Anchorage into Cockburn Sound or Gage's Roads, across the Banks.

Under 8 ft. 2l 5s 0d.	8 under 9 ft. 2l 10s 0d.	9 under 10 ft. 2l 15s 0d.	10 under 11 ft. 3l 0s 0d.	11. under 12 ft. 3l 5s 0d.	12 under 13 ft. 4l 0s 0d.
13 under 14 ft. 4l 7s 0d.	14 under 15 ft. 4l 14s 0d.	15 under 16 ft. 5l 1s 0d.	16 under 17 ft. 6l 6s 0d.	17 under 18 ft. 6l 15s 0d.	18 and upwards. 7l 4s 0d.

Removal from Gage's Roads into Cockburn Sound or Owen's Anchorage; or from Owens Anchorage into Cookburn Sound, and *vice versa*, round the Stragglers, or through the passages South of the Stragglers:—

Under 8 ft. 3l 10s 0d.	8 under 9 ft. 3l 15s 0d.	9 under 10 ft. 4l 0s 0d.	10 under 11 ft. 4l 5s 0d.	11 under 12 ft. 4l 10s 0d.	12 under 13 ft. 5l 5s 0d.
13 under 14 ft. 5l 12s 0d	14 under 15 ft. 5l 19s 0d.	15 under 16 ft. 6l 6s 0d.	16 under 17 ft. 7l 11s 0d.	17 under 18 ft. 8l 0s 0d.	18 under 19 ft. 8l 9s 0d.
	19 under 20 ft. 9l 7s 0d.	20 under 21 ft. 10l 0s 0d.	21 under 22 ft. 10l 10s 0n.	22 under 23 ft. 11l 0s 0d.	23 and upwards. 12l 0s 0d.

Shifting

Shifting Berth in Harbour or Anchorage:—

Not exceeding 200 tons 1l 0s 0d.	not exceeding 400 tons 1l 10s 0d.	not exceeding 600 tons 2l 0s 0d.
	not exceeding 800 tons 2l 10s 0d.	exceeding 800 tons; 3l 0s 0d.

B.

PILOTAGE DUES.

Into Gage's Roads, or Owen's Anchorage, by passage North or South of Rottneest and North of Stragglers, and *vice versa*.

Under 8 ft. 2l 10s 0d.	8 under 9 ft. 2l 15s 0d.	9 under 10 ft. 3l 0s 0d.	10 under 11 ft. 3l 5s 0d.	11 under 12 ft. 3l 10s 0d.	12 under 13 ft. 4l 5s 0d.
13 under 14 ft. 4l 12s 0d.	14 under 15 ft. 4l 19s 0d.	15 under 16 ft. 5l 6s 0d.	16 under 17 ft. 6l 11s 0d.	17 under 18 ft. 7l 0s 0d.	18 under 19 ft. 7l 9s 0d.
19 under 20 ft. 7l 19s 0d.	20 under 21 ft. 9l 0s 0d.	21 under 22 ft. 9l 10s 0d.	22 under 23 ft. 10l 0s 0d.	23 and upwards. 11l 0s 0d.	

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Into Gage's Roads, or Owen's Anchorage, or Cockburn Sound
by any channel South of the Stragglers, and *vice versa*.

Under 8 ft. 3l 10s Od.	8 under 9 ft. 3l 15s Od.	9 under 10 ft. 4l 0s Od.	10 under 11 ft. 4l 5s Od.	11 under 12 ft. 4l 10s Od.	12 under 13 ft. 5l 5s Od.
13 under 14 ft. 5l 12s Od.	14 under 15 ft. 5l 19s Od.	15 under 16 ft. 6l 6s Od.	16 under 17 ft. 7l 11s Od.	17 under 18 ft. 8l 0s Od.	18 under 19 ft. 8l 9s Od.
	19 under 20 ft. 9l 7s Od.	20 under 21 ft. 10l 0s Od.	21 under 22 ft. 10l 10s On.	22 under 23 ft. 11l 0s Od.	23 and upwards. 12l 0s Od.

