ANNO VICESIMO TERTIO ET VICESIMO QUARTO

VICTORIIÆ REGINÆ.

A.D. 1860.

No. 17.

An Act to consolidate the Acts relating to the regulation of the Ports, Harbors, Havens, Roadsteads, Channels, Navigable Creeks, and Rivers, in Her Majesty’s Province of South Australia, and for the better regulation of Shipping, and to constitute a Board to be called the Marine Board of South Australia, to confer certain powers on such Board, and for other purposes.

[Assented to, 17th October, 1860.]

WHEREAS it is expedient to consolidate the Acts relating to the regulation of ports, harbors, havens, roadsteads, channels, navigable creeks, and rivers, in the Province of South Australia, and for the better regulation of shipping, to establish a Marine Board of the said Province, and to confer certain powers on such Board: Be it therefore Enacted by the Governor-in-Chief of the Province of South Australia, with the advice and consent of the Legislative Council and House of Assembly of the said Province, in this present Parliament assembled, as follows:

1. From and after the commencement of this Act, an Act made and passed by the Governor and Legislative Council of the said Province, on the twenty-second day of February one thousand eight hundred and thirty-eight, intituled “An Act for the better preservation of the ports, harbors, havens, roadsteads, channels, navigable creeks, and rivers, in Her Majesty’s Province of South Australia, and for the better regulation of shipping, and their crews, in the same;” an Act made and passed by the Governor and Legislative Council of the said Province, on the 1st day of June, 1842, intituled, “An Act to amend and extend an Act for the better preservation of the ports, harbors, havens, roadsteads, channels, navigable creeks, and
and rivers, in Her Majesty's Province of South Australia, and for
the better regulation of ships and their crews, in the same;" an
Act made and passed by the Governor and Legislative Council of
the said Province, on the 27th day of October, 1842, intituled
"An Act to regulate the keeping and carriage of gunpowder;" an
Ordinance made and passed by the Governor and Legislative
Council of the said Province, on the 8th day of July, 1846, in-
tituled "An Ordinance further to regulate the keeping and car-
riage of gunpowder;" an Ordinance made and passed by the
Governor and Legislative Council of the said Province, on the
4th day of September, 1847, intituled "An Ordinance to provide
for the maintenance of a steam-tug, and pilotage, and other con-
vieniences when required by shipping;" an Act made and passed
by the Governor and Legislative Council of the said Province, on
the 23rd day of October, 1851, intituled "An Act to incorporate
the Trinity House of Port Adelaide, South Australia;" an Act made
and passed, on the 2nd day of December, 1852, intituled "An Act
for the more convenient engagement and discharge of seamen, at
Port Adelaide;" and also certain portions of an Act made and passed
by the Governor and Legislative Council, numbered 20 of 1854,
intituled "An Act to authorize the raising a sum of One Hundred
Thousand Pounds for the deepening and improvement of the
harbor of Port Adelaide, and for other the purposes therein
named," that is to say—being the sections five, six, seven, eight,
nine, ten, eleven, twelve, and thirteen, shall be repealed; and
an Act made and passed by the Governor and Legislative Council
of the said Province, numbered 1 of 1856, intituled "An Act to
facilitate the performance of the duties of the Trust for the deepen-
ing and improving of the Harbor of Port Adelaide," shall be repealed;
and also such portions of an Act made and passed by the Parlia-
ment of the said Province, being number 12 of 1858, intituled
"An Act to subject certain Commissioners and Trust, therein
named, to the control of the Commissioner of Public Works," as
subject the Harbor Trust to the control of the Commissioner of
Public Works.

2. This Act may be cited, for all purposes, as the "Marine Board
Act of 1860."

3. In the construction and for the purposes of this Act (if not
inconsistent with the context or subject matter), the following terms
shall have the respective meanings herein assigned to them, that is
to say:—

"Receiver" shall mean any person appointed in pursuance of
this Act Receiver of Wreck.

"Pilot" shall mean any person not belonging to a ship, who has
the conduct thereof.

"Qualified Pilot" shall mean any person duly licensed by the
Marine Board, to conduct ships to which he does not belong.

"Master"
"Master" shall mean any person (except a pilot) having command or charge of any ship.

"Seamen" shall include every person (except masters, pilots, and apprentices duly indentured and registered) employed in any capacity on board any ship.

"Person" shall include body corporate.

"Ship" shall include every description of vessel used in navigation, not propelled by oars.

"Lighthouses" shall, in addition to the ordinary meaning of the word, include floating and other lights, exhibited for the guidance of ships; and "Buoys and Beacons" shall include all other marks and signs of the sea.

"Wreck" shall include jetsam, flotsam, lagam, and derelict found on the shores of the sea, or any tidal water.

4. This Act shall come into operation on the first day of November, 1860.

5. From and after the commencement of this Act, the Trinity House of Port Adelaide, incorporated by the above repealed Act, No. 5 of 1851; and the Trust for deepening and improving the Harbor of Port Adelaide, established by the above in part repealed Act, No. 20 of 1854, shall be abolished; and the Guild or Fraternity, incorporated by the above repealed Act, No. 5 of 1851, and the said Trust shall cease to exist: Provided that no proceedings had, or transactions previously entered into by the said Trinity House or Harbor Trust, shall be affected by this Act: Provided also, that where in the first four clauses of the said Act, No. 20 of 1854, the word "Trust" is used, the words "Marine Board" shall be held to be substituted.

6. It shall be lawful for the Governor, with the advice and consent of the Executive Council, by letters patent, to be by him for that purpose issued, under the public seal of the said Province, to incorporate a Board, by the name of the "Marine Board of South Australia," to consist of a President and four Wardens, of whom three shall be a quorum; and from time to time to remove any member, or to appoint any person to fill any vacancy that may occur in such Board.

7. The seal of the Marine Board, hereinafter alluded to, shall have inserted thereon the words "Marine Board of South Australia," and such device as the Governor, with the advice and consent of the Executive Council, may approve; and a notice of the approval of such seal as aforesaid shall be published in the South Australian Government Gazette.

8. The
8. The Marine Board shall, in all respects be subjected to the supervision, control, and direction of the Treasurer for the time being; and shall at all times furnish such reports, accounts, vouchers, and documents, relating to any matter entrusted to or performed by the Marine Board, as the said Treasurer shall, by any writing under his hand addressed to the Marine Board, or to its Secretary, from time to time require, and shall fulfil and carry out any directions which may from time to time be given in manner aforesaid by the said Treasurer touching any matter entrusted to or performed or authorized to be performed by the said Board.

9. The Board may from time to time, with the consent of the Treasurer, appoint and employ such secretary, engineers, clerks, messengers, and other officers, except solicitors, at such reasonable salary, pay, or reward as to such Marine Board may seem meet, and from time to time, with the like consent, dismiss and discharge such officers, or any of them, and appoint others in their place: Provided that the salaries or rewards of all persons appointed and employed by such Marine Board under the authority of this Act shall be annually voted by Parliament.

10. The Marine Board shall be the Department to undertake the general superintendence of all matters within its jurisdiction, relating to the preservation of ports, harbors, havens, and navigable creeks and rivers, in the said Province, and the regulation of shipping and seamen.

11. All sums which may be raised under the authority of Act No. 20 of 1854, and entrusted to the said Marine Board for the improvement of Port Adelaide, shall be expended by the said Board in deepening the outer and inner bars of the said harbor of Port Adelaide; and the fairway or channel of the said harbor from the said outer bar unto the upper part of the inner harbor, opposite the North Parade.

12. The powers, authorities, and jurisdiction of the Marine Board shall extend and be exercised in and over the limits of the said Province, and two nautical leagues to seaward, from high water mark, along the coast line of the said Province.

13. All documents whatever, purporting to be issued or written by or under the direction of the Marine Board, and purporting either to be sealed with the seal of such Board or to be signed by the Secretary or Assistant Secretary to such Board, shall be received in evidence, and shall be deemed to be issued or written by or under the direction of the said Board without further proof, unless the contrary be shown; and all documents purporting to be certificates
certificates issued by the Marine Board, in pursuance of this Act, and to be sealed with the seal of such Board, or to be signed by one of the officers of such Board, shall be received in evidence, and shall be deemed to be such certificates without further proof, unless the contrary be shown.

14. The Marine Board may from time to time prepare and sanction forms of various books, instruments, and papers, required by this Act, and may from time to time make such alterations therein as it deems requisite, and shall, before finally issuing or altering any such form, give such public notice thereof as it deems necessary in order to prevent inconvenience, and shall cause every such form to be sealed with such seal as aforesaid, or marked with some other distinguishing mark, and to be supplied at such moderate prices as it may from time to time fix, or may license any persons to print and sell the same, and every such book, instrument, and paper, as aforesaid, shall be made in the form issued by the Marine Board, and sanctioned by it as the proper form for the time being, and no such book, instrument, or paper as aforesaid, unless made in such form, shall be admissible in evidence in any civil proceeding on the part of any owner or master of any ship; and every such book, instrument, or paper, if made in a form purporting to be a proper form, and to be sealed or marked as aforesaid, shall be taken to be made in the form hereby required, unless the contrary is proved.

15. Every person who forges, assists in forging, or procures to be forged such seal or other distinguishing mark as aforesaid, or who fraudulently alters, assists in fraudulently altering, or procures to be fraudulently altered, any form issued by the Marine Board, with the view of evading any of the provisions of this Act, or any condition contained in such form shall, for each offence, be deemed guilty of a misdemeanor.

16. The Marine Board may, in cases where there is reason to suspect that the provisions of this Act are not complied with, exercise the following powers, that is to say—It shall be lawful for the Marine Board to require the owner, master, or any of the seamen of any British ship being within any port or place in the said Province, to produce any official log books, or other documents relating to such seamen, or any member thereof, in their respective possession or control; and to require any such master to produce a list of all persons on board his ship, and take copies of such official log books or documents, or of any part thereof; to muster the crew of any such ship; to summon the master to appear and give any explanation concerning such ship or her crew, or the said official log books or documents.

17. If, upon requisition duly made, any person refuses or neglects to produce any such official log book or document, as he is
**Powers of Marine Board.**

is hereinbefore required to produce, or to allow the same to be inspected or copied as aforesaid, or impedes any such muster of a crew as aforesaid, or refuses or neglects to give any explanation which he is hereinbefore required to give, or knowingly misleads or deceives any person hereinbefore authorized to demand any such explanation, he shall, for each such offence, incur a penalty not exceeding Twenty Pounds.

18. The Marine Board may, from time to time, whenever it seems expedient to them so to do, with the approval of the Treasurer, appoint any person as an Inspector, to report to them upon the following matters, that is to say—Upon the nature and causes of any accident or damage which any ship has sustained or caused, or is alleged to have sustained or caused; whether the provisions of this Act, or any regulations made under or by virtue of this Act have been complied with; whether the hull and machinery of any steam-ship are sufficient and in good condition.

**Powers of Inspectors.**

19. Every such Inspector as aforesaid, shall have the following powers, that is to say—He may go on board any ship, and may inspect the same, or any part thereof, or any of the machinery, boats, equipments, or articles on board thereof, to which the provisions of this Act apply; not unnecessarily detaining or delaying her from proceeding on any voyage. He may enter and inspect any premises, the entry or inspection of which appears to him to be requisite for the purpose of the report, which he is directed to make. He may, by summons under his hand, require the attendance of all such persons as he thinks fit to call before him and examine for such purpose, and may require answers or returns to any inquires he thinks fit to make. He may require and enforce the production of all books, papers, or documents which he considers important for such purpose. He may administer oaths, or may, in lieu of requiring or administering an oath, require every person examined by him to make and subscribe a declaration of the truth of the statements made by him in his examination.

20. Every witness so summoned as aforesaid shall be allowed such expenses as would be allowed to any witness attending on subpoena to give evidence before the Supreme Court; and in case of any dispute as to the amount of such expenses, the same shall be referred by the Inspector to the master of the Supreme Court, who, on a request made to him for that purpose under the hand of the said inspector, shall ascertain and certify the proper amount of such expenses; and every person who refuses to attend as a witness before any such inspector after having been required so to do in the manner hereby directed, and after having had a tender made to him of the expenses (if any) to which he is entitled as aforesaid, or who refuses or neglects to make any answer, or to give any return, or to produce any document in his possession, or to make or subscribe any declaration, which any such inspector
is hereby empowered to require shall, for each such offence, incur a penalty not exceeding Ten Pounds.

21. Every person who wilfully impedes any such Inspector appointed by the Marine Board as aforesaid in the execution of his duty, whether on board any ship or elsewhere, shall incur a penalty not exceeding Ten Pounds, and may be seized and detained by such Inspector or other person, or by any person or persons whom he may call to his assistance, until such offender can be conveniently taken before some Justice of the Peace for the said Province, or other officer having proper jurisdiction.

22. If at any time from and after the passing of this Act the master or any other person belonging to any boat or vessel, or any other person whomsoever shall discharge, throw out, or unladen, or cause or permit to be discharged, thrown out, or unladen from and out of any boat or vessel whatsoever being within any port, harbor, haven, roadstead, channel, or navigable creek or river within the said Province or its dependencies any ballast, rubbish, gravel, earth, stone, wreck, or filth, the master or other person commanding such boat or vessel shall forfeit and pay for every such offence a sum of not less than Forty Shillings nor more than Fifty Pounds; and if any person from the shore shall throw into any port, harbor, haven, roadstead, channel, or navigable creek or river within the said Province or its dependencies any ballast, rubbish, gravel, earth, stone, wreck, or filth, such person shall forfeit and pay for every such offence a sum of not less than Forty Shillings nor more than Fifty Pounds.

23. If any ballast, rubbish, gravel, earth, stone, wreck or filth be landed from any boat or vessel or brought or placed by any other means upon any public pier, quay, or other place used for the landing of goods or passengers, or on any place on which ballast, rubbish, gravel, earth, stone, wreck, or filth shall, by a public notice, be prohibited to be thrown or laid, and the same shall not be removed to the place or places specially appointed for the reception thereof within twenty-four hours after the same shall have been landed or placed, unless permission be granted by the proper authorities, then and in every such case any person bringing or placing, or the master or other person commanding the boat or vessel from which such ballast, rubbish, gravel, earth, stone, wreck, or filth shall have been landed, shall forfeit and pay for every such offence a sum of not less than One Pound or more than Five Pounds over and above the expense of the removal thereof.

