

the payments so to be made, shall be charged upon and payable out of the Revenues of the said Colony.

and to receive credit in his Accounts for payments made in pursuance thereof.

XI. And be it enacted, That the said Treasurer shall, in his accounts from time to time, be allowed credit for any sum or sums of money paid by him, in pursuance of such Warrant or Order in writing, as aforesaid; and that the receipt or receipts of the respective persons to whom the same shall be so paid, shall be a full and valid discharge to the said Treasurer, in passing his said accounts, for any such sum or sums as shall be therein mentioned; and that he shall and do receive credit for the same accordingly.

ALEX. McLEAY,  
SPEAKER.

*Passed the Legislative Council, this } In the name, and on the behalf,  
twentieth day of December, One thou- } of Her Majesty, I assent to  
sand eight hundred and forty-four. } this Act.*

GEORGE GIPPS,  
GOVERNOR.

WM. MACPHERSON,  
CLERK OF THE COUNCIL.

No. XVI.

An Act to make further provision for payment of Wharfage Rates, and to amend the Laws for the regulation of shipping in certain cases.

Preamble.

WHEREAS by an Act passed by the Governor and Council of New South Wales, in the seventh year of the reign of Her present Majesty, intituled, "*An Act further to amend an Act, intituled, 'An Act for the better preservation of the ports, harbours, havens, roads, steads, channels, navigable creeks and rivers in New South Wales, and the better regulation of shipping in the same'*" it was among other things enacted, that it should and might be lawful to levy the several rates and charges for wharfage on all goods, merchandise, and packages, landed at the Queen's Wharf, in the City of Sydney, in the Colony aforesaid, or at any other public wharf in any port or harbour within the Government of New South Wales, which were inserted, described, and set forth in the schedule to the said recited Act annexed, marked C; provided that goods landed at any private sufferance wharf should be charged with only one-third part of the said rates and charges; and whereas it is expedient to reduce the amount of wharfage rates so to be levied, in respect of goods landed at any public wharf: Be it therefore enacted, by His Excellency the Governor of New South Wales, with the advice and consent of the Legislative Council thereof, That from and after the passing of this Act, the rates and charges which it shall be lawful to levy as wharfage, in respect of any goods, merchandise, or packages, landed at any wharf in any port or harbour within the Government of New South Wales, which shall be declared to be a public wharf, in the manner hereinafter mentioned, shall be two-thirds of the rates set forth in the schedule to the said recited Act annexed, marked C: Provided always, that all goods, merchandise, or packages, landed at any private sufferance wharf, shall continue to be charged with one-third part of the said rates and charges: Provided also, that the charge on the landing of coal or other mineral at any such public wharf, shall be at the rate of six-pence per ton; and at any private sufferance wharf, at the rate of three-pence per ton.

Reduction of wharfage rates on goods landed at public wharves.

Not to affect wharfage rate on goods landed at private sufferance wharves. Proviso as to coal and other minerals.

II. And be it enacted, That from and after the passing of this Act, it shall be lawful to levy a wharfage rate in respect of all goods, merchandise, and packages, laden, whether in ships, vessels, or boats, from any such public wharf as aforesaid, equal to one-half the charges which, by the said recited Act, are authorised to be levied on goods landed at the Queen's Wharf in the City of Sydney : Provided however, that all goods, merchandise, or packages, laden as aforesaid, from any private sufferance wharf, shall be charged with only one-fourth part of the said rates, leviable under the said recited Act, in respect of goods landed at the Queen's Wharf: Provided also, that the charge on the lading of coal, or other minerals, from any public wharf, shall be at the rate of three-pence per ton, and from any private sufferance wharf, at the rate of one penny half-penny per ton.

III. And be it enacted, That from and after the passing of this Act, it shall be lawful to levy a rate of one half-penny per ton of register measurement per diem on all vessels, loading, unloading, or refitting, at any public wharf in the Colony aforesaid : Provided however, that such rate shall not commence to be levied until after the expiration of the respective periods mentioned in the schedule to this Act annexed.

