



WESTERN AUSTRALIA

ANNO SECUNDO

GULIELMI IV. REGIS,

No. 9.

An Act for the Regulation of Pilotage and Shipping in the Harbours of Western Australia.

WHEREAS it is necessary to establish certain regulations for the Licensing and payment of pilots, and for the guidance and control of the Masters and crews of merchant ships resorting to the Harbours of this colony; Be it enacted by His Excellency the Governor of Western Australia, and its dependencies, with the advice of the Legislative Council that fit and proper persons shall from time to time be appointed by the said Governor to Act as pilots for the several Ports and Harbours of this Colony; and that every License for that purpose shall set forth the age, stature, complexion, and place of abode of every such pilot, and the Port or Ports for which he is thereby qualified to act.

Proper Persons to be appointed by the Governor to act as Pilot.

Masters of Vessels not obliged to take Pilots.

II. Provided always, and be it further enacted, that it shall not be incumbent or obligatory upon the Master or Commander of any ship or vessel arriving at or off any of the Ports, or Harbours, of this Colony, or departing thence to Sea, to take on board any such Pilot as aforesaid.

Rates of Pilotage according to the table contained in Schedule.

III. AND be it further enacted, that the rates or fees of Pilotage to be paid by all ships or vessels arriving at or departing from any of the said Ports or Harbours, shall from time to time be fixed and published by the Proclamation or order of the said Governor; and that in the mean time, until the Publication of any such Proclamation or order, such rates of Pilotage shall be charged according to the table numbered 1 in the Schedule hereunto annexed.

Masters of Vessels to report their arrival, Cargo, Passengers &c., to the Harbour Master.

IV. AND be it further enacted, that from and after the passing of this Act the Master or Commander of any ship or vessel which shall arrive in or off any Port or Harbour of this colony or its dependencies shall as soon as reasonably possible after such ship or vessel shall be therein anchored, report his arrival at the office of the Harbour Master of such port or harbour, and shall deliver to the said Harbour Master, a muster roll of his Ships Company, a descriptive list of his passengers, a sick list (if required) a manifest of his cargo his clearance from the port last left by him; and all such other papers, or documents, as the said Harbour Master shall reasonably require to inspect, and shall at the same time enter into a bond according to the form (numbered 2) in the said Schedule with one surety to be approved of by the said Harbour Master, for the due observance of all and every the enactments herein contained.

And shall enter into a Bond for due observance of Port regulations contained in this Act.

No goods to be landed without Warrant from Harbour Master under pain of forfeiting goods so landed and a fine not exceeding £20.

V. AND be it further enacted, that if any goods shall be landed from any ship or vessel in any of the ports or harbours aforesaid before such report and papers as aforesaid shall have been made and exhibited, and before such Warrants as aforesaid shall have been granted for the landing thereof, such goods shall be forfeited, and the master or commander of such last mentioned vessel shall forfeit any sum not exceeding Twenty Pounds.

Masters wilfully making false report, or exhibiting false papers, subject to a penalty not exceeding £50.

VI. AND be it further enacted, that if the master or commander of any ship or vessel arriving in any of the ports or harbours aforesaid, shall wilfully make an untrue report of any of the aforesaid particulars of his cargo and crew, or shall wilfully exhibit any false papers or documents relating thereto every such Master or Commander being thereof convicted shall forfeit any sum not exceeding Fifty Pounds.

VII. AND be it further enacted, that if any such master or commander as aforesaid shall permit or suffer any passenger to land his goods and effects without a written license or permission for that purpose first obtained from the Colonial Secretary, or from the Government Resident at the port of arrival, every such master or commander being thereof convicted shall forfeit a sum not exceeding twenty Pounds.

Masters permitting passengers to land their goods without a permission from the Colonial Secretary, subject to a penalty not exceeding £20.

