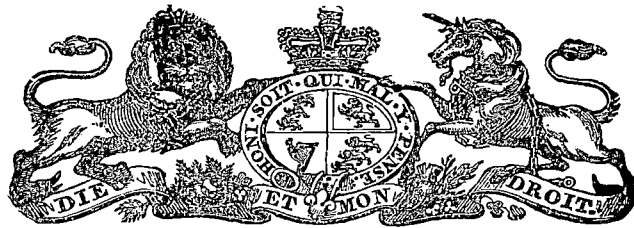


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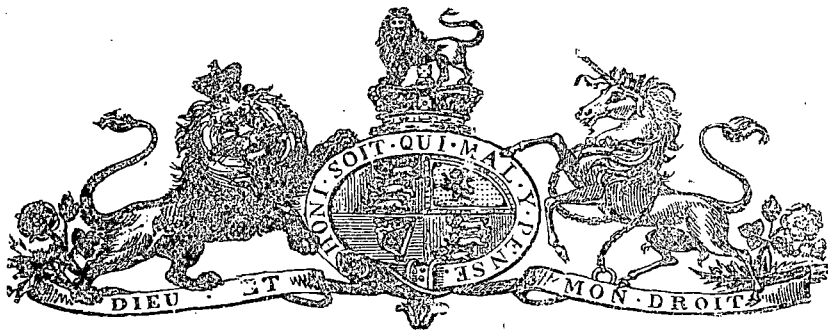
1890.

PARLIAMENT OF TASMANIA.

MARINE BOARD OF LEVEN:

BY-LAWS.

Presented to both Houses of Parliament by His Excellency's Command.



GOVERNMENT NOTICE.

No. 368.

Treasury, Hobart, 30th December, 1889.

"THE MARINE BOARDS ACT, 1889."

THE following By-Laws passed by the Marine Board of Leven are published for general information.

By His Excellency's Command,

B. STAFFORD BIRD.

LEVEN MARINE BOARD.

By-Laws.

General Regulations.

1. All vessels having cargo on board shall, on entering the port, hoist a square blue flag at the mainmast head, and shall keep the same flying till cleared by the Customs Officer.

2. In the event of more than one vessel requiring a berth at the same time, the Harbour Master shall decide which vessel is to have it.

3 The time allowed for vessels to load at any wharf or jetty shall be as follows:—

Under 100 tons register, 3 working days.

100 to 150 ditto, 5 ditto.

150 to 200 ditto, 6 ditto.

200 to 250 ditto, 7 ditto.

4. Outward-bound vessels must, if required, give place at any wharf or jetty to inward-bound vessels having cargo to discharge: Provided, that as soon as such inward cargo is landed the outward-bound vessel takes the berth again.

5. All vessels must discharge their ballast where the Harbour Master may direct; and masters must not allow ballast, coal, deck sweepings, or refuse from the hold to fall into the water alongside, but must have tarpaulings so placed as to prevent it. All sweepings to be deposited in such manner that they cannot be carried into the water.

6. Masters of vessels are required to leave their berths at any wharf or jetty clean swept.

7. No ponderous matter or bulky articles shall be allowed to remain on any wharf or jetty for a longer period than 48 hours, except permitted by the Harbour Master.

8. Any person depositing logs, palings, or matter of any kind where it is likely to be carried into the river or harbour by the tide, and so cause an obstruction, must remove the same within 12 hours after notice given by the Harbour Master.

9. No pitch, tar, resin, oil, or other combustible matter shall be heated by fire on board any vessel, but must be

so heated on the beach in some place where no danger can ensue to any property in the vicinity.

10. No person shall be allowed to remove stone from the ballast heap, except for purposes of the port, without the permission of the Harbour Master.

11. No cargo shall be laden or unladen by any vessel on Sundays, nor shall any work be done except such as is necessary for the safety or cleanliness of the ship, or for taking her to sea.

12. Any person destroying or injuring any wharf, jetty, buoy, beacon, mooring pile, or any other property of the Board, shall immediately replace or repair the same at his own expense.

13. Should any master or other person in charge of any vessel neglect or refuse to move such vessel when directed by the Harbour Master, it shall be lawful for the Harbour Master (and he is hereby empowered) to move such vessel himself, and to engage all necessary assistance and appliances for that purpose at the cost of the owners of the vessel, and the clearance of such vessel shall be detained till the costs and charges are paid.

