



ANNO DECIMO-QUARTO

## VICTORIÆ REGINÆ,

No. 5.

*By His Excellency SIR WILLIAM THOMAS DENISON, Knight,  
Lieutenant-Governor of the Island of Van Diemen's Land and  
its Dependencies, with the Advice of the Legislative Council.*

*AN ACT to amend and extend the Laws in force in  
this Island for the Regulation and Preservation of  
the Ports and Shipping and for other Purposes con-  
nected therewith.*

PREAMBLE.

2 Vict. No. 5.

WHEREAS an Act or Ordinance of this Island was passed in the second year of the reign of Her present Majesty Queen VICTORIA intituled *An Act to consolidate and amend the Laws for the Preservation of the Ports and the Regulation of Shipping within the same* whereby it was amongst other things provided that the rates and charges of Pilotage on vessels entering into or proceeding from any Port within this Colony or its Dependencies specified in the Schedule to the said Act annexed marked A should be paid or secured to Pilots licensed as in the said Act directed—AND WHEREAS it is desirable that the rate or charge of inward pilotage to the Port of Hobart Town so specified in the said Schedule for Vessels drawing above fourteen feet and not exceeding fifteen feet should be reduced and that the said rates and charges of pilotage should hereafter be paid to the Port Officer or person acting as such of any such Port instead of being paid or secured to such Pilots as by the said Act is provided—AND WHEREAS by the seventeenth Section of the said recited Act it was enacted that no Pilot should be entitled to full pilotage for the conducting of any Vessel into the Port of Launceston unless he should have offered himself to and been in fact ready to go on board as Pilot before such Vessel should have reached the Middle Ground at the mouth of the River Tamar and it is desirable to amend the same as hereinafter provided—AND WHEREAS by the said recited Act it is also enacted that the Harbour Master or person acting as such of any Port of this Colony should be entitled to receive the sum of One Penny per register ton of certain Vessels which should arrive at such Port for certain services therein specified and it is expedient that all such sums should hereafter be paid to the Port Officer or person acting as such of such Port instead of such Harbour Master or person acting as such being entitled to

receive the same as by the said Act is provided—AND WHEREAS by the sixteenth Section of the said recited Act it is provided that certain Vessels should in certain cases be exempt from pilotage upon entering the Port of Hobart Town or the Port of Launceston and it is necessary that the said Section should be repealed—AND WHEREAS by a certain other Act or Ordinance of this Island passed in the twelfth year of the reign of Her present Majesty Queen VICTORIA intituled *An Act to remit the Payment of Pilotage Rates on certain Outward-bound Vessels* so much of the said firstly-recited Act and Schedule as subjects any Vessel trading regularly between Hobart Town or Launceston and any place in New South Wales to the payment of half pilotage rate upon such Vessel proceeding to sea where such vessel was entitled under the said firstly recited Act to claim exemption from pilotage as such trader upon entering the Port of Hobart Town or Launceston was repealed and other provisions substituted in lieu thereof and it is expedient that further and more extended provision be made and for such purpose that the said lastly recited Act should also be repealed—AND WHEREAS it is also expedient to enable the Lieutenant-Governor with the advice of the Executive Council of this Island from time to time by any proclamation for that purpose issued to make rules for the better regulation of the said Ports and Shipping and other matters connected therewith—BE IT THEREFORE ENACTED by His Excellency SIR WILLIAM THOMAS DENISON Knight Lieutenant-Governor of the Island of Van Diemen's Land and its Dependencies by and with the advice of the Legislative Council of the said Island that from and after the time when this Act shall come into operation the rates or charges of pilotage payable by virtue of the said firstly recited Act or this Act in respect of any vessel entering into or proceeding from any Port in this Colony or its Dependencies shall be paid by the Master or Commander thereof to the Port Officer or person acting as such of such Port to be by him accounted for and paid into the Colonial Treasury of this Island and any Pilot entitled to any such rates or charges of pilotage shall upon application in the usual way obtain payment thereof from the said Colonial Treasury anything in the said firstly recited Act to the contrary in any wise notwithstanding.

12 Vict. No. 11.

Fees payable to Pilots to be hereafter paid to the Port Officer.

II. AND BE IT ENACTED that the rate of pilotage payable in respect of any vessel liable to pilotage drawing above fourteen feet and not exceeding fifteen feet of water which shall hereafter enter inwards to the Port of Hobart Town shall be and amount to the sum of Five Pounds only any thing in the said firstly recited Act to the contrary in any wise notwithstanding.

Pilotage reduced on Vessels drawing above fourteen and not exceeding fifteen feet of water.

III. AND BE IT ENACTED that if any Pilot who shall be prevented by stress of weather from boarding any vessel liable and subject to pilotage rates and charges about to enter the said River Tamar before such vessel shall have reached the Middle Ground at the mouth of the said river shall nevertheless by signals or otherwise conduct such vessel until he shall be enabled to board and take due charge thereof and bring the same into the said Port of Launceston such vessel shall be liable and subject to and such Pilot shall be entitled to the full amount of pilotage rate to be also paid as herein directed in like manner to all

Pilot conducting a Vessel by signals into the River Tamar and boarding as soon as possible entitled to full pilotage.

intents and purposes as though such Pilot had boarded and taken charge of the said vessel before reaching the said Middle Ground any thing in the said firstly recited Act to the contrary in any wise notwithstanding.

Harbour Master's fees to be hereafter paid to Port Officer.