VIII. AND be it further enacted, that if any person (whose name shall have been enrolled in the muster book of the Colonial Secretary, and) who shall not have obtained a certificate in the form (numbered 3) in the said Schedule shall be suffered to depart from the said colony in any ship or vessel, whether such sufferance shall be by the wilful act, or by the negligence of the master or commander, officers or crew of such vessel, or of any of them, such master or commander shall be deemed to have broken the condition of his aforesaid bond. And if the embarkation of any such unauthorized person as aforesaid, for the apparent purpose of leaving the said colony shall be discovered before the departure of the vessel, on board of which the same shall take place, the master or commander of such vessel shall on summary conviction in manner hereinafter mentioned, forfeit any sum not exceeding Fifty Pounds.

Masters suffering unauthorized persons to depart from the Colony in their Vessels, deemed to have broken the conditions of their bonds, whether such sufferance be wilful or negligent.

The fact of any unauthorized person being embarked on board a vessel about to sail subject the Master to a penalty not exceeding £50.

IX. AND be it further enacted, that if any goods shall be shipped on board of any ship or vessel in any of the ports or harbours aforesaid, for the purpose of being carried out of this colony, without a warrant for that purpose first had and obtained from the said harbour master, the master or commander of such ship or vessel shall forfeit and pay any sum not exceeding Twenty Pounds.

Masters of vessels on board of which any goods shall be shipped without a warrant from the Harbour Master subject to a penalty not exceeding £20.

X. AND be it further enacted, that if any person shall throw or cause to be thrown out of any ship or vessel in any of the ports or harbours aforesaid, any ballast or rubbish of any description into the water below high water mark, such person shall forfeit and pay any sum not exceeding Ten Pounds, nor less than Ten Shillings.

No rubbish to be thrown out of Vessels in Harbour, under penalty not exceeding £10.

XI. AND be it further enacted, that the corpse of every person dying on board of any ship or vessel in any of the ports or harbours aforesaid shall be carried on shore, and shall be interred in the lawful and accustomed burial ground of such port or harbour; and any master or commander who shall in wilful violation of the provisions of this act, throw or permit to be thrown overboard any such corpse as aforesaid, shall forfeit and pay a sum not exceeding Twenty Pounds, nor less than Five Pounds.

Corpses of person dying on board Vessels in Harbour, to be brought on shore and buried, penalty not exceeding £20 for throwing such corpses overboard.

Aiding, abetting, employing or concealing deserters from any vessel or ship in or off Port, subject to a penalty not exceeding £20.

No Servant to be arrested out of any Ship in Harbour, for any debt less than £10.

Exceptions as to persons resident in the Colony hiring themselves to serve on board any Ship.

Masters, or any other person, on board vessels in or off Port, opposing the Execution of any legal Process Civil or Criminal, on board such vessel, subject to a penalty not exceeding £50 and in aggravated causes Indictment at Quarter Sessions, and to Fine or Imprisonment or both.

Masters of vessels about to sail from the Colony,

XII AND be it further enacted, that if any person shall aid and abet any seaman to desert from any ship or vessel in or off any of the Ports or Harbours aforesaid, or shall employ, harbour, or conceal any such deserter, every such person shall forfeit and pay a sum not exceeding Twenty Pounds nor less than Five Pounds.

XIII. AND be it further enacted that no Seaman forming part of the Crew of any ship or vessel in any of the ports or harbours aforesaid, shall be arrested or taken out of such ship or vessel, notwithstanding the same may be about to sail from this colony by virtue of any process issued out of any Civil Court of this Colony, on account of any debt, unless the person suing out such process shall first have made affidavit before the Judge or Commissioner of such Court that the debt so due from such seaman amounts to the sum of Ten Pounds at least. Provided always that the exemption from arrest hereinbefore contained shall not extend to such persons as shall have engaged themselves, while resident in this colony to serve on board any such ship or vessel as last aforesaid, so far as respects any debts, although less than Ten Pounds, by them contracted previously to the date of such their engagement.