14. Masters and officers of vessels, also pilots, are required to obey any order the Harbour Master may give in the fulfilment of his duty.

15. The Harbour Master shall in all cases of emergency take his instructions from the nearest resident Warden, and shall obey any instruction he may then receive so long as they are not contrary to any By-law.

16. No waterman or other person in charge of a boat shall go alongside of any vessel, or suffer or permit any person to board any vessel, on arriving from any port beyond the sea until such vessel is properly moored: Provided, that nothing herein contained shall be construed to prevent the boarding of any such vessel by the owner or agent or any other person having the written permission of the owner or agent, or by any Immigration officer, pilot, boarding officer, officer of Customs, or health officer, or other person acting in the execution of his duty.

17. Masters of vessels bound for any of the ports under the jurisdiction of the Board shall, on approaching within three miles of the land, hoist a flag at the main-mast head as under :—

If bound for the Penguin—P of the Universal Code.

“ ” Leven—B “ ”
“ ” Forth—J “ ”

18. The Harbour Master shall furnish masters of vessels visiting his port with a copy of these By-laws, and shall take a receipt for the same.

19. Any Harbour Master who neglects his duty, or through drunkenness or negligence causes damage to any vessel or its tackle or furniture, or who uses threatening or abusive language to any master of any vessel, shall be liable to dismissal or such other punishment as the Board may decide upon.

20. All vessels, whether at anchor or under way, in any of the ports under the jurisdiction of the Board, between sunset and sunrise shall exhibit such lights as are required by the Admiralty regulations.

21. It is hereby ordered and directed that if any Harbour Master, Pilot, or other officer of the Board, or any other person, shall be guilty of the infraction of any By-law for which no penalty is specially provided, he shall forfeit and pay a penalty not exceeding £10 or less than £2, together with the costs and charges attending the same.

22. All proceedings for the prosecution of any offender against these By-laws shall be had before any one or more Justices of the Peace in the procedure described by “The Magistrates Summary Procedure Act.”

Pilotage.

23. All vessels, not being coasting vessels, of the register of 50 tons and upwards, whose masters do not hold a certificate of exemption from pilotage, must employ a pilot. Vessels under 50 tons register need not have a pilot unless the master chooses.

24. Any vessel that shall have sailed from any port under the Board and which shall return through stress of weather or any other cause to the same, or any other port under the Board, shall pay one-third of the Pilotage rate.

25. Vessels from any port beyond the jurisdiction of the Board putting into any of its ports seeking freight, or through stress of weather, and not breaking bulk, shall be charged one-half the pilotage rate.

26. Vessels liable to pilotage shall pay full rates although they do not take a pilot.

27. Exempt vessels employing a pilot shall be charged pilotage according to service rendered.

28. Any master of a vessel holding a certificate of exemption from pilotage who approaches and enters any port under the Board without hoisting his exemption flag as hereinafter provided shall pay half pilotage, although he takes no pilot; and shall pay full pilotage if boarded by the pilot before such exemption flag shall be hoisted; or if he (the pilot) shall have passed the bar before the hoisting of the flag.

29. The exemption flag, viz., a full-sized square white flag, is to be displayed clear of all sails, etc., when nearing pilotage ground.

30. Certificates of exemption from pilotage will be granted to duly qualified persons, and the fees payable for such certificates shall be :—For steamships, £7 7s., and for sailing ships, £5 5s.

The following shall be the form of such Certificate :—

“LEVEN MARINE BOARD.

“Certificate of Exemption from Pilotage.

“This is to certify that.....having been duly examined under the provisions of Section 108 of 53 Victoria, No. 34, is hereby empowered to pilot any [steam or sailing] vessel of which he may be master to

“and from the following ports under the jurisdiction of the Board; viz. :

“Dated this day of 18 , Master Warden.

31. The following shall be the rates of pilotage chargeable at the ports under the Board :

Leven.—For sailing ships, 3d. per ton register inwards, and the same outwards.

For steamships, 2d. ditto

Forth.—For sailing ships, 3d. ditto

For steamships, 2d. ditto

Penguin.—For sailing ships, 2d. ditto

For steamships, 1d. ditto

32. It shall be lawful for the Board, on just cause being shown, to cancel any certificate of exemption from pilotage, it being, at the same time, incumbent on the Board to cause notice of such cancellation to be served with all convenient speed upon the person named in such certificate.

33. In cases where any vessel having a pilot on board also employs the services of a tug to tow her into or out of port, a deduction of ten per cent. shall be allowed from the pilotage charge.