IV. AND BE IT ENACTED that the fees or sums by the said firstly recited Act directed to be paid to the Harbour Master or person acting as such of any Port of this Island or its Dependencies for the services in the said Act specified shall henceforth be paid by the Master or Commander of every Vessel in respect of which the same shall be incurred and payable to the Port Officer or person acting as such of such port to be by him accounted for and paid into the Colonial Treasury of this Island any thing in the said firstly recited Act to the contrary in any wise notwithstanding.

Repeals sect. 16 of 2 Vict. No. 5 and 12 Vict. No. 11.

V. AND BE IT ENACTED that from and after the time when this Act shall come into operation the said sixteenth Section of the said recited Act intituled *An Act to consolidate and amend the Laws for the Preservation of the Ports and the Regulation of Shipping within the same* and the said recited Act intituled *An Act to remit the Payment of Pilotage Rates on certain Outward-bound Vessels* shall be and the same are respectively hereby repealed.

Amends Schedule A of 2 Vict. No. 5 and Colonial Traders exempted from pilotage except when a pilot is actually employed.

VI. AND BE IT ENACTED that so much of the said firstly recited Act and Schedule thereunto annexed marked A as subjects any vessel trading regularly between Hobart Town and Launceston and any place in New South Wales to the payment of half pilotage rate upon such vessel proceeding to sea where such vessel is entitled under the said firstly recited Act to claim exemption from pilotage as such trader upon entering the Port of Hobart Town or Launceston shall be and the same is hereby repealed and henceforth no amount of pilotage rate whatsoever whether inwards or outwards shall be chargeable charged upon or be payable in respect of any vessel trading regularly between any Ports of this Island or its Dependencies or any of such Ports and any Port of the Continent of New Holland or the Colony of New Zealand or any Dependency thereof except where the Master or Commander of such vessel shall actually require the services of a Pilot and shall employ one accordingly and if such Master or Commander shall actually so employ a Pilot he shall be liable to pay and shall pay in manner herein directed the full amount of pilotage rate according to the draught of the vessel as such rate is specified in and by the said Schedule to the said firstly recited Act annexed and this Act any thing in the said firstly recited Act to the contrary in any wise notwithstanding—PROVIDED ALWAYS that no such vessel shall be so exempt from pilotage but the full rate of pilotage shall be payable for the same as though such vessel were not so trading regularly as aforesaid unless such vessel shall by certificate under the hand of the Collector of Customs or person for the time being acting as such at one of such Ports of this Island or its Dependencies be declared to be so trading and to be entitled to such exemption and unless the Master or Commander of such vessel shall have obtained and shall produce when required by the Port Officer or person acting as such of any Port of this Island or its Dependencies or by any Pilot licensed as in the said firstly recited Act directed who may board such vessel a

certificate under the hand of any such Port Officer or person acting as such that such Master or Commander is qualified to conduct and navigate his said vessel into such Port of this Island or its Dependencies —AND PROVIDED also that no such vessel shall be entitled to such exemption from pilotage unless she shall from the time of approaching within six leagues of the shore up to the time of her anchoring in the harbour keep flying at her mast or main-mast head as the case may be such distinguishing flag as the Lieutenant-Governor shall from time to time for that purpose direct.

VII. AND BE IT ENACTED that no Master or Commander of any such vessel entitled to exemption from pilotage as hereinbefore provided shall upon such vessel proceeding to sea from any Port in this Colony or arriving from any place beyond sea at or off any such Port be subject or liable to pay or shall pay any fine or penalty by reason of such Master or Commander not receiving on board a Pilot for the purpose of conducting such vessel to sea or into Port as the case may be in manner in the said firstly recited Act directed any thing therein to the contrary in any wise notwithstanding.

Exempts Masters of any such trader not liable to pilotage from penalty for proceeding to or arriving from sea without a Pilot.

VIII. AND BE IT ENACTED that it shall be lawful for the Lieutenant-Governor with the advice of the Executive Council for the time being of this Island from time to time by any proclamation or proclamations for that purpose made and published to issue such rules and directions respecting the remission and payment of pilotage rates and charges the duties and conduct of the Pilots Harbour Masters and other persons employed and acting in carrying out and effectuating the several objects of the said firstly recited Act and this Act the mooring unmooring and removal of vessels the mode of applying for and obtaining by the Masters or Commanders of vessels the services of the Pilots and Harbour Masters and otherwise for the better governance and regulation of the Ports and Shipping within this Island and its Dependencies as to such Lieutenant-Governor with such advice as aforesaid shall seem necessary or desirable and such rules and directions in like manner from time to time to amend alter or revoke as occasion may require and any such rules and directions when so made and published shall be deemed and taken to be part and parcel of this Act and shall be of the same force and effect as though the same were herein specifically enacted any thing in the said firstly recited Act to the contrary in any wise notwithstanding.

Lieutenant-Governor empowered to make rules for the governance of the Ports and Shipping &c.

IX. AND BE IT ENACTED that this Act and the said recited Act intituled *An Act to consolidate and amend the Laws for the Preservation of the Ports and the Regulation of Shipping within the same* shall save and except in so far as the same may be repealed altered affected or modified by this Act be read and construed together as one and the same Act.

This Act and 2 Vict. No. 5 to be read together.

W. T. DENISON.

Passed the Legislative Council this twenty-first day of August, one thousand eight hundred and fifty,

ADAM TURNBULL, *Clerk of the Councils.*