IV. And whereas it is expedient to declare what shall be considered public wharves within the meaning of this Act : Be it therefore enacted, That the following wharves shall be deemed to be public wharves within the meaning of the same, that is to say, the Queen's Wharf, in the City of Sydney ; the Circular Wharf, at the head of Sydney Cove, in the said city ; the Queen's Wharf, at the Town of Melbourne ; and any such other wharf or wharves, as shall be declared by order of the Governor by a notice published in the *New Wales South Government Gazette*, to be a public wharf, or public wharves, within the meaning of this Act.

V. And whereas it is expedient to declare what shall be considered to be sufferance wharves within the meaning of this Act : Be it enacted, That all private wharves for which a sufferance shall have been or shall be granted by the Collector of Customs, with the authority of His Excellency the Governor, or, if within the District of Port Phillip, by the Sub-Collector or other Chief Officer of Customs, resident at Melbourne, with the authority of His Honor the Superintendent of Port Phillip, shall be deemed to be sufferance wharves within the meaning of this Act, until the same shall be annulled under the same authorities respectively.

VI. And whereas a shed has been erected on the Circular Wharf, at the head of Sydney Cove, for the protection of goods landed at, or laden from, the same, and it is expedient to regulate the use of the said shed : Be it therefore enacted, That it shall and may be lawful for the Collector of Customs for the time being, subject to the approval of the Governor for the time being, to make such rules and regulations for the using of the said shed, as to him shall seem meet ; and from time to time, to amend, alter, or repeal the same ; and all such rules and regulations, or such amended, altered, or new rules and regulations, shall take effect from and after the expiration of one month from the date of the publication of the same in the *New South Wales Government Gazette*.

VII. And be it enacted, That it shall be lawful for the Sub-Collector, or other Chief Officer of Customs, at Melbourne, subject to the approval of the Superintendent of Port Phillip, to make such rules and regulations for the using of any shed which has been, or shall be hereafter erected on the Queen's Wharf, at the Town of Melbourne, as to him shall seem meet, and from time to time to amend, alter, or repeal the same, and all such rules and regulations, or such amended, altered, or new rules and regulations, shall take effect from and after the expiration of one month from the date of the publication of the same in the *Port Phillip Government Gazette*.

VIII. And be it enacted, That if any person shall in any case fail or neglect to observe all or any of such rules and regulations as shall or may from time to time be published as aforesaid, or shall do or commit anything

Wharfage rate to be levied on goods laden from any public wharf.

Wharfage rate on goods laden from sufferance wharves.

Proviso as to coals and other minerals.

Rate to be levied on ships lying alongside public wharf.

What shall be deemed to be public wharves.

What shall be deemed to be Sufferance wharves.

Collector of Customs to frame rules for the regulating the use of shed on Circular Wharf.

Sub-Collector to frame rules for use of any shed erected at Melbourne.

Penalty for breach of such rules.

anything contrary to the plain meaning or intent of the same, such person so offending, shall, for every such offence, forfeit and pay a fine of not more than five pounds, to be recovered in a summary way before any one or more Justice or Justices of the Peace.

Recovery of penalties.

Vessels to or from fisheries and vessels in ballast exempt from port dues, except pilotage where services of a pilot have been received.

Vessels trading between Australian Colonies, coasters and vessels under 25 tons exempted from pilotage.

except where services of a pilot have been received,

Vessels entitled to exemption from pilotage to have a white flag flying at main-mast head.

Penalty for neglect to have white flag flying.

Vessels above 25 and under 50 tons not required to take pilots.

But nevertheless to pay half pilotage.

Unless they be steamers or coasters.

Full rate to be paid where services of a pilot have been required and received,

Pilotage in certain cases within the harbour of Port Phillip.

Appropriation of sums collected and of penalties.

IX. And be it enacted, That from and after the passing of this Act, the vessels of all nations outfitting for, or refitting from the fisheries, and all vessels arriving and sailing in ballast, or which may not break bulk, or only to such an extent as may be necessary to provide funds for the repairs, refitting, or refreshment required, shall be wholly exempted from all port charges whatsoever, except only those of pilotage, in cases where the services of a pilot shall have been actually required and received; anything contained in any Act to the contrary notwithstanding.