34. The pilot whose duty it may be to take charge of any vessel intending to enter the port at which he is stationed, shall, on her approach, if she is not showing the exemption flag, proceed across the bar (if any) and, as far outside as practicable, to board such vessel and bring her in. Should any such vessel have passed the outer bar (if any), or the outermost buoy, beacon, or distinguishing mark of the entrance to such port before being boarded by a pilot, such pilot whose duty it was to board such vessel shall forfeit, from the amount of his salary and allowances, a sum equal to one-fourth of the inward pilotage chargeable to such vessel. Provided always, that if the pilot can show, to the satisfaction of the Board, any reasonable cause which prevented his boarding the vessel in time, and that he was in his boat in the fairway, and boarded her as soon as practicable, or that his apparent neglect arose through unavoidable circumstances, then no reduction shall be made as above mentioned.

35. Every pilot, in bringing a vessel in, shall either moor the same at a wharf (if any), or anchor her in some suitable position, and shall not leave such vessel till she is in good safety.

36. Every pilot shall keep a book in which he shall enter the name and tonnage of every vessel entering his port and liable to pilotage rates, the date of her arrival and departure, and the services rendered by him; such book to be the property of the Board, and to be produced when required by the Board.

37. Pilots are to afford every facility in their power to the officers of Her Majesty's Customs or police who may be performing any duty on Board any vessel of which a pilot has charge for the time being.

38. The pilots and harbour masters in each port will be expected to notice the condition of the buoys, beacons, and other property of the Board, and to immediately report to the Master Warden any damage or alteration they may observe; they shall also report, as soon as possible, any infringement of the Port Regulations that may come under their notice.

39. If any pilot in charge of a vessel entering into or proceeding out of any port has to remain on board such vessel whilst under quarantine, or is delayed in the performance of his duty by any act of the master, the master or owner shall, for every day the pilot remains on board or is delayed as aforesaid, pay, in addition to the amount of pilotage, the sum of Ten Shillings per day, and such additional amount shall be a port charge on the vessel.

40. Any pilot who refuses, neglects, or delays to take charge of a vessel without good and sufficient cause in

that behalf, or quits any vessel before she is clear of pilotage waters, or who, by drunkenness, renders himself incapable of conducting such vessel, or by ignorance or want of due care does or occasions any injury to the vessel or the tackle or furniture thereof, or makes use of any threatening or abusive language to the master, shall be liable to dismissal or such other punishment as the Board may decide upon.

41. If any person, unless in the case of unavoidable necessity, acts as pilot without being licensed, or after he has been suspended or dismissed, such person shall forfeit a penalty not exceeding £50.

Harbour Dues.

42. Every steamship and sailing vessel, not being a coasting vessel, entering any of the ports under the jurisdiction of the Board, and loading or discharging any cargo or ballast whilst in such port, shall pay the sum of Twopence per registered ton. Coasting vessels, whether steam or sailing ships, shall pay One Penny per register ton each trip: Provided, that any vessel paying harbour dues at one port and proceeding thence to any other port or ports under the Board, shall be exempt from any further charge in that respect for that trip.

Exemptions from Port Charges.

43. Vessels of all nations engaged in the whale fishery, all vessels of all nations outfitting for or refitting from the whale fisheries, and all vessels arriving or sailing in ballast, and which do not break bulk, or only to such an extent as may be necessary to provide funds for repairs, refittings, or refreshments required by such vessels, and all vessels belonging to any foreign power with which a Treaty of Commerce declared by any Royal Order in Council to be subsisting has been made, which arrive at any port under the Board for the purpose of landing any oil or whalebone the produce of fish caught or taken by the crews of such vessels, and land such oil or whalebone at any wharf appointed by the Board, shall be and are hereby wholly exempted from all Port Charges, Light Dues, and all Port Dues whatsoever, except those of pilotage in cases where a pilot has been employed. All vessels arriving in any port under the Board in the employment of Her Majesty for the conveyance of troops or warlike stores and other things connected with the defence of the Empire shall be exempted from payment of all dues, except only those of pilotage where a pilot has been employed.

Boat Licences.

44. If any person shall have within the jurisdiction of this Marine Board any variety of boat, barge, or punt, and shall use or hire out the same to carry passengers, merchandise, or ballast in any of the ports under the Board for money or profit, without licence for the same from this Board, he shall for every such offence forfeit and pay a penalty not exceeding £10.

