

*Shipping.***No. X.**SHIPPING.**An Act for the Regulation of Shipping in the Harbours of New South Wales and Van Diemen's Land respectively. [5th April, 1825.]**

All Vessels arriving and departing shall receive Pilots on Board

or pay a fine equal to the amount of pilotage.

Pilots to be licensed

Pilotage on Vessels Outward Bound to be paid in advance.

Committees to be appointed to fix the rate of pilotage and harbour charges.

**B**E it enacted by His Excellency the Governor of New South Wales with the advice of the Council that every Ship or Vessel which from and after the publication of this Act shall or may arrive at or off any Port or Harbour in New South Wales or Van Diemen's Land wherein any Pilot or Pilots shall or may have been appointed in manner hereinafter mentioned for the purpose of entering any of the said Ports or Harbours shall by the Master or other person in command of such Ship or Vessel be delivered and given in charge to such Pilot where such Ship or Vessel shall arrive as shall first board or go alongside of such Ship or Vessel 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 as hereinafter mentioned And be it further enacted that no Master or Commander of any such Ship or Vessel shall be allowed to proceed to sea from any of the said Ports or Harbours or to quit his station or anchorage in either of the same in order to proceed to sea without receiving on board some Pilot appointed as aforesaid to conduct the said Ship or Vessel to sea and if any Ship or Vessel shall enter any of the said Ports or Harbours or shall attempt to proceed to sea without receiving on board thereof some Pilot as aforesaid the Master or person in command of any such Ship or Vessel shall forfeit and pay a fine equal in amount to such sum as the pilotage of such Ship or Vessel would have been if a Pilot had been received on board.

2. And be it further enacted That it shall be lawful for the Governor of New South Wales and the Lieutenant Governor of Van Diemen's Land respectively to grant Licenses to such persons as they may deem fit and qualified to act as Pilots for such Ports and Harbours of New South Wales and Van Diemen's Land respectively as they may deem proper and necessary and that every License so granted shall contain the name age stature complexion and place of abode of every such Pilot and shall further certify that he is duly qualified to act as Pilot for such Port.

3. And be it further enacted That no Pilot as aforesaid shall be in anywise bound to conduct any Ship or Vessel to sea until the full amount of the outward pilotage of such Ship or Vessel shall be first paid or secured to be paid to the satisfaction of such Pilot.

4. And be it further enacted That it shall be lawful for the Governor of New South Wales and the Lieutenant Governor of Van Diemen's Land respectively to nominate and appoint seven persons resident at all and every of the Ports or Harbours where Pilots shall be appointed as hereinbefore directed which said persons shall be members of and shall be styled Committees for the respective Ports or Harbours whereunto they shall be so nominated and appointed as aforesaid and the said Committees or a majority of the members thereof respectively shall have power and authority to fix and establish the rates of pilotage to be paid by all Ships or Vessels arriving at or sailing from the said Ports or Harbours respectively and also to fix and establish the rate of charges to be paid to the respective Harbourmasters of the said Ports or Harbours for the performance of certain acts and duties as hereinafter mentioned Provided always that the several rates of pilotage and of charges so to be fixed and established

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by the said Committees or a majority of the members thereof respectively as aforesaid shall first be approved by His Excellency the Governor of New South Wales or the Lieutenant Governor of Van Diemen's Land respectively as the case may require and shall be published for the information of the public Provided also that the said Committees or a majority of the members thereof shall be at liberty to make such difference and allowance in the rates of pilotage and charges as aforesaid to be paid by Ships and Vessels employed in the Coasting or other Trade of the Colony as may seem equitable and proper.

5. And be it further enacted That whenever any Ship or Vessel shall arrive within any of the said Ports or Harbours respectively the Harbour-master of the Port where such Vessel shall arrive shall with due diligence repair on board such Ship or Vessel and shall cause all the guns or ordnance on board to be examined and unloaded and as often as the Master or Commander of any such Ship or Vessel shall be desirous of removing the same from the place of mooring or anchorage there taken or occupied by such Ship or Vessel to some other place of mooring or anchorage such Master or Commander shall notify the Harbour-master of such Port of such his desire and the said Harbour-master shall with all convenient speed go on board of such Ship and shall direct the removal thereof and for every service so performed such Harbour-master shall be entitled to and receive such fees and charges as shall be fixed and established in manner hereinbefore mentioned and if the Master or Commander of any such Ship or Vessel shall remove the same without first giving notice to the said Harbour-master according to the directions of this Act such Master shall forfeit and pay for every such offence a fine not exceeding the amount of fees payable to such Harbour-master.

Duties of the Harbour-master.

6. And be it further enacted That every Ship or Vessel arriving or coming within the Heads of Port Jackson shall pay a sum of money towards the support and maintenance of the Light-house constructed at the entrance of the said Heads at the rate of Two-pence per ton of register measurement of such Ship or Vessel into the hands of the Naval Officer or his Deputy and all sums of money so received by the Naval Officer or his Deputy shall be paid over without any deduction whatsoever to the public Treasurer for the use and maintenance of the said Light-house.

All Vessels arriving shall pay Two-pence per ton register for the support of the Light-house.