24. In the taking of the ballast into any vessel or boat and also in the discharging of the same from any vessel into any boat or other vessel, every such vessel or boat shall make use of one or more tarpaulins properly spread in order to prevent such ballast or any part thereof from falling into the sea, or into any port, harbor, haven, channel, or navigable creek or river of the said Province, and every
every person failing to comply with this regulation shall for every such offence forfeit and pay the sum of Five Pounds.

25. If any vessel shall, after the commencement of this Act, be sunk, stranded, or run on shore in any port, harbor, haven, roadstead, channel, creek, or navigable river within the said Province, and the master, owner, or other persons having or claiming property therein, or the command thereof, shall not clear such port, harbor, haven, roadstead, channel, creek, or navigable river therefrom, within one calendar month after notice to that effect shall have been given by the Marine Board or any one Justice of the Peace, for the said Province, or within such other reasonable time, after notice so given, as such Board or Justice shall appoint, then, and in every such case, it shall be lawful for any Stipendiary Magistrate, or any two Justices of the Peace for the said Province, and they are hereby authorized and required, upon the complaint and at the suit or instance of the said Marine Board, by their duly appointed officer in that behalf, or of such Justice, to issue their warrant for seizing and removing such vessel, and also the rigging and tackle thereof, in such manner as such Stipendiary Magistrate or Justices shall order and direct, and for causing the same to be sold in such manner as shall be thought expedient, and with the money arising from such sale to pay the charges and expenses of clearing the port, harbor, haven, roadstead, channel, creek, or river where such vessel lies, and also the charges and expenses of seizing, removing, and selling such vessel, rigging, and tackle, paying the overplus (if any) to the Treasurer for the use of the owner; and if the money arising from such sale shall not be sufficient to defray the charges and expenses of seizing, removing, and selling such vessel, the excess of such charges and expenses, beyond the amount of the money arising from such sale, shall be chargeable to and against the master or owner of such vessel, at the election of the Marine Board or Justice of the Peace at whose instance or suit such proceedings as lastly mentioned shall have been had or instituted, and if not paid within five days after having been demanded shall be recovered in a summary way, at the instance of such Marine Board or Justice of the Peace, before any Stipendiary Magistrate or two Justices of the Peace for the said Province.

26. No timber or other bulky article shall be deposited on any public pier or quay, other than in such place or position as the Marine Board or wharfinger thereof shall first indicate and point out, under a penalty of not less than One Pound or more than Ten Pounds; and if any timber or other bulky article be left on any public pier or quay for more than two days, after written notice be given signed by the Officer of the Marine Board, Officer of Customs, wharfinger, or a Justice of the Peace for the said Province, so as to interrupt or hinder the free use thereof, it shall be lawful for any Stipendiary Magistrate, or any two Justices of the Peace for the said Province, to cause the same to be removed and sold, deducting all expenses from the proceeds of the sale and paying
paying the surplus (if any) to the Treasurer, to be paid over to the owner on application.

27. If the master, or other person, commanding any ship arriving at any of the ports, harbors, or roadsteads of the said Province, shall, in any case, fail or neglect to pay any dues and charges, and observe the regulations authorized or made by or under this Act, or any part thereof, or any substituted regulations, to be made under the power hereinafter contained, or shall do or commit anything contrary to the true plain meaning of any of the said regulations, such master, or other person so offending, shall for every such offence forfeit and pay a sum of not less than Five Pounds nor more than Twenty Pounds, over and above such payment, whether due, charge, or fine, as the said regulations may impose.

28. All ships shall cast anchor in the place pointed out by the Officer of the Marine Board, and shall also be removed from one anchorage to another under his direction, for which removal harbor pilotage shall be paid not exceeding the sums specified in the Schedule hereto, except in cases of ships registered in the said Province and employed in the coasting trade thereof, which vessels are, nevertheless, equally subject to the order and directions of the Marine Board.

29. The several rates and charges for wharfage on goods, merchandise, and packages landed in any of the ports of the said Province shall be paid into the hands of such officer, as the Marine Board, with the consent of the Governor in Executive Council, may direct, who shall pay over the amount so received by him to the Treasurer, to be applied as herein directed; and all moneys received as fees, or as charges for wharfage, or other charges that are or may be directed to be collected, shall be paid over within one month after such receipt or collection by the authorized officer, to the Treasurer: Provided that nothing herein contained shall extend to private wharfs, or to wharfs and jetties under the control or management of any Corporation or District Council.

30. The master of every ship about to leave any port or harbor of the said Province, shall, at the time of clearing out, deliver to the authorized officer, a statement or list containing the names of the officers, seamen, and passengers intending to leave the said Province in the same ship; which list is to be attached to the clearance of the said ship, and it shall and may be lawful for such authorized officer, to search every such ship; and if the master or commander of any ship shall permit any person to embark on board his ship whose name has not been entered on the list delivered to the said authorized officer, as aforesaid, every such master or commander shall forfeit

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Pilotsage, tonnage, and other dues.

Penalty for neglecting to pay dues to, and not observing regulations.

Vessels to cast anchor or be removed under the direction of the Marine Board.

Warfage dues on goods landed to be paid to officer of Marine Board, and paid over by him to the Treasurer.

Masters of vessels clearing out to deliver to officer of Marine Board a true list of crew and passengers under a penalty.
and pay a sum of not less than Five Pounds nor more than Fifty Pounds for each person so permitted to embark.

31. It shall not be lawful for the master, or other person in charge of any ship, to sail from any port of the said Province without twenty-four hours’ notice of her intended departure being given to the postmaster at such port, or to any person for that purpose duly appointed, under a penalty not exceeding Twenty Pounds; and when the departure shall be postponed from any other cause than wind or weather, such postponement shall, under a like penalty, be notified as early as possible, in like manner, to such postmaster, in order that letters and despatches may be sent up to the latest time possible; and in order that the intended departure of such ship may be notified to the public, it is hereby further enacted, that the ship’s ensign shall be hoisted twenty-four hours previous to her departure, under a penalty not exceeding One Pound.

32. If any of the seamen of any ship, in the ports or roadsteads of the said Province, shall be absent from the said ship without leave, or, being absent without or with leave, shall conduct themselves in a riotous or disorderly manner, it shall be lawful for any Justice of the Peace for the said Province, on complaint being made before him, to cause such persons to be apprehended, and taken on board the said ship, or, if he shall think fit, to imprison such persons so offending, with or without hard labor, for any term not exceeding three months; and if any of the seamen of such ship shall refuse or neglect to work in the discharge of their duty, when commanded by their superior officer, they shall, for every such offence, be imprisoned with or without hard labor, for any term not exceeding three months, upon being convicted thereof, before any Stipendiary Magistrate, or two Justices of the Peace for the said Province, and shall, in addition to such imprisonment, be fined any sum not exceeding Ten Pounds, if such Magistrate or Justices shall think fit, who may in such case order that they be further imprisoned until such fine be paid: Provided that in case the ship to which such seamen belong shall be about to depart immediately, and before the expiration of the term for which any of her seamen may have been imprisoned under the provisions of this Act, it shall be lawful for any Stipendiary Magistrate, or two Justices of the Peace for the said Province, upon application made to him or them by the master of such ship (who shall produce a certificate signed by the shipping master, to issue a warrant, directing the Gaoler or other officer having the custody of such seamen, to deliver them up to such master, in order to their being taken on board their ship, and every such Gaoler or other officer shall thereupon deliver them up accordingly, notwithstanding the order for their detention contained in any previous warrant.

33. When any of the seamen aforesaid have been sent on board by order of a Justice of the Peace, all persons aiding and assisting
assisting such individuals in again leaving their ship, shall forfeit and pay a penalty of Ten Pounds for each individual; and if, after the departure of any ship, any of the seamen shall be found in the said Province, without the consent of the master of the said ship, such person shall forfeit not less than Five Pounds nor more than Twenty Pounds, or in default of payment be imprisoned not longer than three months, with or without hard labor; and if after the departure of any such ship, any of the seamen of such ship shall be found in the said Province without a proper discharge, he shall be liable to a penalty of not less than Five Pounds nor more than Twenty Pounds, and be imprisoned for any period not exceeding three calendar months, with or without hard labor.

34. All silt, sand, mud, and other materials raised by the Marine Board in performance of their aforesaid duties, or otherwise, shall be the property of the Board; and any person who shall remove or carry away any such silt, sand, mud, or other material, without the consent of the said Board, or who shall obstruct the said Board, or its officers or servants, in the discharge of their duties as aforesaid, shall be guilty of a misdemeanor, and shall be liable to imprisonment for any period not exceeding one-calendar month, or to the payment of a penalty not exceeding Twenty Pounds.

35. No person shall excavate, dig, raise, procure, or load any mud, sand, or other materials to be raised for ballasting ships, except the proper officer of the Marine Board department, or persons acting in their employment, or under their superintendence, or persons holding licences from the Marine Board to employ ballast lighters, or other vessels to be employed in ballasting ships from or at any place within the limits of any of the ports of the said Province, except such places as have been duly appointed for ballasting by the Marine Board; and whosoever shall contravene this enactment shall, on conviction of every such offence, forfeit and pay a penalty of Five Pounds.

36. In respect of the supply of ballast as aforesaid, there shall and may be levied for and in respect of any ship supplied with ballast, a rate or due of Two Shillings for each and every ton of ballast so supplied, or such other rates and dues as may, from time to time, be appointed by the Marine Board.

37. The following rules shall be observed with respect to ballast: Provided that the said rules may, from time to time, be altered by the Marine Board, with the consent of the Governor in Executive Council:

(i.) No ballast lighters or other vessels to be employed in ballasting ships with silt, mud, sand, or any other material, shall be allowed to be used without being licensed in the name of...
Regulations as to Ballast.

of the owner or owners of such vessel, from the Marine Board.

(II.) No ballast lighter or other vessel, employed in ballasting ships, shall be entitled to a licence, unless she be legibly marked at each end and on each side with white or yellow lines and figures, showing the displacement for every five (5) tons weight on board such vessel.

(III.) The expense of measurement and marking ballast lighters, shall be borne and paid by the owner or owners of such ballast lighters, in addition to a fee of One Pound sterling to be paid to the Marine Board.

(IV.) Any master or owner of a ballast lighter refusing to allow the Marine Board, or any person acting under its order, to inspect any ballast lighter, or remeasure such lighter, or test the accuracy of the measurement of such lighter, or obstructing any person so employed, shall, on conviction before any Justice of the Peace for the said Province, forfeit and pay a fine not exceeding Five Pounds to the Marine Board.

(V.) It shall be lawful for the Marine Board, or any person acting under its order, to direct when ballast lighters shall be measured, and the method in which the measurement shall be made.

(VI.) A register shall be kept, open for the inspection of masters of ships or others, of all licensed ballast lighters, their owners, capacity, and names.

(VII.) Any person found supplying ballast to any vessel from any other than a licensed ballast lighter, shall, on conviction before any Justice of the Peace for the said Province, forfeit and pay a sum not exceeding Five Pounds to the Marine Board.

(VIII.) It shall be lawful, on due proof being established to the satisfaction of the Marine Board, of any attempt on the part of the master or owner of any ballast lighter holding a licence, to defraud any master or owner of any ship, by altering the marks or figures on such ballast lighter, or for any other sufficient cause, to cancel or suspend such licence, a record of which shall be made in the register book of ballast lighters.

(IX.) Ballast lighters to be trimmed on an even keel: Masters of ships having any complaint, to report the same to the Marine Board.

(X.) The above rules will not apply to the transhipment of ballast from one trading vessel to another.

(XI.) All commanders of ships shall have power to inspect ballast lighters before ballast be unladen: Each ballast lighter to have two scuttles, one forward and one aft: Any master of a lighter refusing to allow any master of a ship to examine such lighter during her discharging her ballast, or not pumping out any water when requested so to do, shall, for each offence, forfeit
forfeit and pay a fine of One Pound, such offence to be recorded in the register book.

38. The following ships shall be exempt from all charges imposed by this Act, namely—

All Her Majesty's ships of war, troop-ships, and all transports hired by Her Majesty's Government, but not merchant ships freighted wholly or in part by the Government for the voyage to or from Port Adelaide.

All ships of war belonging to Sovereign Powers in alliance with Her Majesty.

All ships belonging to the Royal Yacht Squadron, and yachts or ships used solely for pleasure, and not engaged in trade or the conveyance of passengers for hire.

39. It shall be lawful for the Marine Board, from time to time, as occasion may require, with consent of the Governor in Executive Council, at least one month before the same shall take effect, to vary and reduce and again to advance the said rates, not exceeding the several maximum rates specified in the Schedule hereunto annexed.

40. It shall be lawful for the Marine Board, with the consent of the Governor in Executive Council, from time to time, whenever it may appear expedient, at least one month before the same shall take effect, to make and ordain such rates and charges for pilotage, and other services rendered, as may seem fitting to be levied for and in respect of all ships arriving in, or departing out of, any other port, harbor, or roadstead in the said Province; and in like manner to vary and reduce, and again to advance such rates and charges, not exceeding the rates and charges provided by this Act.

41. All ships arriving at the ports or harbors of the said Province having gunpowder on board exceeding the quantity necessary as stores for their use, shall forthwith hoist an union jack at the main, and if any master or commander of any such vessel shall offend herein, he shall forfeit and pay the sum of Twenty Pounds.

42. The master of every ship arriving in the harbor of Port Adelaide, or in such other ports or harbors in the said Province, and within such distance from the Custom House of Port Adelaide, or such other ports aforesaid, as shall be from time to time pointed out by direction of the Governor for the time being, by official notice published in the Government Gazette, shall land, in the manner directed by this Act, at such magazine or magazines as shall be appointed for the purpose by the Governor, all gunpowder, exceeding thirty pounds in weight, which may be on board such ship or vessel whether as cargo or stores.

43. The
43. The master of every ship lying within such distance as aforesaid in Port Adelaide, or in any other port or harbor appointed as aforesaid, at any time after the coming into operation of this Act, on board of which any gunpowder, exceeding thirty pounds in weight, shall be found, shall be liable to a fine of Ten Shillings sterling, for every additional pound weight of such gunpowder so found: Provided that twenty-four hours from the time of anchorage within such distance as aforesaid, shall be allowed to the master of every ship anchoring in Port Adelaide, or any other port or harbor as aforesaid, for the landing of all gunpowder exceeding the aforesaid weight.