X. And whereas it is expedient to exempt all ships and vessels, trading between any port of New South Wales and any of the other Australian Colonies or New Zealand, and all vessels under twenty-five tons of register measurement, and all ships and vessels employed in the coasting trade, from the payment of pilotage: Be it therefore enacted, That from and after the passing of this Act, all ships and vessels trading between any port of New South Wales and any of the other Australian Colonies, or New Zealand, and all vessels under twenty-five tons of register measurement, and all ships and vessels employed in the coasting trade, shall be exempt from the payment of pilotage, except in cases where the services of a pilot shall have been actually required and received.

XI. Provided always, and be it enacted, That the master or commander of every ship or vessel, entitled to any reduction or exemption of pilotage under this or the said recited Act, shall on arriving within one league of the entrance of any such port which he shall intend to enter, cause a white flag to be hoisted at the main mast head, and keep the same flying until he shall have entered such port; and the master or commander of any such ship or vessel who shall neglect to have such flag flying as aforesaid, and whose ship or vessel shall be boarded by a licensed pilot in consequence of such neglect, shall be subject to the payment of pilotage rates in respect of such ship or vessel in the same manner as if a pilot had been required and employed by him, any law or regulation to the contrary notwithstanding.

XII. And whereas by schedule B to the said recited Act annexed, vessels arriving in or departing from the harbour of Port Phillip, above thirty and under fifty tons burthen, not being steamers nor engaged in the coasting trade, may decline taking pilots, but must, nevertheless, pay one half of the rates in the said schedule set forth, and it is expedient to place such vessels and also vessels above twenty-five and under thirty tons on the same footing in respect of pilotage as vessels of the same class arriving in or departing from the harbour of Port Jackson: Be it enacted, That all vessels above twenty-five, but under fifty tons of register measurement arriving in or departing from the harbour of Port Phillip shall not be required to take pilots, but though they decline taking them shall be chargeable with pilotage at one half the rates set forth in schedule B to the said Act annexed, unless they be steamers or engaged in the coasting trade, or trade with any other of the Australian Colonies or New Zealand, in which case they shall be wholly exempt from the payment of any pilotage rates as aforesaid: Provided however, that in case the services of a pilot shall be actually required and received, the full amount of pilotage shall be chargeable in respect of any such vessel.

XIII. And whereas it is expedient to make provision for the payment of pilotage in certain cases within the harbour of Port Phillip, in the Colony aforesaid: Be it therefore enacted, That all vessels passing from Hobson's Bay to Geelong, or from Geelong to Hobson's Bay, in case they require and receive the services of a pilot, shall be chargeable with one fourth part only of the rates of pilotage set forth in the schedule to the said recited Act annexed, marked B.

XIV. And be it enacted, That all sums collected under this Act, (excepting pilotage which shall be payable to the licensed pilots employed), shall

shall be paid into the hands of the Collector of Customs, or other Officer of Customs, at the port or place where the same may be payable, and shall be by him paid over to the Public Treasury for the purposes of the General Revenue of the said Colony ; and that all fines and forfeitures recoverable under this Act shall go to the party or parties informing or suing for the same.

ALEX. McLEAY,  
SPEAKER.

*Passed the Legislative Council, this* { *In the name, and on the behalf,*  
*twenty-eighth day of December, one* } *of Her Majesty, I assent to*  
*thousand eight hundred and forty-* } *this Act.*  
*four.*

GEORGE GIPPS,  
GOVERNOR.

WM. MACPHERSON,  
CLERK OF THE COUNCIL.

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*SCHEDULE REFERRED TO.*

Periods during which Vessels lying at any Public wharf are exempt from the payment of Wharfage rate, whether for loading, unloading, or refitting respectively.

If under 100 tons.....	6 days.
" 100 to 200 tons.....	12 days.
" 200 " 300 tons.....	16 days.
" 300 " 400 tons.....	20 days.
" 400 " 500 tons.....	24 days.
Above 500 tons.....	35 days.
excluding Sundays in each case.	