7. And be it further enacted That every person or persons whatsoever except the Naval Officer or Harbour-master or such other person as shall or may be specially authorised by the Governor who shall on any account or pretence whatsoever go on board or alongside of any Ship or Vessel arriving at any of the said Ports or Harbours with convicts before all such convicts shall have been discharged from and out of such Ship or Vessel shall for every such offence incur and pay a fine not exceeding Twenty Dollars.

Persons prohibited going alongside any Vessel arriving with convicts until discharged under penalty of Twenty Dollars.

8. And be it further enacted That no stones gravel ballast or rubbish of any kind shall be thrown or cast into the water below high-water mark from out of any Ship or Vessel lying in Sydney Cove by any person or persons whatsoever on pain of his or their severally incurring for each and every such offence a fine of not less than Five and not exceeding One Hundred Dollars.

Penalties for throwing stones ballast or rubbish from Vessels lying in Sydney Cove.

9. And be it further enacted That when any person shall die on board of any Ship or Vessel lying in any of the Ports or Harbours aforesaid the Master or Commander of such Ship or Vessel shall cause the body of such deceased person to be brought on shore and interred in the common burying-place of such Port or Harbour and if any Master or Commander of any such Ship or Vessel shall refuse or neglect to comply with the provisions of this Act or if the body of any such deceased

Persons dying on board of Vessels in the harbour to be buried on shore.

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Fine of Twenty Dollars for throwing a body overboard.

deceased person shall be thrown overboard from any Ship or Vessel as aforesaid contrary to the true intent and meaning thereof every such Master or Commander so offending shall incur and pay a fine of not less than Twenty Dollars.

Fines for Publicans or others harbouring seamen who are deserters.

10. And be it further enacted That every Publican or other person who shall harbour or conceal directly or indirectly any seaman belonging to any Ship or Vessel in any of the Harbours aforesaid and being absent without the leave of his commanding officer or deserting from his duty shall incur and pay for every seaman so harboured or concealed a fine not exceeding Twenty nor less than Ten Dollars.

And for Masters or Commanders hiring or engaging them.

11. And be it further enacted That all and every Master or Commander of any private or merchant Ship or Vessel who shall hire or engage to serve on board his Ship or Vessel any seaman or other person who shall to the knowledge of such Master have deserted from any other Ship or Vessel shall forfeit and pay for every seaman or other person so hired or engaged the sum of One Hundred Dollars.

No seaman to be arrested or taken from on board ship for a less debt than £20.

12. And be it further enacted That no seaman belonging to any Ship or Vessel shall be liable to be arrested or taken out of such Ship or Vessel upon any civil process whatsoever unless the plaintiff or plaintiffs suing out such process or some other person in his or their behalf shall make affidavit before the Judge of the Supreme Court or some other person duly authorised to take affidavits in such Courts that the sum justly due and owing to the plaintiff or plaintiffs from such seaman truly and bonâ fide amounts to the value of twenty pounds at the least and if any seaman as aforesaid shall be arrested contrary to the intent of this Act it shall be lawful for the Judge of the said Court upon complaint made thereof by the party himself or by any other person in his behalf to examine into the same by the oath of the parties or otherwise and by warrant under his hand and seal to discharge such seaman upon due proof that such seaman was arrested contrary to the intent of this Act and also to award to the party complaining such costs as such Judge shall think reasonable to be recovered in the same way as if judgment had been given and execution awarded thereon.

Penalty for receiving on board ship to convey to sea any person who has been transported without a certificate from the Principal Superintendent of Convicts.

13. And be it further enacted That it shall not be lawful for any Master or Commander of any Ship or Vessel leaving any of the said Harbours respectively to receive on board his said Ship or Vessel for the purpose of conveying to sea any person who may have been transported to this Colony or its Dependencies as a convict or who may have been convicted within the said Colony or its Dependencies and sentenced to transportation to any penal settlement without receiving a certificate from the Principal Superintendent of Convicts residing at each of the said Harbours respectively that such person has been mustered and examined by such Superintendents respectively and that he or she has produced his or her certificate of freedom absolute pardon or the written permission of His Excellency the Governor or Acting Governor of New South Wales or Lieutenant Governor of Van Diemen's Land to quit the said Colony or its Dependencies under pain of incurring for each and every person so received on board his said Ship or Vessel without such certificate as aforesaid a fine or penalty of Twenty Dollars.

Fines and penalties how recoverable

14. And be it further enacted That all fines penalties and forfeitures incurred under and by virtue of this Act shall be recoverable upon conviction in a summary way before any two Justices of the Peace and if such fines penalties and forfeitures shall not be paid within two days after such conviction as aforesaid the said Justices of the Peace shall issue their warrant to levy such fines penalties and forfeitures together with the expenses of the conviction upon the goods and chattels of the party or parties against whom such conviction shall

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shall be obtained as aforesaid and in default of such goods and chattels the said Justices may cause the body or bodies of the said party or parties to be arrested and committed to prison until such fines penalties and forfeitures together with the expenses of conviction shall be paid. Provided always that all fines penalties and forfeitures recovered under and by virtue of this Act as aforesaid shall be paid over appropriated and accounted for in like manner as is directed by an Act of His Excellency the Governor in Council intituled “*An Act to prevent the harbouring of Runaway Convicts and the encouraging Convicts to tippling or gambling.*” and their appropriation.

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