44. No ship shall be allowed to come alongside any wharf at Port Adelaide, or at any other ports or harbors appointed as aforesaid, until all gunpowder, exceeding thirty pounds in weight, which may be on board whether as cargo or stores, shall be first landed as aforesaid; and every master or commander of a ship who shall offend herein, shall forfeit and pay a fine of One Pound sterling, for every additional pound weight of such gunpowder found on board.

45. The master of every ship importing gunpowder into Port Adelaide, or into any port or harbor as aforesaid, shall, previously to the landing of such gunpowder for the purpose of being deposited in the Government magazine, report the same to the Marine Board; and so soon as the same shall be reported, the Marine Board is hereby authorized to grant a permit or permits to the master of such ship to land such gunpowder, in order that the same may be deposited in one of the Government magazines; and the said Marine Board shall receive the same into its custody and charge, and enter in a book, to be kept for that purpose, the name of the master of such ship, and of the importer or proprietor, together with the particulars of the packages of gunpowder so to be deposited.

46. Any gunpowder which may be so permitted to be deposited in the Government magazines as aforesaid, shall be removed only between such hours as may be appointed by the Marine Board, from the ship in which the same may be so imported, and when and so often as any quantity or quantities of gunpowder shall be so removed, the same shall be brought direct from such ship to such place as may have been appointed for the landing of such gunpowder, and thence to such magazines as aforesaid, by and at the expense of the owner of the ship, or of the proprietor or importer thereof.

47. All boats used for the conveyance of gunpowder shall be provided with tarpaulins, and be properly housed over, and any person who shall convey any gunpowder in any boat not so provided
vided with tarpaulins and properly housed over, shall forfeit and pay the sum of Ten Pounds for every such offence.

48. All gunpowder removed in compliance with the terms of this Act, shall be in packages or barrels closely joined or hooped, without any iron about them, and not containing in any one package or barrel more than one hundred pounds in weight, and the said packages or barrels shall be so secured that no part of the gunpowder can be scattered in the removal thereof, and in case of failure thereof, the Marine Board, or any other person who may remove the same in its behalf, shall be and is hereby authorized and empowered to remove the contents of the said packages or barrels into secure or proper packages or barrels, and to charge the expense attending the same to the importer or proprietor thereof, and the said Marine Board may retain the gunpowder so removed, until the said expense shall be paid.

49. All applications for the delivery of the whole or any part of the gunpowder so deposited in such magazine, as aforesaid, shall be made to the Marine Board, or person for the time being having the same in charge, who shall accordingly deliver the same at the magazine to the person properly authorized to receive the same: Provided that no such delivery shall be made, until all storage rent and other expenses which may have been incurred of and concerning the depositing such gunpowder, as aforesaid, shall have been paid and discharged.

50. The storage rent and other charges for the depositing of gunpowder in any such magazine, as aforesaid, and to be paid by the importer or proprietor of such gunpowder, shall be at the rates to be authorized by the Marine Board, with the consent of the Governor in Executive Council: Provided that it shall be lawful for the Marine Board, at any time, by any order to diminish the rate of such store rent and other charges, and again to increase them.

51. No gunpowder shall be landed after having been embarked from the Government magazines in any part of the harbor of Port Adelaide, or of the ports and harbors appointed by the Governor in the manner before directed, other than at such landing-place as may be appointed for that purpose by the Governor, or at any time other than between the hours of sunrise and twelve o'clock at noon, or between such hours as may be, from time to time, appointed for the purpose by the Governor; and any person or persons who shall land, or attempt to land any gunpowder, contrary to the provisions of this clause, shall forfeit and pay the sum of Two Shillings for for every pound of gunpowder so landed, or attempted to be landed.

52. No person, being a dealer in gunpowder, shall have or keep within any town or the suburbs thereof, in the said Province, at any one time, more than one hundred pounds weight of

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**Regulations as to Gunpowder.**

*Packages of gunpowder to be properly secured without any iron about them.*

*Deliveries of gunpowder out of Magazines.*

*Regulating storage rent.*

*Gunpowder from Government Magazine may be landed at the place appointed for that purpose.*

*Dealers not to keep more than 100lbs. weight; and persons.*
of gunpowder, and not being such dealer or dealers, more than fifty pounds weight of gunpowder, in any house, storehouse, warehouse, shop, cellar, yard, wharf, or building, or place other than such magazine, as aforesaid, on pain of forfeiting all the gunpowder beyond the quantity hereby allowed to be kept, and the barrels or packages in which such gunpowder shall be, and, also, any sum not exceeding Twenty Pounds for every such offence.

53. For the more easy discovery of the keeping and carriage of gunpowder, contrary to the provisions of this Act, it shall be lawful for any Justice of the Peace for the said Province, upon demand made and a reasonable cause assigned, upon oath, by any person or persons, to issue a warrant or warrants under his hand for searching, in the day time, any house, storehouse, warehouse, shop, cellar, yard, wharf, or other building or place, or ship or any vessel in which gunpowder is suspected to be kept, contrary to the provisions of this Act; and all gunpowder found upon search to be kept contrary to the provisions of this Act, and, also, the barrels and packages in which the same is contained, shall be immediately seized by the searcher or searchers, who shall, with all convenient speed after the seizure, remove the same to such proper places as they, in conformity with the restrictions of this Act, shall think fit, and may detain such gunpowder, and the barrels and packages containing the same, until it shall be adjudged on a hearing before any two or more such Justices, whether the same shall be forfeited; and such searcher or searchers, seizer or seizers, shall not be liable to any suit for such detention, or for any loss or damage which may happen to such gunpowder, or barrels, or packages, other than by wilful acts of neglect of them, or of the persons with whom they shall trust the keeping thereof.

54. The provisions of this Act shall not extend to the keeping of gunpowder at any storehouse, or a magazine, or on board of any ship belonging to Her Majesty, Her heirs or successors, or to any foreign ship of war, or to the carriage of gunpowder to or from the Queen’s magazines under an order from the Governor, or under the control and management of any officer of Her Majesty’s army, navy, or ordnance: Provided that nothing herein contained shall be construed to prevent the Governor from time to time appointing magazines on ship board, to which the provisions of this Act shall apply in like manner as to magazines on shore.

55. If the storage rent due upon, and all other charges and expenses incurred in respect of any gunpowder heretofore or hereafter to be deposited in any magazine, subject to the provisions of this Act, shall not be paid within twelve months after such gunpowder shall have been so deposited, or within one month after demand shall be made by the storekeeper or other officer appointed in that behalf, it shall be lawful for such storekeeper or other officer to cause such gunpowder, or so much thereof as may appear to be necessary
necessary to satisfy all such storage rent, and other charges and expenses, to be sold by public auction, after having been advertized for one week in the Government Gazette, and the produce thereof shall be applied first to the payment of such storage rent, and all other charges and expenses as aforesaid, and the surplus (if any) shall be paid to the importer, or proprietor, or other person duly authorized to receive the same.

56. Nothing in this Act contained shall prevent any importer of gunpowder, who shall be certified by two Justices of the Peace for the said Province to have provided a suitable store or magazine, being built of brick or stone, and having a lightning conductor thereto, and standing separate, and being at a distance of not less than two hundred yards from all other buildings whatever and from any public road, and not being within any town or the suburbs thereof, from obtaining a permit for the removal of gunpowder imported by him from the importing vessel to such store or magazine, in like manner as he may to the Government magazine, subject to the terms and conditions imposed by this Act: Provided that such gunpowder shall be landed and removed at such time and place and under such regulations as the Marine Board, or the person acting under its orders, may from time to time prescribe.

57. It shall be lawful to convey at one time and in one carriage any quantity of gunpowder not exceeding one ton in weight, and all gunpowder, exceeding one hundred pounds weight, conveyed at one time in any cart or carriage, shall be carefully stowed in substantial wooden magazines, without iron fastenings of any kind, lined with woolled sheepskins, and the door of every such magazine, shall be secured by a lock, the key whereof shall not be in the custody of the conductors of the cart or carriage in which such magazine is placed, and the word "Gunpowder" shall be painted in Letters not less than three inches long on at least two conspicuous places of such magazine, so as to be easily seen and read, and the owner's name and the number of such cart or carriage shall be legibly painted on both sides thereof, and every such cart or carriage shall be conducted or taken charge of by more than one person; and whosoever shall convey any greater quantity of gunpowder on any cart or carriage, or shall convey gunpowder in any such quantity as aforesaid, in any cart or carriage which shall not be carefully secured in manner aforesaid, shall, on conviction, forfeit and pay for every such offence, respectively, the sum of Ten Pounds; and all gunpowder conveyed contrary to the provisions hereof, with the craft, carriage, and animals (if any) conveying the same shall be forfeited.

58. If any conductor, or person having charge of any cart or carriage conveying gunpowder in any such quantity as aforesaid, shall halt such cart or carriage within two hundred yards of any house whatever, or shall be found in a state of drunkenness, or riding on the shafts or on any part of such cart or carriage, or smoking while so employed, or guilty of any misbehaviour likely to Penalty on drunkenness and misbehaviour of driver.
Regulations as to Gunpowder.

59. The following rules shall be observed with respect to gunpowder: Provided that the said rules may from time be altered by the said Marine Board, with the consent of the Governor in Executive Council:—

(I.) All ships arriving in the ports of the said Province having gunpowder on board exceeding the quantity necessary as stores for their own use, shall forthwith hoist a union jack at the main; and if any master or commander of a vessel shall offend herein, he shall forfeit and pay the sum of Twenty Pounds.

(II.) Ships with gunpowder on board exceeding thirty pounds, are not to pass "Lipson Reach," North Arm, without landing such powder.

(III.) Twenty-four hours after anchoring allowed for landing the gunpowder at the appointed magazine; penalty for non-compliance, Ten Shillings for every pound of gunpowder on board over thirty pounds.

(IV.) No ship with gunpowder on board to go alongside any wharf under a penalty of One Pound for every pound of powder on board over thirty pounds.

(V.) Gunpowder to be landed or removed only between sunrise and sunset, or between such hours as the Governor may appoint by direct course, at the expense of the proprietor or importer thereof.

(VI.) Gunpowder embarked from Government magazines not to be landed except as directed by the preceding regulations, under a penalty of Two Shillings for every pound of powder.

60. The Marine Board shall, after the commencement of this Act, be the department wherein the business of the shipping offices shall be conducted, and the same shall be there conducted accordingly; and in respect of such business, the Marine Board Office shall be deemed a shipping office, and the officer in the Marine Board, to whom such business is committed, shall for all purposes be deemed a shipping master, and the Marine Board may appoint persons to act as shipping masters at all the ports of the said Province.

61. It shall be the general business of the shipping master appointed as aforesaid to afford facilities for engaging seamen by keeping registers of their names and characters, to superintend and facilitate their engagement, and discharge in manner hereinafter mentioned, to provide means for securing the presence on board at the proper times of men who are so engaged, and to perform such other duties in respect of seamen as are hereby or may hereafter be committed to them.

62. Fees shall be payable upon engagement and discharges which in pursuance of this Act are to be effected, and upon the other matters in which the assistance of the shipping master shall be...
be required as hereinafter mentioned, and the Marine Board, with the consent of the Governor in Executive Council, shall fix, and may alter the amount of such fees, and shall cause scales thereof to be prepared, and to be conspicuously placed in the shipping office; and the shipping master, his deputies, clerks, and servants may refuse to proceed with any engagement or discharge unless the fees payable thereon are first paid.

63. Every owner or master of a ship engaging or discharging any crew or seaman in the shipping office, or before the shipping master, shall pay the shipping master the whole of the fees hereby made payable in respect of such engagement or discharge, and may, notwithstanding anything in any Act contained, for the purpose of reimbursing himself, deduct in respect of each such engagement and discharge from the wages of all persons (except apprentices) so engaged or discharged and retain any sums not exceeding the sums to be specified by the Marine Board.

64. Any shipping master, deputy shipping master, clerk, or servant who demands or receives any remuneration whatever either directly or indirectly for hiring, supplying, or providing any seaman for any merchant ship except the lawful fees payable under this Act shall for every such offence be liable to a penalty not exceeding Twenty Pounds; and any person acting as shipping master or agent, not having been appointed by the Marine Board, shall for every such offence be liable to a penalty not exceeding Fifty Pounds.

65. Every master of a ship shall, on carrying any seaman away from Port Adelaide, or other the ports of the said Province to sea as one of his crew, unless there shall be a legal agreement already subsisting between them, enter into an agreement with him in the manner hereinafter mentioned; and every such agreement shall be in the form and contain the particulars now required by law, and shall be dated at the time of the first signature thereof, and shall be signed by the master before any seaman signs the same.

66. Every agreement shall be signed in duplicate by the master, and by each seaman, in the presence of the shipping-master, and such shipping master shall cause the agreement to be read over and explained to such seaman, or otherwise ascertain that such seaman understands the same before he signs it, and shall attest each signature; and one part of every such agreement shall be retained by the shipping master, and the other part shall be delivered to the master.

67. All seamen discharged at Port Adelaide, or other the ports of the said Province, shall be discharged and receive their wages in the presence of the shipping master appointed under the provisions of this Act.

68. Upon the completion before the shipping master of any discharge and settlement, the master or owner and each seaman shall respectively, in the presence of the shipping master, sign a mutual release of all claims in respect of the past voyage or engagement.
ment, in a form to be sanctioned by the Marine Board, and the shipping master shall also sign and attest it; and such release, so signed and attested shall operate as a mutual discharge and settlement of all demands between the parties thereto in respect of the past voyage or engagement; and a copy of such release, certified under the hand of such shipping master to be a true copy, shall be given by him to any person who may be a party thereto, and may require the same; and such copy shall be receivable in evidence upon any future question touching such claim as aforesaid, and shall have all the effect of the original of which it purports to be a copy; and in cases in which discharge and settlement before the shipping master is required, no payment, receipt, settlement, or discharge otherwise made shall operate, or be admitted as evidence of the release or satisfaction of any claim; and upon any payment being made by a master before the shipping master, the shipping master shall, if required, sign and give to such master a statement of the whole amount so paid, and such statement shall, as between the master and his employer, be received as evidence that he has made the payments therein mentioned.