45. Every person who desires to obtain a boat licence shall make application in writing to the Master Warden, giving the description of his boat and his name and place of residence; and shall, with such application, deposit the fee payable for such licence.

46. Every boat licence shall be signed by the Master Warden, and shall not include more than one boat, barge, or punt, and shall be in force until the 31st day of December next after the issue of such licence, unless forfeited or suspended in the meantime.

47. Every boat, barge, or punt shall have the name of the licensee legibly painted in letters not less than one inch long in the inner side of the stern, or one end; and on the outer side of the bow or side shall be painted the words "Licensed, No.," the number to agree with

the number shown on the licence. All such letters to be white on a dark ground, one inch high, and to be kept legible.

48. Any holder of a boat licence found guilty of dishonesty or improper conduct, or who shall make use of obscene, threatening, or abusive language, shall for every such offence forfeit and pay a penalty not exceeding £10; and on a second conviction shall be liable to the forfeiture or suspension of his licence, as the Court may decide.

49. The fee payable for every boat licence shall be Five Shillings; and the licence shall be in the following form, and shall be renewable by endorsement of the Master Warden:—

"LEVEN MARINE BOARD.

"Boat Licence.

"In accordance with 'The Marine Boards Act, 1889,'
".....is hereby licensed to ply for hire
"with a (boat, barge, or punt, as the case may be) No.
".....within the limits of any port under the
"jurisdiction of the Leven Marine Board, from the date
"hereof up to and including the 31st December next, and
"no longer.

"Given under my hand this.....day of..... 18.....

"Master Warden."

50. The rates chargeable for conveyance of passengers by licensed boatmen shall be:—For the first hour or part of any hour, not exceeding Two Shillings; and for every additional hour or part thereof, not exceeding One Shilling and Sixpence. These rates are to be charged between sunrise and sunset; between sunset and sunrise double the above rates may be charged. Any licensed boatman convicted of charging higher than the specified rates shall be liable to forfeiture of his licence if the Board so determine.

51. No agreement whatever made with any licensed boatman for the payment of more than the authorised charge shall be binding on the person making the same; but any person, notwithstanding such agreement, may refuse to pay any sum beyond the proper charge. And in case any person shall actually pay to any licensed boatman by agreement or otherwise any sum exceeding the proper charge which shall have been demanded or required by such boatman, the person paying the same shall be entitled, on complaint made against such licensed boatmen, in a summary way, before a Justice of the Peace, to recover back the sum paid beyond the proper charge, besides all costs.

52. Any person hiring the services of any licensed boatman and then refusing to pay such boatman any sum which may be justly due to him, shall on conviction before a Justice of the Peace forfeit and pay a penalty not exceeding £5, together with all costs in addition to the sum due.

Steamships.

53. Every steamship must have a safety-valve free from the care of the engineer, and out of his control and interference.

54. No person shall be permitted to have charge of the machinery used in any steamship trading within the limits of any port, harbour, or river within the jurisdiction of the Board unless he holds a valid certificate of competency granted by a Marine Board under "The Marine Boards Act, 1889." Every person who offends against this By-Law, and every person who employs or permits any person to have charge of such machinery who has not been examined and approved as aforesaid, shall pay a penalty not exceeding £100 or less than £25.

55. Every steamship with non-condensing engines trading to or from or within the limits of any port under the Board, and all machinery thereof, shall be surveyed at least twice in each year, and every other steamship, and all machinery thereof, shall be surveyed once, at least, in each year by a shipwright surveyor appointed by

a Marine Board and by an engineer surveyor appointed for the purpose of carrying into execution the provisions of "The Inspection of Machinery Act, 1889;" such shipwright surveyor, in the case of an iron steamship, being a person properly qualified to survey iron steamships. The owner of every such steamship shall obtain a declaration under the hand of the shipwright surveyor of the sufficiency and good condition of the hull of such steamship and of the boats and other equipments thereof, and also a statement of the number of passengers (whether deck passengers or other passengers) which such steamship is constructed to carry, and a declaration under the hand of such engineer surveyor of the sufficiency and good condition of the machinery of such steamship, and that the Master, Mate, and Engineer respectively of such steamship are, at the time of making such declaration, entitled to and possessed of the certificates required by law. In every such declaration it shall be distinguished whether such steamship is, in construction and equipments, adapted for sea service as well as river service, or for river service only, and such declaration shall also state the limits within which such ship is, in the judgment of such surveyor, adapted for plying; and in case of any sea-going ship the declaration of the surveyor shall contain a statement that he is satisfied that the compasses have been properly examined and adjusted within one month prior to date of such declaration. Such owner shall transmit every such declaration within 14 days after date thereof to the Marine Board within the jurisdiction of which such steamship and the machinery thereof shall have been surveyed.

