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H O U S E O F A S S E M B L Y.

LAUNCESTON MARINE BOARD :

BYE-LAW No. 20.

Laid upon the Table by the Colonial Treasurer, and ordered by the House to be printed, July 22, 1881.



LAUNCESTON MARINE BOARD.

WATERMEN'S LICENCES.

BYE-LAW No. 20.

WHEREAS under and by virtue of "The Marine Board Act," a Guild at the Port of Launceston, in the Colony of Tasmania, called "The Launceston Marine Board," was lately established by the Governor in Council: And whereas by the said Act the said Board is empowered and required (amongst other things) to license Boatmen plying for hire, and fix the fees to be paid for such licences, and also the penalties on persons plying for hire with boats or keeping boats for the purpose of plying for hire without being licensed, to regulate the fares to be charged by licensed Watermen plying for hire within the Port in the jurisdiction of the said Board, and to fix places at which licensed Watermen shall ply and otherwise regulate their conduct and proceedings: And whereas by the said Act the said Board is empowered from time to time to make, publish, alter, modify, amend, or repeal such Bye-laws as to the said Board seem meet for carrying into effect and enforcing the general powers and duties by the said Act vested in and imposed on the said Board.

Be it therefore ordered and directed by the Launceston Marine Board (hereinafter called the Board) that from and after the date of this Bye-law coming into operation,—

1. If any person shall, within the jurisdiction of the Board, use or employ or cause or permit to be used or employed, or shall directly or indirectly by himself or by or through any other person let out to hire or ply for hire with any boat, unless he shall have obtained and shall hold a Boat Licence as hereinafter mentioned for such boat, every such person shall for every such offence forfeit and pay a penalty not exceeding Ten Pounds; and in any proceeding against any person for so offending the onus of proof that a Licence has been obtained and is in force shall lie upon the defendant.

2. Every person desirous of obtaining a Boat Licence for a boat shall make an application, in writing, to the Board, in such form as the Master Warden shall approve of, and such application shall state the true name and residence of the applicant, and shall contain a description of the boat; and, if required by the Board, the applicant shall also lodge with the Board a Certificate of Approval of the Boat signed by such Officer of the Board or other person as shall be appointed or approved of by the Board for that purpose.

3. Upon such application being made, it shall be lawful, but not obligatory upon the Board, upon payment of the sum of Five Shillings, to grant to the applicant a Boat Licence for any boat, in the form numbered 1 in the First Schedule, hereto or to the like effect. And every such Licence shall be signed by the Master Warden for the time being and shall not include more than one boat, and shall (unless suspended or forfeited as hereinafter mentioned) continue in force from the date of granting the same until the thirty-first day of December then next.

4. The number of persons which any boat, for which a Boat Licence shall be granted, shall be permitted to carry at any one time shall be determined by the Board, and in com-

puting the number of persons carried in any such boat each person twelve years of age shall be considered as one person, and two persons under that age shall be considered as one person.

5. Upon every boat for which a Boat Licence shall be granted, the name in full of the person to whom such Licence shall be granted, and the number of such Licence, and the number of persons which such boat may carry, under the provisions of this Bye-law, shall be legibly painted in letters not less than one inch in length on the inside of the gunwale of such boat, and if any person to whom a Boat Licence shall be granted shall fail in this regulation he shall, on conviction, forfeit and pay for every such offence a sum not exceeding Five Pounds.

6. The Board may, annually, upon the expiration of any Boat Licence renew the same for twelve months on payment of a fee of Five Shillings and upon such a Certificate of Approval as hereinbefore mentioned being lodged with the Board, if required.

7. If any person to whom a Boat Licence shall be granted for any boat shall, within the jurisdiction of the Board, knowingly permit or suffer any person who shall not have obtained and hold a Waterman's Licence, as hereinafter mentioned, to ply for hire with or act as waterman for hire in such boat; or if any person shall, within the jurisdiction aforesaid, ply for hire or be employed as a waterman for hire in any boat, whether a Boat Licence shall have been granted for such boat or not, unless he shall have obtained and hold a Waterman's Licence as hereinafter mentioned, every person so offending shall, on conviction, forfeit and pay for every such offence a sum not exceeding Ten Pounds; and in any proceeding against any person for so offending the onus of proof that a Waterman's Licence has been obtained and is in force shall lie upon the defendant.