69. Every master shall, upon any discharge being effected before the shipping master, make and sign in duplicate, in a form sanctioned by the Marine Board, a report of the conduct, character, and qualifications, of the persons discharged, or may state, in a column to be left for that purpose in the said form, that he declines to give any opinion thereupon; and the shipping master shall retain one copy, and shall, if desired so to do by any seaman, give to him, or endorse on his certificate of discharge a copy of so much of such report as concerns him.

70. Every master shall, not less than twenty-four hours before paying off or discharging any seaman, deliver to the shipping master a full account, in a form sanctioned by the Marine Board, of his wages, and of all deductions to be made therefrom, or on any account whatever, and no such deduction, except in respect of any matter as happening after such delivery, shall be allowed, unless a statement thereof is so made and delivered.

71. Any master or owner who, in any case in which discharge and settlement for wages are hereby directed to be made before the shipping master, discharges any seaman, or settles with him for his wages, otherwise than is hereinafore directed, shall for each offence, be liable to a penalty not exceeding Ten Pounds; and any master who fails to deliver such account as hereinafore required at the time and in the manner hereinafore directed, shall, for each offence, be liable to a penalty not exceeding Five Pounds; and every person who makes, or procures to be made, or assists in making, any false certificate, or report of the service, qualifications, conduct, or character of any seaman, knowing the same to be false, or who fraudulently forges or alters, or procures to be forged or altered, or assists in forging or altering, any such certificate or report, or who so fraudulently makes use of any certificate or report,
report which is forged or altered, or does not belong to him, for
each offence shall either be deemed guilty of a misdemeanour, or
shall be liable summarily to a penalty not exceeding Fifty Pounds,
or to imprisonment not exceeding three months, with or without
hard labor, as the Court or a Justice hearing the case may think fit.

72. If any seaman on or before being engaged, wilfully and
fraudulently makes a false statement of the name of his last ship or
last alleged ship, or wilfully and fraudulently makes a false state-
ment of his own name, he shall forfeit out of the wages he may
earn by virtue of such engagement, a sum not exceeding Five
Pounds, and such sum shall be paid to the Marine Board, to be by
them disposed of as herein directed in respect of penalties.

73. It shall not be lawful for the Collector, Principal Officer, or
any Sub-Collector of Customs to clear any ship until he shall have
received from the Shipping Master, or officer under this Act, a
certificate to the effect that the requirements of this Act have been
duly complied with.

74. The following rules shall be observed with respect to boats
and life-buoys (that is to say):—

(1.) No decked ship (except ships used solely as steam-tugs and
ships engaged in the whale fishery) shall proceed to sea from
any place within the said Province, unless she is provided,
according to her tonnage, with boats duly supplied with all
requisites for use, and not being fewer in number nor less in
their cubic contents than the Marine Board shall direct.

(11.) No ship carrying more than twenty passengers shall proceed to
sea from any place in the said Province unless in addition to the
boats hereinbefore required she is also provided with a life-boat
furnished with all requisites for use, or unless one of her boats
hereinbefore required is rendered buoyant after the manner of
a life-boat.

(iii.) No such ship as last-foresaid shall proceed to sea unless she
is also provided with two life-buoys.

And such boats and life-buoys shall be kept so as to be at all times
fit and ready for use: Provided that the enactments with respect
to boats and life-buoys herein contained shall not apply in any case
in which a certificate has been duly obtained under the "Passengers
Act, 1855": Provided also, that such boats and life-buoys are, upon
examination, found to be in good order.

75. In any of the following cases (that is to say):—

(1.) If any ship hereinbefore required to be provided with boats or
life-buoys proceeds to sea without being so provided therewith,
or if any of such boats or life-buoys are lost, or rendered unfit
for service in the course of the voyage through the wilful fault
or negligence of the owner or master, or—

(11.) If in case of any of such boats or life-buoys being accidentally
lost or injured in the course of the voyage, the master wilfully
neglects to replace or repair the same on the first opportunity, or—

(111.) If
(III.) If such boats and life-buoys are not kept so as to be at all times fit and ready for use.

Then if the owner appears to be in fault he shall incur a penalty not exceeding One Hundred Pounds, and if the master appears to be in fault, he shall incur a penalty not exceeding Fifty Pounds.

76. No officer of Customs shall grant a clearance or transire for any ship hereinbefore required to be provided with boats or with life-buoys unless the same is duly so provided; and if any such ship attempts to go to sea without such clearance or transire, any such officer may detain her until she is so provided.

77. The following rules shall be observed with regard to lights and fog signals (that is to say)—

(i). The Marine Board shall from time to time make regulations requiring the exhibition of such lights by such classes of ships whether steam or sailing ships, within such places, and under such circumstances as they think fit, and may from time to time revoke, alter, or vary the same.

(ii). The Marine Board may, if they think fit, make regulations requiring the use of such fog signals by such classes of ships, whether steam or sailing ships, within such places and under such circumstances as they think fit, and may from time to time revoke, alter, or vary the same.

(iii). All regulations made in pursuance of this section shall be published in the Government Gazette, and shall come into operation on a day to be named in the Gazette in which they are published; and the Marine Board shall cause all such regulations to be printed, and shall furnish a copy thereof to any owner or master of a ship who applies for the same; and production of the Gazette containing such regulations shall be sufficient evidence of the due making and purport thereof.

(iv). All owners and masters shall be bound to take notice of the same, and shall so long as the same continue in force exhibit such lights and use such fog-signals, at such times within such places, in such manner, and under such circumstances as are enjoined by such regulations, and shall not exhibit any other lights, or use any other fog-signals; and in case of default the master or the owner of the ship, if it appears that he was in fault, shall for each occasion upon which such regulations are infringed, incur a penalty not exceeding Twenty Pounds.

78. Whenever any ship, whether a steam or sailing ship, proceeding in one direction meets another ship, whether a steam or sailing ship proceeding in another direction, so that if both ships were to continue their respective courses they would pass so near as to involve any risk of a collision, the helms of both ships shall be put to port, so as to pass on the port side of each other, and this rule shall be obeyed by all steam-ships and by all sailing ships, whether on the port or starboard tack, and whether close hauled or not, unless the circumstances of the case are such as to render a departure from the rule necessary in order to avoid immediate danger, and subject
subject also to the proviso that due regard shall be had to the dangers of navigation, and as regards sailing ships on the starboard tack, close hauled, to the keeping such ships under command.

79. Every steam-ship, when navigating any narrow channel, shall, whenever it is safe and practicable, keep to that side of the fairway or mid-channel, which lies on the starboard side of such steamship.

80. If in any case of collision it appears to the Court before which the case is tried, that such collision was occasioned by the non-observance of any rule for the exhibition of lights or the use of fog-signals, issued in pursuance of the powers hereinbefore contained, or of the foregoing rule as to the passing of steam and sailing ships, or of the foregoing rule as to a steam-ship keeping to that side of a narrow channel which lies on the starboard side, the owner of the ship by which such rule has been infringed shall not be entitled to recover any recompense whatever for any damage sustained by such ship in such collision, unless it is shown to the satisfaction of the Court that the circumstances of the case made a departure from the rule necessary.

81. In case any damage to person or property arises from the non-observance by any ship of any of the said rules, such damage shall be deemed to have been occasioned by the wilful default of the person in charge of the deck of such ship at the time, unless it is shown to the satisfaction of the Court that the circumstances of the case made a departure from the rule necessary.

82. The following rules shall be observed with respect to the build of iron steam-ships, that is to say—

(1.) Every steam-ship built of iron in the said Province, the building of which commences after the passing of this Act, shall be divided by substantial transverse watertight partitions, so that the fore part of the ship shall be separated from the engine-room by one of such partitions, and so that the after part of such ship shall be separated from the engine-room by another of such partitions.

(II.) In such last-mentioned ships each such partition as aforesaid shall be of equal strength with the side-plates of the ship, with which it is in contact.

(III.) Every screw steam-ship built of iron, the building of which commences after the passing of this Act, shall, in addition to the above partition, be fitted with a small water-tight compartment, enclosing the after extremity of the shaft.

83. No officer of Customs or other person shall grant a clearance or transire for any iron steam-ship, required to be divided or fitted as aforesaid, unless the same is so divided and fitted; and if any such ship attempts to ply or go to sea without such clearance or transire, any such officer may detain her until she is so divided and fitted; and if any steam-ship hereinbefore required to be so divided or fitted, plies or goes to sea without being so divided or fitted, the owner shall incur a penalty not exceeding One Hundred Pounds.

84. Steam
84. Steam-ships shall be provided as follows, that is to say—

(i.) Every steam-ship, of which a survey is hereby required, shall be provided with a safety-valve upon each boiler, so constructed as to be out of the control of the engineer when the steam is up, and if such valve is in addition to the ordinary valve, it shall be so constructed as to have an area not less and a pressure not greater than the area and pressure on that valve.

(ii.) Every sea-going steam-ship, and every vessel built of iron, employed to carry passengers, shall have her compasses properly adjusted, in the case of ships surveyed as hereinafter mentioned, to be made to the satisfaction of the shipwright surveyors, according to such regulations as may be issued by the Marine Board.

(iii.) Every sea-going steam-ship (unless used solely as a steam-tug) shall be provided with a hose adapted for the purpose of extinguishing fire in any part of the ship, and capable of being connected with the engines of the ship.

(iv.) Every sea-going steam-ship employed to carry passengers shall be provided with the following means of making signals of distress (that is to say)—Twelve blue lights or twelve port fires, and one cannon with ammunition for at least twelve charges; or, in the discretion of the master or owner of such ship, with such other means of making signals (if any) as may have previously been approved by the Marine Board.

(v.) Every home trade steam-ship employed to carry passengers by sea shall be provided with such shelter for the protection of deck passengers (if any) as the Marine Board, having regard to the nature of the passage, the number of deck passengers to be carried, the season of the year, the safety of the ship, and the circumstances of the case may require.

And if any steam-ship as aforesaid plies or goes to sea from any port within the limits of the jurisdiction of the Marine Board, without being so provided as hereinafore required, then, for each default in any of the above requisites, the owner shall, if he appears to be in fault, incur a penalty not exceeding One Hundred Pounds, and the master shall, if he appears to be in fault, incur a penalty not exceeding Fifty Pounds.

85. If any person places an undue weight on the safety-valve of any steam-ship, or, in the case of steam-ships surveyed as hereinafter mentioned, increases such weight beyond the limits fixed by such engineer surveyor as hereinafter mentioned, he shall, in addition to any other liabilities he may incur by so doing, incur a penalty not exceeding One Hundred Pounds.

86. The Marine Board may, from time to time, with the consent of the Treasurer, appoint persons to be shipwright-surveyors and engineer-surveyors, within the jurisdiction of the Board, for the purposes of this Act, at such ports or places as it thinks proper; and
and may, from time to time, with such consent as aforesaid, remove such surveyors, or any of them, and may, from time to time, fix and alter the rates of remuneration to be received by such surveyors.

87. It shall be lawful for the said surveyors, in the execution of their duties, to go on board any steam-ship, at all reasonable times, and to inspect the same, or any part thereof, or any of the machinery, boats, equipments, or articles on board thereof, or any certificates of the master or mate, to which the provisions of this Act, or any of the regulations to be made by virtue thereof apply, not unnecessarily detaining or delaying the ship from proceeding on any voyage, and if, in consequence of any accident to any such ship, or for any other reason, they consider it necessary so to do, to require the ship to be taken into dock, or to be hauled upon a slip, for the purpose of surveying the hull thereof; and any person who hinders any such surveyor from going on board any such steam-ship, or otherwise impedes him in the execution of his duty under this Act, shall incur a penalty not exceeding Five Pounds.

88. The said surveyors shall execute their duties under the direction of the Marine Board, and such Board shall make regulations as to the manner in which the surveys hereinafter mentioned shall be made, and as to the notice to be given to the surveyors when surveyors are required, and as to the amount and payment of any travelling or other expenses incurred by such surveyors in the execution of their duties, and may thereby determine the persons by whom and the conditions under which such payment shall be made.

89. Every surveyor who demands or receives directly or indirectly from the owner or master of any ship surveyed by him under the provisions of this Act, any fee or remuneration whatsoever for or in respect of such survey, otherwise than as the officer and by the direction of the Marine Board, shall incur a penalty not exceeding Fifty Pounds.

90. The owner or master of every passenger steam-ship shall cause the same to be surveyed, at the times hereinafter directed, by one of the said shipwright-surveyors and by one of the said engineer-surveyors so appointed as aforesaid, such shipwright-surveyor being, in the case of iron steam-ships, a person who is, in the judgment of the Marine Board, properly qualified to survey such ships; and such surveyors shall, thereupon, if satisfied that they can with propriety do so, give to such owner or master declarations as follows:—

The declaration of the shipwright surveyor shall contain statements of the following particulars, that is to say:—

(1.) That the hull of the ship is sufficient for the service intended, and is in good condition.

(11.) That the partitions, boats, life buoys, lights, signals, compasses, and shelter for deck passengers, and the certificates of the master
master and mate or mates are such, and in such condition, as required by this Act, or the Merchant Shipping Act of 1854.

(1.) The time (if less than six months) for which the said hull and equipments will be sufficient.

(iv.) The limits (if any) beyond which, as regards the hull and equipments, the ship is, in the surveyor's judgment, not fit to ply.

(v.) The number of passengers which the ship is, in the judgment of the surveyor, fit to carry, distinguishing (if necessary) between the respective numbers to be carried on the deck and in the cabins, and in different parts of the deck and cabins; such numbers to be subject to such conditions and variations, according to the time of year, the nature of the voyage, the cargo carried, or other circumstances as the case requires.

And the declaration of the engineer-surveyor shall contain statements of the following particulars, that is to say:—

(i.) That the machinery of the ship is sufficient for the service intended, and in good condition.

(ii.) The time (if less than six months) for which such machinery will be sufficient.

(iii.) That the safety-valves and fire-hose are such, and in such condition, as are required by this Act.

(iv.) The limits of the weight to be placed on the safety-valves.

(v.) The limits (if any) beyond which, as regards the machinery the ship is, in the surveyor's judgment, not fit to ply.

And such declaration shall be in such form as the Marine Board directs.

