

CHAPTER 18. No. 1.

HARBOURS.

AN ORDINANCE RELATING TO HARBOURS.

Ordinance
Ch.18. No.1-
1940.
No.4-1949.

Commence-
ment.

[7th October, 1880.]

Short title.

1. This Ordinance may be cited as the Harbours Ordinance.

Interpre-
tation.

2. In this Ordinance—

“boatman” means any person employed in navigating or in propelling with oars or otherwise any boat, flat, or other craft;

“licensed boat” means any boat, flat, or other craft licensed under this Ordinance;

“vessel” includes any stage, launch, flat, lighter, moses-boat, passage-boat, bum-boat, gig, jolly-boat, and any other boat or craft.

Application
of Ordinance.

3. (1) This Ordinance, except such parts thereof as are expressly limited to any particular harbour, shall apply to the harbours of Port-of-Spain, San Fernando, and to any other harbour established under this Ordinance.

*Governor
may
proclaim
harbours.

(2) The Governor and Vice-Admiral may, by proclamation, establish any harbour and define the limits thereof, and may alter the name or limits of any harbour, and may declare that any harbour shall from and after a specified day cease to be a harbour.

* The following harbours proclaimed:—Brighton, Proc. No. 11—1897. R.G. 25.2.1897. Scarborough, Proc. No. 34—1900. R.G. 18.10.1900. San Fernando, Proc. No. 53—1921. R.G. 20.10.1921. Port-of-Spain, Proc. G.N. 228—1945.

GENERAL PROVISIONS.

4. (1) The Governor may, with the approval of the Secretary of State, appoint such persons as may seem fit to be Harbour Masters and Assistant Harbour Masters of any harbours.

Power to
appoint
Harbour
Masters.

(2) Every Harbour Master and Assistant Harbour Master appointed under this section shall hold office during His Majesty's pleasure.

(3) The salary of each Harbour Master and Assistant Harbour Master shall be such a yearly sum as the Governor, with the sanction of the Legislative Council, appoints, and shall be paid by equal monthly payments or otherwise as the Governor directs.

(4) The Harbour Master of the harbour of Port-of-Spain shall have all such powers and discharge all such duties as by any Ordinance or other law were vested in or imposed upon the Harbour Master of the Island of Trinidad.

5. All owners and masters of ships entering or being within the waters of the Colony shall be bound to take notice of all regulations for the time being in force under section 418 of the Merchant Shipping Act, 1894, and shall be bound to obey them, and to carry and exhibit no other lights and to use no other fog signals than such as are required by the said regulations; and in case of wilful default, the master or owner of the ship, if it appear that he was in fault, shall, for each occasion upon which such regulations are infringed, be liable to a fine of four hundred and eighty dollars, or to imprisonment for six months.

Regulations
relating to
collisions.
57 & 58 Vict.
c. 60.

6. In case any damage to person or property arises from the non-observance by any ship of any regulation made by or in pursuance of the Merchant Shipping Act, 1894, 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 before which the case is tried that the circumstances of the case made a departure from the regulation necessary.

Breach of
regulations
to imply
wilful default
of person
in charge.

If collision ensues from breach of regulations, ship to be deemed in fault.

7. 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 regulation made by or in pursuance of the Merchant Shipping Act, 1894, the ship by which such regulation has been infringed shall be deemed to be in fault, unless it is shown to the satisfaction of the Court that the circumstances of the case made a departure from the regulation necessary.

Flags of droghers.

8. All vessels having droghers' certificates, when under sail or steam within the waters of the Colony between the hours of sunrise and sunset, shall carry at the mast-head, or if vessels having more than one mast, at the foremast-head, a flag to be prescribed by the Governor, in default whereof the master of the vessel shall be liable to a fine of five dollars for each offence.

Vessels anchoring.

9. Every vessel coming to anchor in any harbour shall take a clear berth in such manner that such vessel when at anchor shall be and swing clear of all other vessels and their cables and moorings, in default whereof the master of such vessel shall be liable to a fine of forty-eight dollars.

