

No. IV.

HARBOURS.

An Act to amend an Act intituled "An Act for
"the better preservation of the Ports Harbours
"Havens Roadsteads Channels Navigable Creeks
"and Rivers in New South Wales and the better
"regulation of Shipping in the same." [21st
July, 1840.]

Preamble.

3 Wm. IV. No. 6
recited and to be
amended.

Governor and
Executive Council
may frame new rules
and regulations
except for Port
Jackson.

Proviso limiting
penalties.

WHEREAS an Act was passed by the Governor and Legislative Council of New South Wales in the third year of the reign of His late Majesty King William the Fourth intituled "An Act for the better preservation of the Ports Harbours Havens Roadsteads Channels Navigable Creeks and Rivers in New South Wales and the better regulation of Shipping in the same" and whereas the increase of population and the extension of commerce in divers seaport towns in New South Wales render it expedient and necessary to alter and amend the said recited Act Be it therefore enacted by His Excellency the Governor of New South Wales with the advice of the Legislative Council thereof That it shall be lawful for the Governor with the advice of the Executive Council of the said Colony to frame rules and regulations to be observed by the masters and commanders of all ships in any port or harbour in New South Wales except Port Jackson Provided always that no penalty to be imposed by such rules and regulations shall in any similar case exceed the penalties respectively inserted

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inserted described and set forth in the Schedule to the said recited Act annexed marked A or the penalties imposed by this Act.

2. And whereas the rates and charges authorized by the said recited Act to be taken for the pilotage of ships and vessels entering into and departing from the ports and harbours of New South Wales have been found to be insufficient for the Harbour of Port Phillip in the said Colony Be it enacted That it shall and may be lawful for the Governor with the advice of the said Executive Council to make increased rates and charges for the said Harbour of Port Phillip Provided always that the increase so to be made on any such rate or charge shall in no case exceed fifty per cent. on the rates and charges respectively inserted described and set forth in the Schedule to the said recited Act annexed marked B.

3. And be it enacted That from and after the passing of this Act so much of the said recited Act as relates to the rate payable by masters of ships taking water from the pipes in the Dockyard in the Town of Sydney in the Colony aforesaid shall be and the same is hereby repealed and that in lieu of the rate therein mentioned it shall be lawful for the Governor with the advice of the said Executive Council from time to time to fix other rates to be paid for water taken from such pipes or from any pipes fountains wells or reservoirs in any port or harbour within the Government of New South Wales and from time to time to vary the same Provided always that the rates so to be fixed for such water shall in no case exceed the sum of two shillings and sixpence per tun.

4. And be it enacted That from and after the passing of this Act so much of the said recited Act as relates to the rates and charges for wharfage fixed thereby and inserted described and set forth in the Schedule thereto annexed marked F shall be and the same is hereby repealed and that in lieu thereof it shall and may be lawful to levy the several rates and charges for wharfage on all goods merchandise and packages landed at the Queen's Wharf in the Town of Sydney aforesaid or at any other public wharf in any port or harbour within the Government of New South Wales which are inserted described and set forth in the Schedule to this Act annexed marked A.

5. And whereas in order to prevent the escape of convicts from the said Colony it is in the said recited Act enacted That every master or commander of a vessel about to leave any of the ports of the said Colony shall at the time of clearing out at the Custom House deliver to the officers of Customs a list containing the names of the officers crew and passengers intending to leave the Colony in such vessel and that such master or commander shall forfeit and pay the sum of ten pounds if he shall permit any person to embark on board his vessel whose name has not been entered in the list so delivered by him and whereas not only to prevent the escape of convicts but also the more effectually to prevent debtors from absconding to avoid the payment of their debts it is expedient that the said penalty should be increased Be it enacted That if the master or commander of any ship or vessel about to leave any of the ports or harbours of the said Colony shall permit any person to embark on board his ship or vessel whose name has not been entered in the list required by the said recited Act to be delivered to the officers of Customs therein mentioned every such master or commander shall for every such offence forfeit and pay the sum of one hundred pounds to be recovered in the Supreme Court of the said Colony either in the name of one of the principal officers of Her Majesty's Customs or of Her Majesty's Attorney General of the said Colony.