91. The said owner shall transmit such declaration to the Marine Board within fourteen days after the date of the receipt thereof respectively, and in default shall forfeit a sum, not exceeding Ten Shillings, for every day that the sending of such declaration is delayed, and such sum shall be paid upon the delivery of the certificate hereinafter mentioned, in addition to the fee payable for the same, and shall be applied in the same manner as such fees.

92. In all cases, where it is possible, the said half-yearly surveys shall be made in the months of April and of October, and the declaration shall be transmitted on or before the thirtieth day of April and the thirty-first day of October respectively; but if the owner or master of any passenger steam-ship is unable to have the same surveyed in the month of April or October (as the case may be), either by reason of such ship being absent from the said Province during the whole of those periods respectively, or by reason of such ship, or the machinery thereof, being under construction or repair, or of such ship being laid up in dock, or for any other reason satisfactory
satisfactory to the Marine Board, then he shall have the same surveyed as aforesaid, as soon thereafter as possible, and shall transmit such declarations to the Marine Board, within fourteen days after the receipt thereof, together with a statement of the reasons which have prevented the survey of such ship at the time hereinbefore prescribed, and shall, in case of delay in transmitting the declaration, be liable to a forfeiture similar to that mentioned in the last preceding section.

93. The Marine Board shall, if satisfied that the provisions of this Act have been complied with, cause a certificate in duplicate to be prepared and issued, to the effect, that the provisions of the law with respect to the survey of the ship, and the transmission of declarations in respect thereof, have been complied with, and such certificate shall state the limits (if any), beyond which, according to the declaration of the surveyors, such ship is not fit to ply, and shall also contain a statement of the number of passengers which, according to the declaration of the shipwright surveyor, such ship is fit to carry, distinguishing (if necessary) between the respective numbers to be carried on the deck and in the cabin, and in the different parts of the deck and cabins, such number to be subject to such conditions and variations, according to the time of year, the nature of the voyage, the cargo carried, and other circumstances as the case requires.

94. The owner of every passenger steamship requiring a certificate under this Act, shall pay for every certificate granted by the Marine Board such fees as such Board, with the consent of the Governor in Executive Council, may direct.

95. No certificate shall be held to be in force, for the purposes of this Act, beyond the date fixed by the Marine Board for the expiration thereof, and no certificate shall be in force after notice is given by the Marine Board to the owner, agent, or master of the ship to which the same relates, that such Board has cancelled or revoked the same: Provided that if any passenger steamship is absent from the said Province at the time when her certificate expires, no penalty shall be incurred for the want of a certificate until she first begins to ply with passengers after her next subsequent return to the said Province; and the Marine Board may require any certificate which has expired, or has been revoked or cancelled, to be delivered up as it directs, and any owner or master who, without reasonable cause, neglects or refuses to comply with such requirement, shall incur a penalty not exceeding Ten Pounds.

96. The Marine Board may revoke and cancel such certificates in any cases in which it has reason to believe:—

(i.) That the declarations of the sufficiency and good condition of the hull, equipments, and machinery of any passenger steamship, or either of them, have been fraudulently or erroneously made; or

(ii.) That
(ii.) That such certificate has otherwise been issued upon false or erroneous information; or

(iii.) That since the making of such declarations the hull, equipments, or machinery of such ship have sustained any injury, or are otherwise insufficient.

And in every such case the Marine Board may, if it thinks fit, require the owner to have the hull, equipments, or machinery of such ship again surveyed, and to transmit a further declaration or declarations of the sufficiency and good condition thereof before re-issuing any certificate or granting a fresh one in lieu thereof.

97. The owner or master of any passenger steam-ship shall forthwith, on the transmission of any such certificate, cause one of the duplicates thereof so transmitted to be put up in some conspicuous part of the ship, so as to be visible to all persons on board the same, and shall cause it to be continued so put up so long as such certificate remains in force and such ship is in use; and in default, such owner or master shall for every offence incur a penalty not exceeding Ten Pounds.

98. It shall not be lawful for any passenger steam-ship to proceed to sea, or upon any voyage or excursion from any port or ports in the said Province, with any passengers on board, unless the owner or master thereof has transmitted to the Marine Board the declarations hereinbefore required, nor unless the owner or master thereof has received from the Marine Board such a certificate as hereinbefore provided for such certificate being a certificate applicable to the voyage or excursion on which such ship is about to proceed, and no officer of Customs shall grant any clearance or transire for any passenger steam-ship unless upon the production of such certificate as aforesaid (being a certificate then in force and applicable as aforesaid); and if any passenger steam-ship attempts to ply or go to sea, as aforesaid, without such production, any such officer may detain her until such certificate is produced; and if any passenger steam-ship plies or goes to sea, with any passengers on board, without having one of the duplicates of such certificate as aforesaid (being a certificate then in force and applicable as aforesaid), so put up as aforesaid in some conspicuous part of the ship, the owner thereof shall for such offence incur a penalty not exceeding One Hundred Pounds, and the master of such ship shall also incur a further penalty not exceeding Twenty Pounds.

99. If the owner or master, or other person in charge of any passenger steam-ship receives on board thereof, or on or in any part thereof, or if such ship has on board thereof, or on or in any part thereof, any number of passengers which, having regard to the time, occasion, and circumstances of the case, is greater than the number of passengers allowed by the certificate, the owner or master shall incur a penalty not exceeding Twenty Pounds, and also an additional penalty not exceeding Five Shillings for every passenger over and above the number
number allowed by the certificate; or if the fare of any of the passengers on board exceeds five shillings, not exceeding double the amount of the fares of all the passengers who are over and above the number so allowed as aforesaid, such fares to be estimated at the highest rate of fare payable by any passenger on board.

100. Every person who knowingly and wilfully makes, or assists in making, or procures to be made, a false or fraudulent declaration or certificate with respect to any passenger steam-ship requiring a certificate under this Act, or who forges, assists in forging, or procures to be forged, fraudulently alters, assists in fraudulently altering, or procures to be fraudulently altered, any declaration or certificate required by this Act, or any words or figures in such declaration or certificate, or any signature thereto, shall be deemed guilty of a misdemeanor.

101. The said surveyors shall, from time to time, make such returns to the Marine Board as it requires with respect to the build, dimensions, draught, burden, rate of sailing, room for fuel, and the nature and particulars of machinery and equipment of the ships surveyed by them, and every owner, master, and engineer of any such ship shall, on demand, give to such surveyors all such information and assistance within his power as they require for the purpose of such returns, and every such owner, master, or engineer who, on being applied to for that purpose, wilfully refuses or neglects to give such information or assistance shall be liable to a penalty not exceeding Five Pounds.

102. The following offenders, that is to say:

(i.) Any person who, after having been refused admission into any steam-ship by the owner or person in charge thereof, or by any person in the employ of the owner thereof on account of such steam-ship being full, and after having had the full amount of his fare (if he has paid the same) returned or tendered to him, nevertheless persists in attempting to enter the same: and

(ii.) Any person having got on board any steam-ship who, upon being requested, on the like account, by the owner or person in charge thereof, or by any person in the employ of the owner to leave such steam-ship before the same has quitted the place at which such person got on board, and upon having the full amount of his fare (if he has paid the same) returned or tendered to him, refuses to comply with such request shall, for each such offence, incur a penalty not exceeding Forty Shillings to be paid to the said owner.

103. The following offenders, that is to say:

(i.) Any person who travels or attempts to travel in any passenger steam-ship which has been duly surveyed in conformity with the provisions.
provisions of this Act without having previously paid his fare and with intent to avoid payment thereof: and

(ii.) Any person who, having paid his fare for a certain distance, knowingly and wilfully proceeds in any such steam-ship beyond such distance without previously paying the additional fare for the additional distance, and with intent to avoid payment thereof: and

(iii.) Any person who knowingly and wilfully refuses or neglects, on arriving at the point to which he has paid his fare, to quit any such steam-ship shall, for every such offence, incur a penalty not exceeding Five Shillings in addition to the fare payable by him, such penalty to be payable to the owner of such steam-ship.

104. Every person who, having committed any of the offences mentioned in the two last preceding sections or either of them, refuses, on application of the master of the ship, or of any other person in the employ of the owner thereof, to give his name and address, or who, on such application, gives a false name or address, shall incur a penalty not exceeding Twenty Pounds, to be paid to the said owner.

105. The master of any home-trade or intercolonial passenger steam-ship may refuse to receive on board thereof any person who, by reason of drunkenness or otherwise, is in such a state or misconducts himself in such a manner as to cause annoyance to other passengers on board, or if such person is on board, may put him on shore at any convenient place; and no person so refused admittance or put on shore shall be entitled to the return of any fare he may have paid.

106. Whenever any steam-ship has sustained or caused any accident occasioning loss of life, or any serious injury to any person, or has received any material damage affecting her seaworthiness, or her efficiency either in her hull or in any part of her machinery, within the limits of the jurisdiction of the Marine Board, the owner or master shall, within twenty-four hours after the happening of such accident or damage or as soon thereafter as possible, send to the Marine Board by letter, signed by such owner or master, a report of such accident or damage, and of the probable occasion thereof, stating the name of the ship, the port to which she belongs, and the place where she is, and if such owner or master neglect so to do he shall, for such offence, incur a penalty not exceeding Fifty Pounds.

107. In every case of collision, in which it is practicable so to do, the master shall, immediately after the occurrence, cause a statement thereof, and of the circumstances under which the same occurred, to be entered in the official log book (if any), such entry to be signed by the master, and also by the mate or one of the crew, and in default shall incur a penalty not exceeding Twenty Pounds.

108. No-
108. No person shall be entitled to carry in any ship arriving in or departing from the said Province, or to require the master or owner of any ship to carry therein any aquafortis, oil of vitrol, gunpowder, or any other goods, which, in the judgment of such master or owner, are of a dangerous nature; and if any person carries or sends by any ship any goods of a dangerous nature, without distinctly marking their nature on the outside of the package containing the same, or otherwise giving notice, in writing, to the master or owner, at or before the time of carrying or sending the same to be shipped, he shall, for every such offence, incur a penalty not exceeding One Hundred Pounds; and the master or owner of any ship may refuse to take on board any parcel that he suspects to contain goods of a dangerous nature, and may require them to be opened to ascertain the fact.

109. The Marine Board shall have power to exempt the masters of any ships, or of any classes of ships from being compelled to employ qualified pilots within the limits of its jurisdiction, and to annex any terms or conditions to such exemptions; and to revise and extend any exemptions now existing, by virtue of this Act, or any other Act or law upon such terms and conditions, and in such manner as may appear desirable to such authority.

110. The Marine Board shall be the department to do all or any of the following things within the limits of its jurisdiction, that is to say—

To determine the qualifications to be required from persons applying to be licensed as pilots, whether in respect of their age, skill, time of service, character, or otherwise.

To make regulations as to the approval and licensing of pilot boats and ships.

To make regulations for the Government of the pilots licensed by them, and for insuring their good conduct and their constant attendance to an effectual performance of their duty, either at sea or on shore.

To fix the terms and conditions of granting licences to pilots and apprentices, and of granting such pilotage certificates, as hereinafter mentioned, to masters and mates, and to make regulations for punishing any breach of such regulations, as aforesaid, committed by such pilots or apprentices, or by such masters and mates, by the withdrawal or suspension of their licences, or certificates, as the case may be, or by the infliction of penalties, to be recoverable summarily before two Justices of the Peace for the said Province, so that no such penalty be made to exceed the sum of Twenty Pounds; and so that every such penalty be capable of reduction, at the discretion of the Justices by whom the same is inflicted.

To fix the rates and prices, or other remuneration to be demanded and received for the time being, by pilots licensed by such authority.
authority, or to alter the mode of remunerating such pilots, in such manner as the Marine Board, with the consent of the
the Governor in Executive Council, may think fit.

111. The master or mate of any ship may, upon giving due
notice, and consenting to pay the usual expenses, apply to the
Marine Board to be examined as to his capacity to pilot the ship of
which he is master or mate, or any one or more ships belonging to
the same owner within any part of the district over which the
Marine Board has jurisdiction, and such master or mate shall, if such
Marine Board thinks fit, thereupon be examined, and, if found com-
petent, a pilotage certificate may be granted to him, containing his
name, a specification of the ship or ships in respect of which he has
been examined, and a description of the limits within which he is
to pilot the same; and such certificate shall enable the person therein
named to pilot the ship or any of the ships therein specified of
which he is acting as master or mate at the time, but no other,
within the limits therein described, without incurring any penalties
for the non-employment of a qualified pilot.

112. The pilotage certificate so granted shall not be in force for
more than one year, unless the same is renewed, which may from
time to time be done, by an endorsement under the hand of the
Secretary or other proper officer of the Marine Board.

113. All masters or mates to or for whom any such pilotage cer-
tificates as aforesaid are granted or renewed by the Marine Board,
shall pay such fees upon their respective certificates, and upon the
renewals thereof, as are from time to time fixed for that purpose.

114. If at any time it appears to the Marine Board that any master
or mate, to whom a pilotage certificate has been granted by such
Board, has been guilty of misconduct, or has shown himself incomp-
etent to pilot his ship, such Board may thereupon withdraw his cer-
tificate, and such certificate shall thenceforward cease to be of any
effect whatever.

115. All boats and ships regularly employed in such pilotage ser-
vice, shall be approved and licensed by the Marine Board.

116. Every pilot boat or ship shall be distinguished by the follow-
ing characteristics, that is to say—

A black color, painted or tarred, outside, with the exception of such
names and numbers as are hereinafter mentioned, or such other
distinguishing color or colors as the Marine Board directs.

On her stern the name of the owner thereof, and the port to which
she belongs, painted in white letters, at least one inch broad,
and three inches long, and on each bow the number of the
licence of such boat or ship.
When afloat, a flag at the masthead, or on a spnt or staff, or in some other equally conspicuous situation, such flag to be of large dimensions compared with the size of the boat or ship carrying the same, and to be of two colors, the upper horizontal half white, and the lower horizontal half red.

And it shall be the duty of the master of such boat or ship to attend to the following particulars:—First, that the boat or ship possesses all the above characteristics; secondly, that the aforesaid flag is kept clean and distinct, so as to be easily discerned at a proper distance; and, lastly, that the names and numbers before mentioned are not at any time concealed; and if default is made in any of the above particulars, he shall incur a penalty not exceeding Twenty Pounds for each default.