8. Every person desirous of obtaining a Waterman's Licence shall make an application, in writing, to the Board in such form as the Master Warden shall approve of, and such application shall state the true name and residence of the applicant and (unless dispensed with by the Board) be accompanied by a Certificate, in writing, signed by two householders, to be approved of by the Board and by such Officer or person as the Board may appoint or name for that purpose, certifying that the applicant is a person of good character and conduct, and competent to work and manage a boat.

9. Upon such application being made, it shall be lawful for but not obligatory upon the Board, upon payment of the sum of Five Shillings, to grant to the applicant a Waterman's Licence, in the form numbered 2, in the First Schedule hereto or to the like effect. And every such Licence shall be signed by the Master Warden for the time being, and shall (unless suspended or forfeited as hereinafter mentioned) continue in force from the date of granting the same until the thirty-first day of December then next.

10. The Board may, annually, upon the expiration of any Waterman's Licence, renew the same for Twelve months on payment of a fee of Five Shillings.

11. Every holder of a Boat Licence, or of a Waterman's Licence, under this Bye-law shall, in the event of any

alteration in his residence, or in the name of any boat mentioned in any such Boat Licence, give notice thereof, in writing, to the Board within seven days after such event shall occur; and if any holder of a Boat Licence or of a Waterman's Licence shall fail in this regulation, he shall, on conviction, forfeit and pay for every such offence a sum not exceeding Two Pounds.

12. The Board, or any member thereof, or any such officer or person as may be appointed or named by the Board for the purpose, may at any time inspect any boat for which a Boat Licence has been granted, and if the Board shall be of opinion that such boat is not fit for the carriage or conveyance of passengers, or for the purposes for which the same is ordinarily used, or if the person to whom the Boat Licence for such boat has been granted hinders or prevents or endeavours to hinder or prevent such inspection as aforesaid it shall be lawful for the Board, by notice in writing delivered to the person to whom the Boat Licence for such boat was granted or left for him at his usual or last known residence, to cancel such licence.

13. If any licensed Waterman shall be found guilty of dishonesty or improper conduct, or shall make use of any obscene, threatening, indecent, insulting, or abusive language, or shall refuse to employ his boat when thereunto required without reasonable cause shown, or shall in any other manner misconduct himself, he shall for every such offence be liable on conviction to forfeit and pay a penalty or sum not exceeding Five Pounds, or in lieu of such penalty it shall be lawful for the Justice or Justices by whom such licensed Waterman is convicted to suspend his Waterman's licence or any Boat licence held by him, or all of such licences, for such period as such Justice or Justices may think fit, or to cancel such licence or licences.

14. If any licensed Waterman shall at any time take or permit to be on board any boat with or in which he is plying for hire any greater number of persons than the number which the Board shall have determined to be the number which such boat shall be permitted to carry, or if he shall overload such boat or suffer such boat to be overladen, whether by passengers or luggage, or both, every such Waterman shall on conviction forfeit and pay for every such offence a penalty or sum not exceeding Ten Pounds.

15. The fares which may be lawfully demanded, charged, and taken by a licensed Waterman shall be at the rate and as set forth in the Second Schedule hereto; and if any licensed Waterman shall demand or take any higher fare than is hereby authorised, he shall on conviction forfeit and pay for every such offence a penalty or sum not exceeding Ten Pounds.

16. No agreement whatever made with any licensed Waterman for the payment of more than the fare which such Waterman shall for the time being, be authorised to demand and take shall be binding on the person making the same, but any such person, notwithstanding such agreement, may refuse to pay any sum beyond the proper fare. And in case any person shall actually pay to any licensed Waterman, whether in pursuance of such agreement or not, any sum exceeding his said proper fare which shall have been demanded or required by such Waterman, the person paying the same shall be entitled, on complaint made against such licensed waterman in a summary way before any Justice of the Peace, to recover back the sum paid beyond the proper fare, besides all costs and charges.