XIV. AND be it further enacted that if any Master or Commander, or any other person or persons whatsoever on board of any ship or vessel being in or off any port, harbour roadstead, or bay of this colony shall oppose or obstruct the execution on board such ship or vessel of any search warrant, or other Warrant, Summons Writ of Execution or other process whatsoever of any Civil or Criminal Court, or of any Justice of the Peace of this Colony, such Master, Commander, or other person or persons being thereof convicted summarily in manner hereinafter mentioned, shall forfeit and pay any sum not exceeding Fifty Pounds, nor less than Five Pounds: but in cases such opposition or obstruction shall appear to the Justice or Justices of the Peace, before whom in the first instance information shall be 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 then next Session of the court of Quarter Sessions of the Peace, or to take sufficient bail for the appearance of such offender to take his trial at the said Session, and in case such offender shall be thereat convicted of an aggravated act of such opposition or obstruction as aforesaid, he shall suffer such punishment by fine or imprisonment, or both as to the said Court shall seem meet; provided that no such imprisonment exceed the term of six months, and that no such last mentioned fine shall exceed the sum of One Hundred Pounds.

XV. AND be it further enacted, that the Master or Commander

of every ship, or vessel about to sail from this Colony, shall deliver in- to deliver to Harbour
to the Harbour Master of the Port of departure, a content or state- Master statement of cargo,
ment in writing of all goods, wares or merchandise, exported in such and obtain a clearance
ship or vessel from this colony, with the marks of the respective ship- under pain of forfeiting a
pers and Consignees thereof, and shall if required to do so, verify such sum not exceeding £50
content or statement by his oath; and shall also obtain from the said
Harbour Master a clearance of such ship or vessel for her outward
voyage. And any such Master or Commander who shall deliver in
a false content or statement, or shall sail or attempt to sail from any
Port or Harbour of this colony without such clearance, shall forfeit and
pay a sum not exceeding Fifty Pounds.

XVI. AND be it further enacted, that if the Master or Comman- Masters of vessels neglect-
der of any ship or vessel arriving in any of the ports or harbours ing to deliver Govern-
aforesaid, shall wilfully neglect for the space of twenty four hours ment dispatches, or Pub-
next after such ship or vessel shall be anchored, to deliver to the lic mails to the Post Mas-
postmaster general at Fremantle or his deputy there, or to the go- ter or Government Resid-
vernment Resident at any other of the ports or harbours aforesaid, ent within 24 hours after
any Government Dispatch or Public Mail, intended for this colony, arrival subject to a pen-
and placed on board such ship or vessel for the purpose of being de- alty not exceeding £20
livered in this colony, every such master or commander shall forfeit
and pay any sum not exceeding Twenty Pounds.

XVII. AND be it further enacted, that all fines and forfeitures Mode of recovering Fines
under this Act shall be recovered by summary conviction, on the oath and Penalties summarily
of one witness before any two Justices of the Peace, and in case any conviction before two Jus-
such fine or forfeiture together with costs of conviction shall not be tices of the Peace.
paid within the time mentioned by the order of the convicting Jus-
tices, it shall be lawful for such Justices to levy and raise the same by
distress and sale of the goods and chattels of the offender, and in case
such goods and chattels shall be found insufficient for that purpose, to
commit the offender or offenders to prison, there to be kept to hard
labour for any time not exceeding six calendar months-

XVIII. AND be it further enacted that upon any such summary Right of Appeal in certain
conviction as aforesaid when the sum adjudged to be paid shall ex- cases.
ceed Five Pounds, or the imprisonment adjudged shall exceed one
calendar month, any person who shall think himself or herself aggrie-
ved by such conviction may appeal therefrom to the next Court of
Quarter Sessions, upon giving notice of such appeal at the time of
conviction, and also upon giving sufficient security to the satisfaction
of the convicting Justices for payment of the costs of such appeal, and
for abiding the Judgment of the Court thereupon. And the said
Court of Quarter Sessions shall hear and determine the matter of
such appeal, and shall make such order therein in affirmance or re-
versal

versal of the conviction appealed from, with or without costs to either party as to the Court shall seem meet; and for that purpose shall summon all necessary parties and witnesses, and may enforce their order by distress and sale of the goods and chattels of any person refusing or neglecting to pay any sum of money thereby ordered to be paid, or may imprison such person (as also all other persons wilfully disobaying their said order) for any term not exceeding six calendar months.

Bond to be given by Masters of vessels may be put in suit for the benefit of private parties, by direction of the Governor.

XIX. AND be it further enacted, that it shall be lawful for the said Governor to direct that any such bond as aforesaid shall be put in suit against the master or commander executing the same or his surety, or against both, for the benefit of any private person who shall find himself aggrieved by any Act committed by such master or Commander, contrary to the Provisions of this Act.