117. Whenever any qualified pilot is carried off in a boat or ship, not in the pilotage service, he shall exhibit a flag of the above description in order to show that such boat or ship has a qualified pilot on board; and if he fails to do so, without reasonable cause, he shall incur a penalty not exceeding Fifty Pounds.

118. If any boat or ship, not having a licensed pilot on board, displays a flag of the above-mentioned description, there shall be incurred for every such offence a penalty not exceeding Fifty Pounds, to be recovered from the owner or from the master of such boat or ship.

119. Every qualified pilot, on his appointment, shall receive a licence containing his name and usual place of abode, together with a description of his person, and a specification of the limits within which he is qualified to act; and it shall be the duty of the principal officer of Customs at the place at or nearest to which any qualified pilot may reside, upon his request, to register his licence, and no qualified pilot shall be entitled to act as such, until his licence is so registered; and any qualified pilot acting beyond the limits for which he is qualified by his licence, shall be considered as an unqualified pilot.

120. Every qualified pilot shall, upon receiving his licence, be furnished with a copy of such part of this Act as relates to pilotage, together with a copy of the rates, by-laws, and regulations, and he shall produce such copies to the master of any ship or other person employing him, when required to do so, under a penalty, in case of default, not exceeding Five Pounds.

121. Every qualified pilot, while acting in that capacity, shall be provided with his licence, and produce the same to every person by whom he is employed, or to whom he tenders his services as pilot; and if he refuses to do so at the request of such person, he shall incur for each offence a penalty not exceeding Ten Pounds, and shall
122. Every qualified pilot, when required by the Marine Board, shall produce or deliver up his licence; and on the death of any qualified pilot, the person into whose hands his licence happens to fall, shall, without delay, transmit the same to the Marine Board; and any pilot or person failing to comply with the provisions of this section, shall incur a penalty not exceeding Ten Pounds.

123. If the master of any ship arriving from parts beyond the sea at or off any of the ports of the said Province, and intending to enter that port, shall not receive on board such ship the first pilot who shall offer himself and demand to conduct such ship into such port, or shall not forthwith, on demand and upon the pilot so offering himself (producing, if required, his licence as such pilot), give the ship in charge of such pilot, or if the master of any ship shall proceed to sea, or quit his station or anchorage inside the outer bar of the creek of Port Adelaide, without receiving on board a qualified pilot to conduct the said ship to sea, every such master, unless he or his mate has a pilotage certificate, enabling such master or mate to pilot the said ship within such limits as aforesaid, shall, over and above the amount which would have been payable for pilotage, if such pilot’s services had been actually engaged, forfeit and pay a penalty of not less than Five Pounds nor more than Thirty Pounds, to be recovered before one or more of Her Majesty’s Justices of the Peace for the said Province: Provided, that nothing herein contained shall extend to any ships of war belonging to Her Majesty, or Her allies, and to coasters only under one hundred tons.

124. Any master of a coaster above one hundred tons, or of any ship trading regularly between Port Adelaide and any of the Ports in the Colonies of Victoria, New South Wales, Queensland, Western Australia, Van Diemen’s Land, and New Zealand, may be granted a certificate of exemption from pilotage on having made three voyages in command, or five voyages as mate of any ship to Port Adelaide, or other port in the said Province; and on passing an examination before the Marine Board, proving he is competent to navigate his ship in and out of any of the ports of the said Province, and for such certificate, a payment shall be made by such master, to the Marine Board, of a sum of Ten Pounds sterling, such certificate not to be transferable.

125. In the event of any master of a ship exchanging from such ship, or taking command of a larger ship, it shall be necessary for such master to pass any further examination that may be considered expedient by the Marine Board to prove his competency for navigating such vessel within the limits as aforesaid, and in the event of such master not being able to pass such examination before the said Board, it shall be lawful for them to cancel the certificate previously granted for the smaller vessel as commanded by such master,
master, until such master shall be able to pass the necessary examination, or until he resumes the command of a vessel of the same tonnage as that for which the original certificate was granted.

126. Any master of any ship, having a certificate of exemption, leaving the regular coasting or intercolonial trade as aforesaid, and being employed in any port not included in the Colonies aforesaid, shall be liable for full pilotage inwards on his return to Port Adelaide, or other port of the said Province where pilotage is made compulsory, but on application to the Marine Board, it shall be lawful for that body to renew such master's certificate of exemption, if such master shall prove to the said Board that he intends to resume the regular coasting or intercolonial trade from Port Adelaide, or any other port of the said Province, as aforesaid.

127. It shall be necessary for every master of a ship having a certificate of exemption from the Marine Board when within a distance of five miles from all pilot stations, to hoist at the main of such ship a white flag of not less than two square yards, and to keep such flag flying until the arrival of such ship into the harbor or port, and any master of any ship having a certificate of exemption from pilotage from the said Board, not having such flag flying as aforesaid, and not having a pilot on board such ship, in charge, shall for every offence, on its being proved before one or more Justices of the Peace for the said Province, be liable to a penalty of not less than Two Pounds, and not more than Five Pounds over and above the amount of pilotage payable if a pilot had actually been engaged.

128. Any person not being duly licensed, or lawfully exempted from pilotage as master of a ship, by the Marine Board, found acting as a pilot for any ship either entering or navigating in, or leaving any port of the said Province to which these provisions may be extended by notice from the Marine Board, shall be liable to a penalty of not less than Five Pounds, nor exceeding Fifty Pounds, on such offence being proved before one or more of Her Majesty's Justices of the Peace for the said Province.

129. If any boat or ship, having a qualified pilot on board, leads any ship which has not a qualified pilot on board, when such last-mentioned ship cannot, from particular circumstances, be boarded, the pilot so leading such last-mentioned ship shall be entitled to the full pilotage for the distance run, as if he had actually been on board and had charge of such ship.

130. No pilot, except under circumstances of unavoidable necessity, shall, without his consent be taken to sea, or beyond the limits for which he is licensed, in any ship whatever; and every pilot so taken, under circumstances of unavoidable necessity or without his consent, shall be entitled, over and above his pilotage, to the sum of Ten Shillings and Sixpence a-day, to be computed from and inclusive of
Pilotage.

of the day on which such ship passes the limit to which he was engaged to pilot her up to, and inclusive of the day of his being returned in the said ship to the place where he was taken on board, or up to and inclusive of such day, as will allow him, if discharged from the ship, sufficient time to return thereto; and, in such last-mentioned case, he shall be entitled to his reasonable travelling expenses.

131. Any qualified pilot demanding any rate, in respect of pilotage services, greater than the rate for the time being demandable by law, shall for each offence incur a penalty not exceeding Ten Pounds.

132. If any master, on being requested by any qualified pilot having the charge of his ship to declare her draught of water, refuses to do so, or himself makes, or is privy to any other person making, a false declaration to such pilot as to such draught, he shall incur a penalty for every such offence not exceeding double the amount of pilotage which would have been payable to the pilot making such request; and if any master or other person interested in a ship, makes, or is privy to any other person making, any fraudulent alteration in the marks on the stern-post or stem of such ship, denoting her draught of water, the offender shall incur a penalty not exceeding Five Hundred Pounds.

Power of qualified pilot to supersede unqualified pilot.

133. A qualified pilot may supersede an unqualified pilot; but it shall be lawful for the master to pay to such unqualified pilot a proportionate sum for his services, and to deduct the same from the charge of the qualified pilot; and, in case of dispute, the Marine Board, by whom the qualified pilot is licensed, shall determine the proportionate sums to which each party is entitled.

134. An unqualified pilot assuming or continuing in the charge of any ship after a qualified pilot has offered to take charge of her, or using a licence which he is not entitled to use, for the purpose of making himself appear to be a qualified pilot, shall, for each offence, incur a penalty not exceeding Fifty Pounds.

Occasions on which persons may act as pilots.

135. An unqualified pilot may, without subjecting himself or his employer to any penalty, take charge of a ship as pilot under the following circumstances, that is to say—

When no qualified pilot has offered to take charge of such ship, or made a signal for that purpose; or

When a ship is in distress, or under circumstances making it necessary for the master to avail himself of the best assistance which can be found at the time; or

For the purpose of changing the moorings of any ship in port, or of taking her into or out of any dock, in cases where such act can be done by an unqualified pilot without infringing the regulations of the port.

Liability for and recovery of pilotage dues.

136. The following persons shall be liable to pay pilotage dues for any
any ship for which the services of a qualified pilot are obtained (that is to say)—The owner or master, or such consignees or agents thereof as have paid, or made themselves liable to pay, any other charge on account of such ship, in the port of her arrival or discharge, as to pilotage inwards, and in the port from which she clears out as to pilotage outwards; and, in default of payment, such pilot-dues may be recovered in the same manner as penalties of the like amount may be recovered by virtue of this Act; but such recovery shall not take place until a previous demand thereof has been made in writing, and the dues so demanded have remained unpaid for seven days after the time of such demand being made.

137. Every consignee and agent, not being the owner or master, hereby made liable for the payment of pilotage dues, in respect of any ship may, out of any moneys in his hand, received on account of such ship, or belonging to the owner thereof, retain the amount of all dues so paid by him; together with any reasonable expenses he may have incurred by reason of such payment or liability.

138. If any qualified pilot commits any of the following offences, that is to say—

(i). Keeps himself, or is interested in keeping by any agent, servant, or other person, any public house, or place of public entertainment, or sells, or is interested in selling any article liable to duty.

(ii). Commits any fraud, or other offence against the Revenues of Customs or Excise, or the Laws relating thereto.

(iii). Is in any way directly or indirectly concerned in any corrupt practices relating to ships, their tackle, furniture, cargoes, crews, or passengers, or to persons in distress at sea, or by shipwreck, or to their moneys, goods, or chattels.

(iv). Lends his licence.

(v). Acts as pilot while suspended.

(vi). Acts as pilot when in a state of intoxication.

(vii). Employs, or causes to be employed, on board any ship of which he has the charge, any boat, anchor, cable, or other store, matter, or thing, beyond what is necessary for the service of such ship, with intent to enhance the expenses of pilotage for his own gain, or for the gain of any other person.

(viii). Refuses or wilfully delays, when not prevented by illness or other reasonable cause, to take charge of any ship within the limits of his licence upon the signal for a pilot being made by such ship, or upon being required to do so by the master, owner, agent, or consignee thereof, or by any officer of the pilotage authority by whom such pilot is licensed, or by any principal officer of the Customs.

(ix). Unnecessarily cuts or slips, or causes to be cut or slipped, any cable belonging to any ship.
(x.) Refuses, on the request of the master, to conduct the ship of which he has the charge into any port or place into which he is qualified to conduct the same, except on reasonable ground of danger to the ship.

(xi.) Quits the ship of which he has the charge, without the consent of the master, before the service for which he was hired has been performed.

He shall, for each such offence, in addition to any liability for damages at the suit of the person aggrieved, incur a penalty not exceeding One Hundred Pounds, and be liable to suspension or dismissal by the Marine Board; and every person who procures, abets, or connives at the commission of any such offence, shall likewise, in addition to any such liability for damages as aforesaid, incur a penalty not exceeding One Hundred Pounds, and, if a qualified pilot, shall be liable to suspension or dismissal by the pilotage authority by whom he is licensed.

139. If any pilot, when in charge of any ship, by wilful breach of duty, or by neglect of duty, or by reason of drunkenness, does any act tending to the immediate loss, destruction, or serious damage of such ship, or tending immediately to endanger the life or limb of any person on board such ship; or if any pilot, by wilful breach of duty, or by neglect of duty, or by reason of drunkenness, refuses or omits to do any lawful act, proper and requisite to be done by him, for preserving such ship from loss, destruction, or serious damage, or for preserving any person belonging to or on board of such ship from danger to life or limb, the pilot so offending shall, for each such offence, be deemed guilty of a misdemeanor, and if a qualified pilot, also be liable to suspension and dismissal by the authority by which he is licensed.

140. If any person by wilful misrepresentation of circumstances, upon which the safety of a ship may depend, obtains, or endeavors to obtain, the charge of such ship, such person, and every other person procuring, abetting, or conniving at the commission of such offence, shall, in addition to any liability for damages, at the suit of the party aggrieved, incur a penalty not exceeding One Hundred Pounds; and, if the offender is a qualified pilot, he shall, also, be liable to suspension, or dismissal, by the Marine Board.

141. The Marine Board shall have power to revoke or suspend the licence of any pilot appointed by them in such manner, and at such time as they think fit.

142. Whenever any difference arises between the master and the qualified pilot of any ship trading to or from the Port of Adelaide, or other port or ports in the said Province, as to her draught of water, the Marine Board shall, upon application by either party made in case of a ship inward bound, within twelve hours after her arrival, or at some time before she begins to discharge her cargo; and, in the
the case of a ship outward bound, before she quits her moorings, appoint some proper officer, who shall measure the ship and settle the difference accordingly; and there shall be paid to the officer measuring such ship by the party against whom he decides, such sum as the Marine Board may decide.

143. No owner or master of any ship shall be answerable to any person whatever for any loss or damage occasioned by the fault or incapacity of any qualified pilot, acting in charge of such ship, within the limits where the employment of such pilot is compulsory by law.

144. The Marine Board shall be the Department to have the superintendence and management of all lighthouses, moorings, buoys, and beacons, within the said Province.

145. The Marine Board may, in respect of the lighthouses, moorings, buoys, or beacons, with the consent of the Governor in Executive Council of the said Province, levy dues, hereinafter called light dues, after the rate at which the same are levied at the time when this Act comes into operation, and such light dues shall be payable in respect of all ships whatever, except ships belonging to Her Majesty, and ships hereby exempted from payment thereof.

146. The Marine Board shall have power, with the consent of the Governor in Executive Council, to do any of the following things, that is to say—

To exempt any ships, or any classes of ships, from the payment of light dues, and to annex any terms or conditions to such exemptions.

To alter the times, places, and modes at and in which the light dues are payable.

To substitute any other dues or class of dues, whether by way of annual payment or otherwise, in respect of any ships or classes of ships for the dues payable for the time being.

147. Tables of all light dues, when authorized to be levied, and a copy of the regulations for the time being in force in respect thereof, shall be posted up at the Marine Board office.

148. A receipt for light dues, when levied shall be given by the person appointed to collect the same to every person paying the same, and no officer of Customs, at any port where light dues are payable in respect of any ship. shall grant a clearance or transire for any such ship unless the receipt for the same is produced to him.