17. The payment of fares shall in no case be made partly by time and partly by distance, but the hirer of any boat may elect to pay such fare either by time or distance. And if any question shall arise touching the distance for which any licensed Waterman shall be entitled to charge, the same shall and may be heard by complaint in that behalf made before any Justice or Justices of the Peace, and such Justice or Justices is and are hereby authorised to determine the matter of such complaint; and any expense, not exceeding Forty Shillings, which may be necessarily incurred in ascertaining such distance shall be deemed to be costs, and be paid as such by the party against whom a decision shall be given by such Justice or Justices.

18. If any person shall refuse or omit to pay any licensed Waterman the sum justly due to him, it shall be lawful for any Justice of the Peace, upon complaint thereof made to him, to grant a summons or, if it shall appear to him necessary, a warrant for bringing before him or any other Justice such defaulter; and on the proof of the facts made upon oath before any such Justice, to award reasonable satisfaction to the person so complaining for his fare and costs, and also a reasonable compensation for his loss of time, and for the time of his witnesses, if any, in attending

such Justice, touching or concerning such complaint. Provided always, that if any such complaint be withdrawn or dismissed it shall be lawful for such Justice, if he shall think fit, to order and award that the person making such complaint shall pay to the defendant such costs of making or preparing for his defence, and also such compensation for his loss of time, and for the time of his witnesses, if any, in attending such Justice touching or concerning such complaint, as to such Justice shall seem reasonable.

19. Every licensed Waterman shall have, and shall on demand produce, a card or paper on which shall be legibly written or printed the fares for the time being authorised by the Board to be charged and taken by such licensed Waterman; and if any such Waterman shall fail so to have, or upon demand to produce such card or paper as aforesaid, every such licensed Waterman shall, on conviction, forfeit and pay for every such offence a penalty not exceeding Forty Shillings.

20. On this Bye-law coming into operation, the Bye-laws No. 2, made and passed by the Board on the 2nd day of March, 1858, and No. 18, made and passed by the Board on the 1st day of April, 1880, shall be repealed, provided that such repeal shall not affect anything duly done, or any liability accruing before this Bye-law comes into operation.

21. All boat licences granted under or by virtue of the said Bye-law No. 2 which are in force when this Bye-law comes into operation shall be deemed and taken to be boat licences granted under or by virtue of this Bye-law, and (unless suspended or forfeited as hereinbefore mentioned) shall continue in force until the 31st day of December, 1881, and every holder of a boat licence granted under or by virtue of the said Bye-law No. 2 shall, until the 31st day of December, 1881, (unless such licence be suspended or forfeited as hereinbefore mentioned), be deemed and taken to have had granted to him and to be the holder of a Waterman's licence under this Bye-law, and in the meantime shall have and may exercise all rights and privileges, and shall be subject and liable to all duties, liabilities, and penalties which he would have and might exercise and would be subject and liable to if a boat licence and a Waterman's licence had been granted to him under or by virtue of this Bye-law, except that he shall not be obliged to paint on his boat the number of persons which such boat may carry under the provisions of this Bye-law, nor be subject or liable to the penalty imposed by section 14 of this Bye-law for taking or permitting to be on board any boat with or in which he is plying for hire any greater number of persons than the number which the Board shall have determined to be the number which such boat shall be permitted to carry until the Board shall have notified to him the number of persons which such boat shall be permitted to carry.

Made and passed by the Launceston Marine Board when a majority in number of the Wardens were present, this seventeenth day of May, 1881.

GEORGE GILMORE, *Master Warden.*

GEO. M. EDDIE, *Clerk to the Board.*

THE First Schedule above referred to.

No. 1.

No. LAUNCESTON MARINE BOARD.
BOAT LICENCE.