Increased rates of
pilotage may be
made for Port Phillip.

So much of 3 Wm.
IV. No. 6 repealed
as relates to rate for
water supplied to
shipping

And other rates may
be made in lieu
thereof.

So much of 3 Wm.
IV. No. 6 repealed
as relates to wharf-
age rates and
charges

And new rates and
charges substituted.

Penalty on masters
allowing passengers
to embark impro-
perly raised to £100.

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Penalty on masters for non-observance of Regulation No. 5 contained in Schedule A as altered and amended.

6. And whereas by the said recited Act it is enacted That if any master or person commanding any ship or vessel in Port Jackson shall fail or neglect to observe all the regulations contained in Schedule A thereunto annexed such master or other person so offending shall for every such offence forfeit and pay the sum of five pounds except for the breach of regulation number one in the said Schedule and whereas it is expedient that the regulation number five in the said Schedule should be altered and a higher penalty be imposed for the breach thereof Be it enacted That if the master or commander of any ship or vessel unmoor or quit the anchorage in Sydney Cove or Darling Harbour without giving previous notice in writing to the Harbour Master or having unmoored and set sail with the intention of going to sea shall again come to anchor within the Heads of Port Jackson any where to the north-eastward of Bradley's Head unless compelled to do so for the safety of his vessel he shall forfeit and pay the sum of twenty pounds and if in the event of his being so compelled to come to anchor he shall refuse on demand to deposit his clearance with the clearing officer or master of the revenue cutter until about to sail again or shall again weigh anchor without permission from the officers of Customs he shall forfeit and pay the like penalty of twenty pounds the said penalties respectively to be recovered before two or more Justices of the Peace in the manner and form directed for the recovery of penalties by the said recited Act.

All coasting vessels entering the harbour between sun-set and sun-rise to hoist a light at the mast-head.

7. And whereas it frequently happens that masters of coasting vessels enter the Harbour of Port Jackson during the night time and after discharging their cargo again leave the harbour without the cognizance of the officers of Customs Be it enacted That from and after the passing of this Act the masters of all coasting vessels entering the said harbour between sun-set and sun-rise shall hoist a light at the mast-head and keep it burning until daylight and any master neglecting so to do shall on proof thereof before any Justice of the Peace forfeit and pay the sum of ten pounds sterling to be recovered and applied in the manner and form directed for the recovery of other penalties by the said recited Act.

Appropriation of rates and charges.

8. And be it enacted That all rates and charges collected or levied under this Act and not otherwise specially appropriated shall go to Her Majesty Her Heirs and Successors for the public uses of any port or harbour within the Government of New South Wales in which the same shall have been so collected or levied.

SCHEDULE A TO WHICH THIS ACT REFERS.

TABLE OF WHARFAGE RATES.

	s.	d.		s.	d.
Alkali or barilla loose—the ton ...	2	6	Biscuit in bags—ton ...	2	6
" in casks according to size	0	0	" barrels ...	0	4½
Arrowroot—the cask or box ...	0	6	Books—see stationery—in other packages according to size		
Bacon—bundle ...	0	3	Bricks slates or tiles—1000 ...	1	0
" side ...	0	1½	Brushes—cask ...	0	9
Bark loose or in bags—ton ...	2	6	" case ...	0	6
Bellows—pair ...	0	6	" bundle ...	0	6
Beef or pork—tierce or barrel ...	0	6	Burr stones—100 ...	1	0
" hhd. ...	0	9	Butter—barrel ...	0	6
Beer—hhd. ...	0	9	" firkin or keg ...	0	3
" barrel ...	0	6	Barley—see corn		
" in bottle—cask of 9 dozen ...	0	9	Cables—see rope		
" " " 6 dozen ...	0	6	Canes rattans—per 100 bundles ...	2	6
" " " 3 dozen ...	0	4½	Carriages—four-wheeled ...	5	0
			Carriages		