149. If the owner or master of any ship fails, on demand of the authorized collector, to pay the light dues due in respect thereof, it shall be lawful for such collector, in addition to any other remedy which he, or the authority by whom he is appointed, is entitled to use, to enter upon such ship, and distrain the goods, guns, tackle, or any other thing, of or belonging to or on board such ship, and to detain...
Lighthouses, &c.

detain such distress until the said light dues are paid, and if payment of the same is not made within the period of three days next ensuing such distress, he may at any time during the continuance of such nonpayment, cause the same to be appraised by two sufficient persons, or sworn appraisers, and thereupon sell the same, and apply the proceeds in payment of the light dues due, together with all reasonable expenses incurred by him under this section, paying the surplus (if any) on demand, to the said owner or master.

150. Every person appointed to collect light dues by the Marine Board shall collect all light dues payable at the port or place at which he is so appointed, and shall pay over to the Marine Board, or as it directs, the whole amount of light dues received by him, and the Marine Board shall keep account thereof, and shall cause the same to be remitted to the Treasurer, for the public uses of the said Province, and the support of the Government thereof.

151. The Marine Board shall have power, within its jurisdiction, to execute the following works, and do the following things, that is to say—

(i.) To erect or place new lighthouses, with all requisite works, roads, and appurtenances, or alter or remove any existing lighthouses.

(ii.) To erect or place any new buoys, moorings, or beacons, or alter or remove any existing buoys, moorings, or beacons.

(iii.) To take and purchase any land which may be necessary for the above purposes, or for the maintenance of the works, or the residence of the light-keepers.

(iv.) To vary the character of any lighthouse, or the mode of exhibiting lights therein.

(v.) To sell any land belonging to it.

(vi.) To continue any existing lighthouses, buoys, moorings, or beacons.

152. Upon the completion of any new lighthouse, buoy, mooring, or beacon, the Marine Board may, with the consent of the Governor in Executive Council, fix such dues in respect thereof, to be paid by the master or owner of every ship which passes the same, or derives benefit therefrom, as it may deem reasonable, and may from time to time alter the amount thereof; and such dues shall be paid and collected in the same manner, by the same means, and subject to the same conditions in, by, and subject to which the light dues authorized to be levied by this Act are paid and collected.

153. If any person wilfully or negligently commits any of the following offences, that is to say:—

(i.) Injures any lighthouse, or the lights exhibited therein, or any buoy, mooring, or beacon:

(ii.) Removes, alters, or destroys, any lightship, buoy, mooring, or beacon:

(iii.) Rides by, makes fast to, or runs foul of, any lightship or buoy.
He shall, in addition to the expenses of making good any damage so occasioned, incur a penalty not exceeding Fifty Pounds.

154. Whenever any fire or light is burnt or exhibited at such a place or in such a manner as to be liable to be mistaken for a light proceeding from a lighthouse, it shall be lawful for the Marine Board to cause a notice to be served upon the owner of the place where the fire or light is burnt or exhibited, or on the person having charge of such fire or light, either personally or by delivery at the place of abode of such owner or person, or affixing the same in some conspicuous spot near to such fire or light, and by such notice to direct such owner or person, within a reasonable time to be therein specified, to take effectual means for the extinguishing or effectually screening such existing light, and for preventing for the future any similar fire or light; and any owner or person disobeying such notice, shall be deemed guilty of a common nuisance, and, in addition to any other penalties or liabilities of any kind thereby incurred, shall incur a penalty not exceeding One Hundred Pounds.

155. If any owner or person served with such notice as aforesaid neglects for a period of seven days to extinguish or effectually screen the fire or light therein mentioned, it shall be lawful for the Marine Board, by their servants or workmen, to enter upon the place wherein the same may be, and forthwith to extinguish such fire or light, doing no unnecessary damage; and all expenses incurred by such authority in such extinction may be recovered from such person or owner, as aforesaid, in the same way as penalties are hereby directed to be recoverable.

156. In any of the cases following, that is to say:—
Whenever any ship is lost, abandoned, or materially damaged, on or near the coasts of the said Province of South Australia:
Whenever any ship causes loss or material damage to any other ship on or near such coasts:
Whenever, by reason of any casualty happening to or on board of any ship on or near such coast, loss of life ensues:
It shall be lawful for the Marine Board, or for any person appointed for the purpose by the Marine Board, to make inquiry respecting such loss, abandonment, damage, or casualty, and he shall for that purpose have all the powers given by this Act to Inspectors appointed by the said Board.

157. If it appears to such Board, or person as aforesaid, either upon or without any such preliminary inquiry as aforesaid, that a formal investigation is requisite or expedient, or if the Marine Board so directs, he shall apply to any two Justices of the Peace for the said Province, or to a Stipendiary Magistrate, to hear the case, and such Justices or Magistrate shall thereupon proceed to hear and try the same, and shall for that purpose, so far as relates to the summoning...
summoning of parties, compelling the attendance of witnesses, and
the regulation of the proceedings, have the same powers as if the
same were a proceeding relating to an offence or cause of complaint
upon which they or he have power to make a summary conviction or
order, or as near thereto as circumstances permit; and it shall be
the duty of such officer or person, as aforesaid, to superintend the
management of the case, and to render such assistance to the said
Justices or Magistrate as is in his power, and, upon the conclusion of
the case, the said Justices or Magistrate shall send a report to the
Marine Board, containing a full statement of the case, and of their
or his opinion thereon, accompanied by such report of, or extracts
from, the evidence, and such observations (if any) as they or he may
think necessary.

158. In cases where nautical skill and knowledge are required,
the Marine Board shall have the power, either at the request of
such Justices or Magistrate, or at its own discretion, to appoint some
person of nautical skill and knowledge to act as assessor to such
Justices or Magistrate, and such assessor shall, upon the conclusion
of the case, either signify his concurrence in their report by signing
the same, or if he dissents therefrom shall signify such dissent and
his reasons therefor to the Marine Board.

159. If it should so happen that a Stipendiary Magistrate is a
member of such board, all such investigations as aforesaid shall,
whenever he happens to be present, be made before such Magistrate.

160. The said Justices or Magistrate may make such order with
respect to the costs of any such investigation or any portion thereof
as they may deem just, and such costs shall be paid accordingly
and shall be recoverable in the same manner as other costs incurred
in summary proceedings before them, and the Marine Board may,
if in any case it thinks fit so to do, pay the expense of any such
investigation, and may pay to such assessor as aforesaid such
remuneration as it thinks fit.

161. Such Justices or Magistrate as aforesaid may, if they think
fit, require any master or mate possessing a certificate of competency
or service, whose conduct is called in question, or appears to them
likely to be called in question in the course of such investigation, to
deliver such certificate to them, and they shall hold the certificate so
delivered until the conclusion of the investigation, and shall then
either return the same to such master or mate, or if the report is such
as to enable the Board of Trade to cancel or suspend such certificate,
under the powers given to such Board by the Merchant Shipping Act
of 1854, shall forward the same to the Board of Trade, to be dealt
with as such Board thinks fit; and if any master or mate fails so to
deliver his certificate when so required, he shall incur a penalty not
exceeding Fifty Pounds.

162. The Marine Board shall, throughout the said Province, have
the general superintendence of all matters relating to wreck, and it
may
may appoint any officer of Customs, or when it appears to such Board to be more convenient, any other person to be a receiver of wreck in any district, and to perform such duties as are hereinafter mentioned, and shall give due notice of every such appointment.

163. Whenever any ship or boat is stranded, or in distress at any place on the shore of the sea, or of any tidal water within the limits of the said Province, the receiver of the district within which such place is situate shall, upon being made acquainted with such accident, forthwith proceed to such place, and upon his arrival there he shall take the command of all persons present, and assign such duties to each person, and issue such directions as he may think fit, with a view to the preservation of such ship or boat, and the lives of the persons belonging thereto, and the cargo and apparel thereof; and if any person wilfully disobeys such directions he shall forfeit a sum not exceeding Fifty Pounds, but it shall not be lawful for such receiver to interfere between the master of such ship or boat and his crew in matters relating to the management thereof, unless he is requested so to do by such master.

164. The receiver may, with a view to such preservation as aforesaid of the ship or boat, persons, cargo, and apparel, do the following thing, that is to say:—

(1.) Summon such number of men as he thinks necessary to assist him.

(II.) Require the master, or other person having the charge of any ship or boat near at hand, to give such aid with his men, ship, or boats, as may be in his power.

(III.) Demand the use of any wagon, cart, or horses that may be near at hand.

And any person refusing, without reasonable cause, to comply with any summons, requisition, or demand so made as aforesaid, shall, for every such refusal, incur a penalty not exceeding One Hundred Pounds.

165. All cargo and other articles belonging to such ship or boat, as aforesaid, that may be washed on shore or otherwise, be lost or taken from such ship or boat, shall be delivered to the receiver; and any person, whether he is the owner or not, who secretes or keeps possession of any such cargo or article, or refuses to deliver the same to the receiver, or to any person authorized by him to demand the same, shall incur a penalty not exceeding One Hundred Pounds; and it shall be lawful for such receiver, or other person as aforesaid, to take such cargo or article by force from the person so refusing to deliver the same.

166. Whenever any such accident as aforesaid occurs to any ship or boat, and any person plunders, creates disorder, or obstructs the preservation of such ship, boat, lives, or cargo as aforesaid, it shall be lawful for the receiver to cause such person to be apprehended, and...
and to use force for the suppression of any such plundering, disorder, or obstruction as aforesaid, with power to command all Her Majesty's subjects to assist him in the use of such force; and if any person is killed, maimed, or hurt by reason of his resisting the receiver in the execution of the duties hereby committed to him, or any person acting under his orders, such receiver or other person shall be freely and fully indemnified as well against the Queen's Majesty, Her heirs and successors, as against all persons so killed, maimed, or hurt.

167. During the absence of the receiver from the place where any such accident as aforesaid occurs, or in places where no receiver has been appointed under this Act, the following officers in succession, each in the absence of the other, in the order in which they are named (that is to say)—Any principal officer of Customs, or of the Coast Guard, or officer of Inland Revenue, and also any Sheriff or Justice of the Peace for the said Province, may do all matters and things hereby authorized to be done by the receiver, with this exception, that, with respect to any goods or articles belonging to any such ship or boat, the delivery up of which to the receiver is hereinafter required, any officer so acting shall be considered as the agent of the receiver, and shall place the same in the custody of the receiver; and no person so acting as substitute for any receiver shall be entitled to any fees payable to receivers, or be deprived, by reason of his so acting, of any right to salvage, to which he would otherwise be entitled.

168. Whenever any such accident as aforesaid occurs to any ship or boat, all persons may, for the purpose of rendering assistance to such ship or boat, or saving the lives of the persons on board the same, or the cargo or apparel thereof, unless there is some public road equally convenient, pass and repass, either with or without carriages or horses, over any adjoining lands, without being subject to interruption by the owner or occupier, so that they do as little damage as possible; and may also, on the like condition, deposit on such lands the cargo or other article recovered from such ship or boat; and all damage that may be sustained by any owner or occupier in consequence of any such passage, or repassing, or deposit, as aforesaid, shall be a charge on the ship, boat, cargo, or articles in respect of or by which such damage was occasioned.

169. If the owner or occupier of any land over which any person is hereby authorized to pass or repass, for any of the purposes hereinbefore mentioned, does any of the following things (that is to say)—

(i.) Impedes or hinders any such person from so passing or repassing, with or without carriages, horses, and servants, by locking his gates, refusing, upon request, to open the same, or otherwise however:

(ii.) Impedes or hinders the deposit of any cargo, or other article recovered from any such ship or boat, as hereinbefore mentioned:

(iii.) Prevents such cargo or other article from remaining so deposited for
for a reasonable time, until the same can be removed to a safe place of public deposit:

He shall, for every such offence, incur a penalty not exceeding One Hundred Pounds.

170. Any receiver, or, in his absence, any Justice of the Peace for the said Province, shall, so soon as conveniently may be, examine upon oath (which oath they are hereby respectively empowered to administer), any person belonging to any ship which may be or may have been in distress on the coasts of the said Province, or any other person who may be able to give any account thereof, or of the cargo or stores thereof, as to the following matters (that is to say)—

(i.) The name and description of the ship.

(ii.) The name of the master and of the owners.

(iii.) The names of the owners of the cargo.

(iv.) The ports or places from and to which the ship was bound.

(v.) The occasion of the distress of the ship.

(vi.) The services rendered.

(vii.) Such other matters or circumstances relating to such ship, or to the cargo on board the same, as the receiver or Justice thinks necessary.

And such receiver or Justice shall take the examination down in writing, and shall forward a copy thereof to the Marine Board.

171. Any examination so taken, in writing, as aforesaid, or a copy thereof purporting to be certified under the hand of the receiver or Justice before whom such examination was taken, shall be admitted in evidence in any Court of Justice, or before any person having by law, or by consent of parties authority to hear, receive, and examine evidence as prima facie proof of all matters contained in such written examination.

172. The following rules shall be observed by any person finding or taken possession of wreck within the said Province, that is to say—

(i.) If the person so finding or taking possession of the same is the owner, he shall, as soon as possible, give notice to the receiver of the district, within which such wreck is found, stating, that he has so found or taken possession of the same, and he shall describe in such notice the marks by which such wreck is distinguished.

(ii.) If any person not being the owner finds or takes possession of any wreck, he shall, as soon as possible, deliver the same to such receiver, as aforesaid.

And any person making default in obeying the provisions of this section, shall incur the following penalties, that is to say—

(iii.) If he is the owner, and makes default in performing the several things, the performance of which is hereby imposed on any owner,
owner, he shall incur a penalty not exceeding One Hundred Pounds.

(iv.) If he is not the owner, and makes default in performing the several things, the performance of which is hereby imposed on any person not being an owner.
He shall forfeit all claim to salvage.
He shall pay to the owner of such wreck, if the same is claimed, but if the same is unclaimed, then to the person entitled to such unclaimed wreck, double the value of such wreck (such value to be recovered in the same way as a penalty of the like amount), and
He shall incur a penalty not exceeding One Hundred Pounds.