Summary conviction under this Act to be a bar to any proceedings on the bond as aforesaid, against the same person for the same offence.

XX. AND be it further enacted, that any summary conviction under this act, followed by payment of the fine or costs thereby imposed, shall be a bar to any proceedings on any such bond as aforesaid against the same person for the same offence.

Reservation of fines and penalties to the use of the Crown.

XXI. AND be it further enacted, that all Fines, Forfeitures, and Penalties recovered under or by virtue of this Act shall be paid over to the Colonial Treasurer for the use of His Majesty, His Heirs, and Successors.

JAMES STIRLING,
GOVERNOR AND COMMANDER-IN-CHIEF.

*Passed the Legislative Council }
the 11th day of May, 1832. }*

M. J. CURRIE,
Clerk of the Council.

1832.

2 Wm. IV., No. 9.

SCHEDULE REFERRED TO BY THE ANNEXED ACT.

Form No. 1.

RATES OF PILOTAGE,

For Ships or Vessels into or out of Cockburn Sound, Princess Royal Harbour, or Oyster Harbour.

No. 1.

under 7 feet.	from 7 to 11 feet.	11 feet.	12	13	14	15	16	17	18	19	20	21 and upwards.
£2	£3	£4	£4 10	£5	£5 10	£6	£6 10	£7	£7 10	£8	£0	10

SHIFTING BERTH THEREIN.

under 7 feet	from 7 to 11 feet	11	12	13	14	15	16	17	18	19	20	21 and upwards
£1	£1 10	£2	£2 5	£2 10	£2 15	£3	£3 5	£3 10	£3 15	£4	£5	£5

Ships or Vessels into or out of Gage's Roads, Owen's Anchorage, King George's Sound, or the Anchorage in Flinders Bay, Augusta; or for Removal from Gage's Roads to Owen's Anchorage, or the contrary.

under 7 feet	from 7 to 11	11	12	13	14	15	16	17	18	19	20	21 and upwards
£ s. d. 1 6 8	£2	£2 13 4	£3	£3 6 8	£3 13 4	£4	£4 6 8	£4 13 4	£5	£5 6 8	£6 13 4	£6 13 4

Removal from Gage's Roads, or Owen's Anchorage, to Cockburn Sound, or the contrary.

under 7 feet	from 7 to 11 feet	11	12	13	14	15	16	17	18	19	20	21 and upwards
£2	£3	£4	£4 10	£5	£5 10	£6	£6 10	£7	£7 10	£8	£10	£10

SCHEDULE.

Form No. 2.

Bond to be entered into by the Master or Commander of every Ship or Vessel arriving in any of the Ports or Harbours of this Colony.

*Know all Men by these presents that we A. B. Master or Com-
mander of the Ship now lying in in the Colony
of Western Australia, and C. D. of in the
said Colony, are held firmly bound to E. F. Harbour Master of
the aforesaid Port in the sum of One Hundred Pounds of lawful Money current in
this Colony, to be paid to the said E. F. or his certain Attorney, or his
successor for the time being, in his said Office of Harbour Master, 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 A. B.
do well and truly observe and obey all and every the requisitions and prohibitions (re-
lative to the conduct of Masters and Commanders of Merchant Ships in or off any
of the Ports or Harbours of the said Colony) contained in a certain Act of Council
passed on the eleventh day of May, 1832, intituled "an Act for the regulation of
Pilotage and Shipping, in the Harbours of Western Australia;" then this bond shall
be null and void, but otherwise shall be in full force and effect.*

*A. B.
C. D.*

*Signed, Sealed and
delivered by the above named
A. B. and C. D.
in the presence of*

Form of Certificate to be obtained from the Colonial Secretary, or Government Resident, and from the Registrar Clerk of the Civil Court by persons desirous to leave the Colony.

*Colony of Western } I do hereby certify that A. B. late of
Australia to wit } has permission to leave this Colony, together
with his family (or servants) as per margin.
Dated this Day of
C. D.*

*(Countersigned)
E. F.*

Registrar Clerk of the Civil Court.

Colonial Secretary,