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	s.	d.		s.	d.
Carriages—two-wheeled	...	2 6	Ironmongery—butt	...	2 6
Candles—box	...	0 3	” crate or hhd	...	1 0
” half-box	...	0 1	” cask or case	...	0 9
Casks empty—tun...	...	0 6	” machinery—ton	...	3 6
Cement in bulk—ton	...	2 6	Laths—1000...	...	1 0
” barrel	...	0 6	Lead—ton	...	2 6
Chalk or whiting in bulk—ton	...	1 0	Lemon syrup } cask or box	...	0 6
” in casks according to size			Lime juice } cask or box	...	0 6
Cheese—cask or case	...	0 6	Manufactures—case or bale	...	0 6
” loose or in tins	...	0 1½	Mangle	...	1 0
Cigars—case	...	1 0	Marble manufactured—case	...	1 0
” box	...	0 1½	” in blocks—ton	...	2 6
Clay—hhd.	...	1 0	Matting—roll	...	0 3
” cask	...	0 9	Millstones—each	...	2 0
Cocoa nuts—per 100	...	0 6	Molasses—hhd.	...	0 9
Cocoa or chocolate—case	...	0 6	” other packages or tanks		
” bag	...	0 1½	” —ton	...	2 6
Coffee—bag	...	0 1½	Mother of pearl shells—ton	...	2 6
” casks according to size			Nails—cask	...	0 6
Confectionary } package	...	0 6	” bag or keg	...	0 3
Preserves }			Oats—see corn		
Copper in sheets—ton	...	2 6	Oatmeal—cask	...	0 6
” case	...	1 9	Oars—doz.	...	0 6
Corn in bulk or bags—bushel	...	0 1	Oil black and sperm—ton	...	2 0
” casks according to size			” $\frac{1}{2}$ -tun	...	1 0
Corks in bags or casks	...	0 6	” If less than $\frac{1}{2}$ -tun to be charged		
Cork-wood—bundle	...	0 9	by the cask		
Currants—butt	...	2 0	” linseed and all other—butt	...	2 0
” carotel	...	0 9	” pipe	...	1 0
” cask or case	...	0 6	” hhd...	...	0 9
” jar	...	0 1½	” cask...	...	0 6
Drugs or medicines—cask or case	...	0 6	Oil of turpentine or varnish—can or		
Deals or battens—per 100	...	2 6	bottle	...	0 1½
Dholl or gram—bushel	...	0 1	Oilman's stores—cask or case	...	0 6
Feathers—bale.....	...	1 0	Pease—keg or bushel	...	0 1½
Figs—drum or half-drum	...	0 1½	Pepper and spice—bag	...	0 1½
Fish dried or salt—bale cask or case	0 6		Perfumery—cask or case	...	0 6
” barrel or half-barrel	...	0 3	Pianofortes—each	...	1 0
Flags (Coopers')—ton	...	1 0	Pigs—each...	...	0 1½
Flax—ton	...	1 0	Pitch—see tar		
Floor cloth—per roll	...	0 6	Ploughs harrows or drills—each	...	0 6
Flour in bags—ton	...	2 6	Potatoes and yams carrots or onions		
” barrel	...	0 4½	in bags—ton	...	1 6
Fruits green or dried—cask or package	0 6		Raisins or } box	...	0 6
Furniture—package	...	0 6	French plums } $\frac{1}{2}$ -box	...	0 3
Fireworks—see toys			” $\frac{1}{4}$ -box	...	0 1½
Gin—case	...	0 6	” packages	...	0 6
” half-case	...	0 4½	Rattans—see canes		
Ginger—bag	...	0 1½	Rice—bags	...	0 1½
” hhd.	...	1 0	Rope coil or package—ton	...	2 6
” pockets per 100	...	5 0	Salt loose—ton	...	1 6
Glassware—see hardware			Seltzer and soda water—doz.	...	0 1½
Glass window—box	...	0 6	Sheep or goats—per head...	...	0 1½
Glue—hhd...	...	1 0	Shingles—1000	...	1 0
” cask	...	0 6	Shot loose—ton	...	2 6
Grain—see corn			” cask or keg	...	0 6
Grindery—cask or case	...	0 9	Shooks—bundle	...	0 6
Grindstones—each	...	0 1½	Soap—box 112lbs.	...	0 6
” case	...	0 6	” $\frac{1}{2}$ -box	...	0 3
Gunny bags—bale...	...	0 6	” $\frac{1}{4}$ -box	...	0 1
Gunpowder—free			Skins loose—dozen	...	0 3
Hams loose—per doz.	...	0 3	” cask or case	...	0 6
” cask or case...	...	0 6	” hhd...	...	1 0
” hhd	...	1 0	Spades shovels forks and frying		
Hay—ton	...	2 6	pans—doz.	...	0 3
Hides—bale	0 6	Spars according to length—per foot	0 0 3	4
” loose per 100	...	2 6	Spelter—ton	...	2 6
Hops—pocket or bale	...	1 0	Starch—see oilman's stores		
Horses and cattle—head	...	1 0	Stationery—cask case or bale each	0 6	
Hardware—see ironmongery			Steel loose—ton	...	2 6
Ice—ton	...	1 6	” cask or case	...	0 9
Iron bars bundles or sheets—ton	2 6		Sugar refined—hhd.	...	1 0