Into King George's Sound, from the sea, and *vice versa*.

Under 10 ft. 2l 0s Od.	10 under 11 ft. 2l 4s Od.	11 under 12 ft. 2l 8s Od.	12 under 13 ft. 2l 15s Od.	13 under 14 ft. 3l 0s Od.	14 under 15 ft. 3l 5s Od.
15 under 16 ft. 3l 10s Od.	16 under 17 ft. 3l 15s Od.	17 under 18 ft. 4l 0s Od.	18 under 19 ft. 4l 5s Od.	19 under 20 ft. 4l 10s Od.	20 under 21 ft. 4l 15s Od.
			21 and upwards. 5l 0s Od.		

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Into Princess Royal Harbour, including the navigation of the Sound, and *vice versâ*.

Under 8 ft. 2l 0s 0d.	8 under 9 ft. 2l 5s 0d.	9 under 10 ft. 2l 10s 0d.	10 under 11 ft. 2l 15s 0d.	11 under 12 ft. 3l 0s 0d.	12 under 13 ft. 3l 5s 0d.
13 under 14 ft. 3l 10s 0d.	14 under 15 ft. 3l 15s 0d.	15 under 16 ft. 4l 0s 0d.	16 under 17 ft. 4l 5s 0d.	17 under 18 ft. 4l 10s 0d.	18 under 19 ft. 4l 15s 0d.
	19 under 20 ft. 5l 12s 0d.	20 under 21 ft. 5l 18s 0d.	21 and upwards. 6l 6s 0d.		

Into Oyster Harbour, including the navigation of the Sound, and *vice versâ*.

Under 8 ft. 2l 0s 0d.	8 under 9 ft. 2l 5s 0d.	9 under 10 ft. 2l 10s 0d.	10 under 11 ft. 2l 15s 0d.	11 under 12 ft. 3l 0s 0d.	12 under 13 ft. 3l 5s 0d.
		13 and upwards. 3l 10s 0d.			

For moving from one Harbour to another in King George's Sound, one half of the Pilotage for the harbour into which the vessel is moved, will be charged.

Into Port-Gregory, and *vice versâ*.

Under 8 ft. 1l 1s 0d.	8 under 9 ft. 1l 4s 0d.	9 under 10 ft. 1l 7s 0d.	10 under 11 ft. 1l 10s 0d.	11 under 12 ft. 1l 13s 0d.	12 under 13 ft. 1l 16s 0d.
		13 under 4 ft. 1l 19s 0d.	14 and upwards 2l 2s 0d.		

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C.

LIGHT DUES,

Two-pence per Ton each way.

D.

TONNAGE DUES,

Sixpence per Ton one way.

FORM

E.

Form of Bond referred to by the annexed Ordinance.

Know all men by these present, that we, AB, _____, master or commander of the ship or vessel _____, now lying in the Port of _____, in the colony of Western Australia, and CD, _____, of _____, in the said colony, are held and firmly bound to EF _____, Collector of Customs of the aforesaid port, in the sum of one hundred pounds of lawful money, current in the said colony, to be paid to the said EF, or his certain attorney, or his successor for the time being in the said office of Collector, for which payment, well and truly to be made, we jointly and severally bind ourselves, our executors and administrators, firmly by these presents. Sealed with our seals and dated the _____ day of _____

The condition of the above written bond is such, that if the said AB _____, shall well and truly pay and discharge, observe and obey all and every the Pilotage and other dues, requisitions, prohibitions, rules, and regulations, respectively imposed, contained or authorised in and by the Shipping and Pilotage Consolidation Ordinance, 1855, then this bond shall be null and void, but otherwise shall be in full force and effect.

*Sealed, signed, and delivered by the above } A. B. (L.S.)
named AB and CD in the presence of } C. D. (L.S.)*