173. If any receiver suspects or receives information, that any wreck is secreted, or in the possession of some person who is not the owner thereof, or otherwise improperly dealt with, he may apply to any Justice of the Peace for the said Province for a warrant, and such Justice shall have power to grant a warrant, by virtue whereof it shall be lawful for the receiver to enter into any house or other place, wherever situate; and, also, into any ship or boat, and to search for and to seize and detain any such wreck, as aforesaid, there found; and if any such seizure is made in consequence of information that may have been given by any person to the receiver, the informer shall be entitled by way of salvage to such sum not exceeding in any case Five Pounds, as the receiver may allow.

174. Every receiver shall, within forty-eight hours after taking possession of any wreck, cause to be posted up in the Custom House of the port nearest to the place where such wreck was found or seized, a description of the same, and of any marks by which it is distinguished.

175. In cases where any wreck in the custody of any receiver is under the value of five pounds, or is of so perishable a nature or so much damaged, that the same cannot, in his opinion, be advantageously kept, or if the value thereof is not sufficient to defray the charge of warehousing, the receiver may sell the same before the expiration of the period hereinafter mentioned, and the money raised by such sale, after defraying the expenses thereof, shall be held by the receiver for the same purposes, and subject to the same claims for and to which the article sold would have been held and liable, if it had remained unsold.

176. There shall be paid to all receivers appointed under this Act the expenses properly incurred by them in the performance of their duties, and such fees as may from time to time be directed by the Marine Board; and the receiver shall have the same lien and be entitled to the same remedies for the recovery of such expenses and fees as a salvor has or is entitled to in respect of salvage due to him, but save as aforesaid no receiver appointed under this Act, shall, as such, be entitled to any remuneration whatsoever.

177. Whenever
177. Whenever any dispute arises in any part of the said Province as to the amount payable to any receiver in respect of expenses or fees, such dispute shall be determined by the Marine Board, whose decision shall be final.

178. The Marine Board shall be the Department, after the commencement of this Act, for carrying out the provisions of "The Passengers Act, 1855," and all powers, functions, and duties, hitherto exercised by the Emigration Officer or his assistant, or, in their absence, the chief officer of Customs, by virtue of such Act, shall, after the commencement of this Act, be transferred to and vested in the Marine Board.

179. It shall be lawful for the Marine Board to determine the qualification to be required from persons applying to be licensed as surveyors of the hulls and cargoes of ships, whether in respect of their age, skill, character, or otherwise, to grant licences to such persons, and to make regulations for the government of such surveyors, and for insuring their good conduct and effectual performance of their duty; and to fix the terms and conditions of granting licences to such surveyors, and to make regulations for punishing any breach of such regulations as aforesaid, committed by such surveyors, by a withdrawal or suspension of their licences or certificates, as the case may be, or by the infliction of penalties, to be recovered summarily before two Justices of the Peace for the said Province, so that no such penalty to be made exceed the sum of Twenty Pounds, and every such penalty be capable of reduction at the discretion of the Justices by whom the same is inflicted; and to fix the remuneration to be demanded and received by ships' surveyors licensed by such authority, or to alter the mode of remunerating such surveyors: And any person acting as such surveyor as aforesaid, without having received a licence from the Marine Board, shall forfeit for every such offence, to be recovered in manner aforesaid, a sum not exceeding Twenty Pounds.

180. Examinations may be instituted for persons who intend to become masters or mates of any ships trading within the limits of the jurisdiction of the Marine Board, or who wish to obtain certificates of competency, hereinafter mentioned, and the Marine Board shall, upon satisfactory proof, by examination of the competency of such person, cause to be granted to him a certificate of competency, to the effect that he is authorized to navigate a ship.

181. All applicants for examination shall pay such fees as the Marine Board shall direct, not exceeding Three Pounds; and the said sum shall be equally divided among the officers examining such applicant.

182. Where any member of the Marine Board, not being the President, shall have any complaint against any officer of the said Board, such member shall not sit as a member of the Board on the hearing of such complaint; and shall not sign any recommendation for the punishment, fine, or dismissal of such officer.

183. The
183. The said Board may sue and be sued in the name of their Secretary, and no member thereof shall incur any individual or personal responsibility by reason of any contract, engagement, matter, or thing made, done, committed, or entered into in the execution and performance of the matters by this Act authorized to be done.

184. It shall be lawful for the Marine Board, with the consent of the Governor in Executive Council, to make, alter, and repeal such by-laws and regulations as to them shall seem meet, for regulating their own proceedings and for carrying into effect all matters and things by this Act authorized to be done, and also for establishing and fixing light, pilotage, steam-tug, wharfage, and other dues in the place of the dues heretofore existing by law, and to establish by-laws for the enforcement thereof, and any fines thereby imposed shall be recovered summarily in the same manner as though they had been imposed by this Act.

185. All fees, dues, and other sums of money, received or levied under the authority of this Act, shall be paid to the Treasurer, for the public use of the said Province, and the support of the Government thereof, except where otherwise provided by this Act, either directly or by implication.

186. This Act shall be and be construed as an Act relating to the customs, trade, and navigation, and all rights, remedies, enactments, and provisions of the laws for the time being in force within the said Province, relating to the customs, trade, and navigation, shall, so far as applicable and not inconsistent herewith, apply to all persons and things, and to all forfeitures, penalties, seizures, and other proceedings under this Act, as if the same were expressly herein inserted.

187. The provisions of this Act shall apply to all ships being within the jurisdiction of the Marine Board, so far as the same may be applicable and in accordance with the provisions of any Imperial Act, and not in contravention of the law of nations, or of any treaty lawfully subsisting between Her Majesty and any foreign power.

188. The offences hereinafter mentioned shall be punished, and penalties recovered in manner following, that is to say—

(i.) Every offence by this Act declared to be a misdemeanor, shall be punishable by fine or imprisonment, with or without hard labor, and the Court before which such offence is tried may make such allowances, and order such payment of costs and expenses (if any) as are payable or allowable upon the trial of any misdemeanor under any existing Act or Ordinance, or as may be payable or allowable under any Act or Law for the time being in force therein.

(ii.) Every offence declared by this Act to be a misdemeanor shall also be deemed to be an offence hereby made punishable by imprisonment for any period not exceeding six months, with or without
without hard labor, or by a penalty not exceeding One Hundred
Pounds, and may be prosecuted accordingly in a summary
manner instead of being prosecuted as a misdemeanor.

(iii.) Every offence hereby made punishable by imprisonment for
any period not exceeding six months, with or without hard
labor, or by any penalty not exceeding One Hundred Pounds,
shall be prosecuted summarily before any two or more Justices
of the Peace for the said Province, or in such other manner as
may be directed by any Act or Acts that may be passed for like
purposes; and all provisions contained in the said Acts shall be
applicable to such prosecutions in the same manner as if the
offences in respect of which the same are instituted were hereby
stated to be offences in respect of which two or more Justices
have power to convict summarily, or to make a summary order.

(iv.) In all cases of summary conviction where the sum adjudged
to be paid exceeds Five Pounds, or the period of imprisonment
adjudged exceeds one month, any person who thinks himself
aggrieved by such conviction may appeal to the next Court of
full Jurisdiction, holden nearest to the place where such offence
shall have been committed: Provided that such person shall
give to the complainant a notice, in writing, of such appeal,
and of the cause and matter thereof, within three days after
such conviction, and seven clear days at the least before such
sitting of the said Court, and shall also either remain in cus-

tody or enter into a recognizance, with two sufficient sureties,
before a Justice of the Peace for the said Province, con-
ditioned personally to appear at the said Court and to try
such appeal and to abide the judgment of the Court
thereupon, and to pay such costs as shall be by the
Court awarded, and upon such notice being given, and such
recognizance being entered into, the Justice before whom
the same shall be entered into shall liberate such person, if in
custody, and the said Court shall hear and determine the mode
of the appeal, and shall make such order therein, with or with-
out costs, to either party, as to the Court shall seem meet, and
in case of the dismissal of the appeal or the affirmance of the
conviction, shall order and adjudge the offender to be punished
according to the conviction and to pay such costs as may be
awarded, and shall, if necessary, issue process for enforcing
such judgment.

(v.) All offences under this Act shall be punishable in any Court or
by any Justice of the Peace, or Magistrate in which or by
whom offences of a like character are ordinarily punishable,
or in such other manner, or by such other Courts, Justices, or
Magistrates as may from time to time be determined by any
Act or Ordinance.

189. Any Stipendiary Magistrate shall have full power to do alone
whatever two Justices of the Peace are by this Act authorized to do.

190. For
190. For the purpose of giving jurisdiction under this Act every offence shall be deemed to have been committed, and every cause of complaint to have arisen, either in the place in which the same actually was committed or arose, or in any place in which the offender or person complained against may be.

191. In all cases where any district within which any Court, or Justice of the Peace, or other Magistrate, has jurisdiction, either under this Act, or under any other Act, for any purpose whatever, is situate on the coast of any sea, or abutting in, or projecting into, any bay, channel, lake, river, or other navigable water, every such Court, Justice of the Peace, or Magistrate, shall have jurisdiction over any ship or boat being on, or lying, or passing off such coast, and within the limits of the said Province, or being in or near such bay, channel, lake, river, or navigable water, as aforesaid, and over all persons on board such ship or boat, or for the time being belonging thereto, in the same manner as if such ship, boat, or persons, were within the limits of the original jurisdiction of such Court, Justice, or Magistrate.

192. Service of any summons, or other matter, in any legal proceeding under this Act shall be good service if made personally on the person to be served, or at his last place of abode, or if made by leaving such summons for him on board any ship to which he may belong, with the person being or appearing to be in command or charge of such ship.

193. In all cases where any Court, Justice, or Justices of the Peace, or other Magistrate, has or have power to make an order directing payment to be made of penalties or other sums of money, then, if the party so directed to pay the same is the master or owner of a ship, and the same is not paid at the time, and in manner prescribed in the order, the Court, Justice or Justices, or other Magistrate, who made the order, may, in addition to any other powers they or he may have for the purpose of compelling payment, direct the amount remaining unpaid to be levied by distress or pounding, and sale of the said ship, her tackle, furniture, and apparel.

194. Any Court, Justice, or Magistrate, imposing any penalty under this Act, for which no specific application is herein provided, may, if it or he think fit, direct the whole or any part thereof, to be applied in compensating any person for any wrong or damage which he may have sustained by the act or default in respect of which such penalty is imposed, or to be applied in or towards payment of the expenses of the proceedings; and subject to such directions or specific application as aforesaid, all penalties recovered under this Act shall go and be distributed, one moiety to the person who shall inform or sue for the same, and the other moiety to Her Majesty, Her Heirs, and Successors, for the public uses of the said Province, and the support of the Government thereof.

195. The
195. The time for instituting summary proceedings under this Act shall be limited as follows, that is to say—

(i.) No conviction for any offence shall be made under this Act, in any summary proceeding, unless such proceeding is commenced within six months after the commission of the offence, or if both or either of the parties to such proceeding happen, during such time, to be out of the said Province, unless the same is commenced within two months after they both first happen to arrive or to be at one time within the same.

(ii.) No order for the payment of money shall be made under this Act, in any summary proceeding, unless such proceeding is commenced within six months after the cause of complaint arises; or if both or either of the parties happen during such time to be out of the said Province, unless the same is commenced within six months after they both first happen to arrive or to be at one time within the same.

And no provision contained in any other Act or Ordinance for limiting the time within which summary proceedings may be instituted, shall affect any summary proceeding under this Act.

196. Any document required by this Act to be executed in the presence of, or to be attested by any witness may be proved by the evidence of any person who is able to bear witness to the requisite facts, without calling the attesting witnesses or any of them.

197. Whenever any injury has, in any part of the world, been caused to any property belonging to Her Majesty, or to any of Her Majesty’s subjects, by any foreign ship, if at any time thereafter such ship is found in any port or river of the said Province, or within three miles of the said coast thereof, it shall be lawful for the Judge of the Vice-Admiralty Court of the said Province, upon its being shown to him, by any person applying summarily, that such injury was probably caused by the misconduct or want of skill of the master or scamen of such ship, to issue an order directed to any officer of Customs, or other officer named by such Judge, requiring him to detain such ship until such time as the owner, master, or consignee thereof hath made satisfaction in respect of such injury, or has given security, to be approved by the Judge, to abide the event of any action, suit, or other legal proceedings that may be instituted in respect of such injury, and to pay all costs and damages that may be awarded therein, and any officer of Customs, or other officer to whom such order is directed, shall detain such ship accordingly.

198. In any case where it appears that before any application can be made under the foregoing section such foreign ship will have departed beyond the limits therein mentioned, it shall be lawful to detain such ship until such time as will allow such application to be made and the result thereof to be communicated to such Judge; and the Marine Board shall not be liable for any costs or damages in respect of
of such detention, unless the same is proved to have been made without reasonable grounds.

199. In any action, suit, or other proceeding in relation to such injury, the person so giving security, as aforesaid, shall be made defendant or defender, and shall be stated to be the owner of the ship that has occasioned such damage, and the production of the order of the Judge, made in relation to such security, shall be conclusive evidence of the liability of such defendant or defender to such action, suit, or other proceeding.
SCHEDULE REFERRED TO.

HARBOR PILOTAGE DUES.

A table of the dues and charges payable to the Marine Board for repairing on board and appointing the place of anchorage of vessels entering Port Adelaide; or for the removal of the same from one place of anchorage or mooring to another. These amounts will include mooring and unmooring, each removal to be paid for separately when the distance a ship is removed exceeds the length of the vessel moved, or when a vessel is moved from the limits of one wharf to another, but in all cases the first removal to be charged whatever distance the vessel may be moved. Vessels registered in the said Province under fifty tons, or while employed in the coasting trade of the said Province excepted.

<table>
<thead>
<tr>
<th>For every vessel under 100 tons</th>
<th>£ s. d.</th>
</tr>
</thead>
<tbody>
<tr>
<td>&quot; above 100 tons and under 200 tons</td>
<td>0 10 0</td>
</tr>
<tr>
<td>&quot; 200 tons &quot; 300 tons</td>
<td>0 15 0</td>
</tr>
<tr>
<td>&quot; 300 tons &quot; 400 tons</td>
<td>1 5 0</td>
</tr>
<tr>
<td>&quot; 400 tons &quot; 500 tons</td>
<td>1 15 0</td>
</tr>
<tr>
<td>&quot; of 500 and upwards</td>
<td>2 5 0</td>
</tr>
</tbody>
</table>

T 3