IN accordance with Section 88 of "The Marine Board Act," and Bye-Law No. _____

of _____ is hereby licensed from the date hereof until the 31st day of December next, to keep, use, let to hire, and ply within the Port of Launceston in the jurisdiction of the Launceston Marine Board, with boat numbered _____, named _____, being of the following dimensions:—Length _____, breadth _____, depth _____, and to carry _____ persons inclusive of crew and no more at any one time.

Dated this _____ day of _____ 18 _____

Master Warden.

No. 2.
LAUNCESTON MARINE BOARD.
WATERMAN'S LICENCE.

IN accordance with Section 88 of "The Marine Board Act," and Bye-Law No. , is hereby licensed from the date hereof until the 31st day of December next, as a Waterman within the Port of Launceston in the jurisdiction of the Launceston Marine Board.

Dated this day of 18 . Master Warden.

THE Second Schedule above referred to.
WATERMEN'S FARES, LAUNCESTON.

	s.	d.
From the Queen's Wharf to or from a vessel within the Bar, for each person.....	0	8
From the Queen's Wharf to or from a vessel below the Bar and not beyond the Cattle Wharf, for each person.....	1	0
From the Queen's Wharf to or from a vessel below the Cattle Wharf and not beyond the One Mile Beacon, for each person	2	6
From the Queen's Wharf to or from a vessel below the One Mile Beacon and not beyond the Tea Tree, for each person	3	0
From the Queen's Wharf to or from a vessel below the Tea Tree and not beyond Stephenson's Bend, for each person..	5	0
All luggage less than 50 lbs. to be free of charge.		
For luggage above 50 lbs. and not exceeding 100 lbs. in weight, one moiety of the preceding fares; and for every additional 50 lbs. or part thereof, one moiety of the preceding fares.		
Half the above fares for returning.		
No boat to be detained beyond fifteen minutes; if detained beyond that time to be paid for at the rate of 1s. 6d. extra per hour.		
No licensed boat to be compelled to go beyond Stephenson's Bend, except by special agreement.		

	s.	d.
<i>By Time.</i>		
For the first hour, for each person, except when engaged for pleasure or fishing.....	2	0
For the first hour, irrespective of numbers, when engaged for pleasure or fishing.....	3	6
For every additional half hour half the above rates.		

WATERMEN'S FARES, GEORGE TOWN.

	s.	d.
<i>By Distance.</i>		
From the Wharf to or from a vessel in the Cove within the Half-tide Rock, for each person.....	1	0
From the Wharf to or from a landing place at Bryan's Bay, or to or from a vessel at anchor there, for each person....	2	0
From the Wharf to or from a vessel under weigh in Bryan's Bay, or between the Cove and Bryan's Bay, for each person	2	6
From the Wharf to or from Ilfracombe, if not more than two persons, for each person 6s., if more than two persons, for each person.....	5	0
From the Wharf to or from Ashman's Farm, for each person	2	0
From the Wharf to or from a landing place in Kelso Bay, or to or from a vessel there, if not more than two persons, for each person, 2s. 6d., if more than two persons, for each person.....	2	0
From the Wharf to or from a vessel at the White Buoy or Lagoon Bay, or between those places and Kelso Bay, if not more than two persons, for each person, 5s., if more than two persons, for each person.....	4	0
All luggage less than 50 lbs. to be free of charge.		
For luggage above 50 lbs. and not exceeding 100 lbs. in weight one moiety of the preceding fares, and for every additional 50 lbs. or part thereof, one moiety of the preceding fares.		
Half the above fares returning.		
No boat to be detained longer than fifteen minutes; if detained longer than that time to be paid for at the rate of 1s. 6d. per hour extra.		
No licensed boat to be compelled to go further up the river than Ilfracombe, nor lower than Lagoon Bay, except by special agreement.		

	s.	d.
<i>By Time.</i>		
For the first hour, for each person, except when engaged for pleasure or fishing.....	3	0
For the first hour, irrespective of numbers, when engaged for pleasure or fishing.....	3	6
For every additional half hour half the above rates.		