Deserted Wives and Children.

	s. d.		s. d.	
Sugar—tierce	0 9	Wine in bottle—3 doz. cask or case	0 6
„ foreign—bag	0 1 $\frac{1}{2}$	„ 1 or 2 ditto	... 0 3
„ cask or basket—ton	2 6	Vinegar—hhd.	... ... 0 9
Tallow slush or fat—hhd.	0 9	„ $\frac{1}{2}$ -ditto	... ... 0 4 $\frac{1}{2}$
„ cask	. .	0 6	„ barrel	... ... 0 6
Tar or pitch—barrel	0 6	Walnuts—bushel	... ... 0 2
Tea—chest	0 3	Whalebone—ton	... ... 2 6
„ $\frac{1}{2}$ -ditto	0 1 $\frac{1}{2}$	Whale or other boats	... ... 1 0
„ box	0 1 $\frac{1}{2}$	Wheels cart or carriage—each	... ... 0 3
Timber per load—600 feet	2 6	Wheelbarrows—each	... ... 0 3
Tin plates—box	0 6	Wheat—see grain	
Tobacco—tierce	0 9	Wool—bale	... ... 0 6
„ keg	0 3	Wood—ton	... ... 2 6
„ basket or roll	0 1 $\frac{1}{2}$	Thrashing machine	... ... 3 0
„ hhd.	1 6	Unenumerated heavy goods loose } —ton ...	... ... 2 6
Toys and turnery—cask or case	0 6	Unenumerated goods in packages:—	
Tongues or tripe—keg	0 3	Tun butt	... ... 2 0
Wines and spirits—pipe butt or } puncheon	1 0	Butt or puncheon	... ... 1 0
„ hhd.	0 9	Hogshead	... ... 0 9
„ barrel or $\frac{1}{4}$ cask	0 3	Barrel...	... ... 0 6
„ leaguers	1 6	Keg $\frac{1}{2}$ cask or firkin	... ... 0 3
„ $\frac{1}{2}$ -ditto	1 0	Bundle or case	... ... 0 6
Wine in bottle—6 doz. cask or case	0 9		Jar can or bottle	... ... 0 1 $\frac{1}{2}$