56. The licence fee for steamships to ply within the limits of the ports under this Board shall be as under:—

	£	s.	d.
Under 10 tons register	2	10	0
Over 10 tons and under 50 ditto	4	0	0
Over 50 ditto and under 100 ditto	5	0	0
100 tons and upwards	6	0	0

57. The Steam Boat Licence shall be in form as follows:—

LEVEN MARINE BOARD.

"Steamboat Licence.

"In accordance with Section 130 of 'The Marine Boards Act, 1889,' and subject to all the provisions of Section 160 of the same Act, is hereby licensed, until the 31st day of December next, to keep, use, and ply within the jurisdiction of the Leven Marine Board, with the steamboat numbered, and named, being of the following demensions:—Length, breadth, depth, and to carry persons, inclusive of her crew, and no more at any one time.

"Dated this day of 18....

"Master Warden."

58. The possession of a licence as above permits the steamboat so licensed to be used for towage purposes within the limits of the ports under the Board.

Wharfage Rates.

59. Whereas under and by virtue of "The Marine Boards Act, 1889," the Leven Marine Board is empowered and required (amongst other things) to fix and

regulate the Wharfage Rates to be paid on goods entered to be landed at the ports or harbours within the jurisdiction of the Leven Marine Board: it is hereby ordered and directed that, on and after this By-law coming into operation, the under-mentioned Rates of Wharfage shall be paid on all goods entered at the Custom House or otherwise to be landed within the ports or harbours within the jurisdiction of the Leven Marine Board:—

	s.	d.
Tun Butt, each	3	9
Pipe or Puncheon, each	2	0
Hogshead, each	1	6
Barrel, Tierce, or Quarter Cask, each	1	0
Octave, Keg, or Firkin, each	0	6
Case, Crate, Cask, Bale, Box, Bundle, Trunk, Bag, or other package containing goods not otherwise enumerated, measuring 30 feet and upwards	3	0
Over 10 feet and not exceeding 30 feet	2	0
10 feet and under	0	6
Chest of Tea	0	9
Half-chest Tea	0	6
Quarter-chest or Box Tea, each	0	4
Case, Cask, or other package of any liquid (not otherwise enumerated) in Bottle, Tin, Jar, Carboy, or Drum, 5 gallons and upwards (reputed quarts and pints)	1	0
Ditto, under 5 gallons	0	9
Sugar, Coffee, Rice, Dried Fruits, Tallow, Soap, Paint, Potatoes, Flour, Meal, Cordage, Flax, Oakum, Nails, Shot, Iron, Sheathing-metal, Steel, Lead, or other loose Metal, Machinery, and other heavy goods not otherwise enumerated, per cwt. or fraction of a cwt.	0	4
Salt, per ton	2	0
Coals, ditto	2	0
Candles, per cwt.	1	0
Timber, per load of 50 cubic feet or any greater or less quantity not being a quarter of a load	4	0
Oars, Spades, Shovels, Forks, Frying-pans, and other similar articles, per dozen or part of a dozen	0	3
Brooms, Handles, Staves, Handspikes, Gunstocks, and small pieces of shaped Wood, per score, or fraction of a score	0	4
Grain, Malt, or Pulse, per bushel	0	3
Four-wheel Carriage	20	0
Two-wheel ditto	10	0
Piano or Harmonium, each	4	0
Tubs or Buckets, each	0	2
Chairs, if loose, each	0	2
Sheep, each	0	1
Horses, each	5	0
Cattle, per head	1	0

Exemptions.—All articles for the use of Her Majesty's Government, all goods or merchandise the produce of the Colony or of the fisheries thereof, as well as all Fish Oil and Whalebone landed in the Colony from any vessel engaged in the fisheries, and all empty casks intended for the fisheries; and Guano, Bones, Bonedust, and other Manures.

These By-Laws shall commence and take effect on and from the first day of February next, one thousand eight hundred and ninety.

Made and passed by the Leven Marine Board, when a majority in number of the Wardens were present, the nineteenth day of December, 1889.

ARTHUR R. ELLIS, *Master Warden.*