Directions as to anchorage.

10. The Harbour Master of any harbour, if he thinks it proper and necessary for the safety of the shipping and convenience of the public, may order the master of any vessel arriving in such harbour to come to anchor at any particular place in the harbour pointed out by such Harbour Master, and may order the master of any vessel which has already come to anchor within the harbour to remove such vessel from the place where she is anchored to some other place pointed out by such Harbour Master, and if the master of any vessel refuses or neglects to obey any such order, he shall, for every such offence, be liable to a fine of forty-eight dollars.

Visit of vessels on arrival.

11. (1) Every Harbour Master shall visit every vessel coming into his harbour from any place out of the Colony before or immediately after she comes to anchor, except where a vessel comes to anchor after sunset, in which case

the Harbour Master shall visit her on the following morning as soon after sunrise as is practicable. A vessel until visited shall keep her ensign flying.

(2) The master or person in charge of any vessel coming into any harbour shall, when hailed by the Harbour Master and required so to do, be bound to heave-to so as to enable the Harbour Master to come on board, under a penalty in case of neglect or refusal of forty-eight dollars.

(3) The powers by this section vested in the Harbour Master may be exercised by an Assistant Harbour Master or any person acting under the authority of one of them.

12. (1) Immediately after any vessel has been visited, the Harbour Master shall make in a book to be kept by him for that purpose an entry specifying the country, description, name, and tonnage of the vessel, the name and description of the master, and the number, description, and names of the passengers on board, and also a description of the cargo in general terms; and for the purpose of making such entry he may order the master or person in charge of the vessel to give him such information as he requires, and to answer such questions as he puts, and to sign his name to such entry; and if such master or person in charge refuses, or without reasonable cause omits, to comply with any such order, or gives any false information, or answers untruly to any questions put to him under this section, he shall be liable to a fine of ninety-six dollars.

Particulars
to be
entered by
Harbour
Master on
visiting
vessel.

(2) The Harbour Master shall, without delay, make a return to the Governor specifying the particulars of the entry made by him, which return shall be in such form as the Governor from time to time directs.

13. (1) In the case of any vessel arriving in the waters of the Colony, no person, except officers of Customs or the visiting officer acting under the Quarantine Ordinance or the pilot or pilot's assistant, shall, before such vessel has been boarded by a Harbour Master or Assistant Harbour Master or some person acting under the authority of one of them, do, without the written permission of a Harbour Master or such visiting officer as aforesaid, any of the following things, that is to say—go on board such vessel,

Going on
board or
communica-
ting before
Harbour
Master's
visit.

or by any rope or boat-hook or in any other way communicate with her, or receive any letters, papers, or packages from her.

(2) All boats shall lie away from her and at such a distance as not to interfere with the free passage of the Harbour Master's boat.

(3) Any person contravening this section, and any boatman or other person having charge of a boat contravening this section, shall be liable to a fine of twenty-four dollars, and any such boat may be seized and detained as a security for the payment of such fine.

Landing
before
Harbour
Master's
visit.

14. Any person who lands from or leaves any vessel arriving in the waters of the Colony before she has been visited by a Harbour Master or Assistant Harbour Master, or some person acting under the authority of one of them, shall be liable to a fine of twenty-four dollars, and the master or person in charge of such vessel shall be liable to a fine of forty-eight dollars for every person who so lands from or leaves the vessel.

Vessel in
harbour
more than
three days.

15. The master or person in charge of any vessel which remains in any harbour for more than three days shall cause the jib-boom of such vessel to be rigged in, and in case he fails to do so shall be liable to a fine of twenty-four dollars, and shall also be liable to make good any damage that may be caused to any other vessel by reason of such default.

Buoys over
anchors.

16. The master or person in charge of any vessel shall keep a buoy constantly fixed to every anchor which the vessel lets go, so as to show the position of the anchor. In case of any contravention of this section, the master or person in charge of the vessel shall be liable to a fine of twenty-four dollars, and such fine shall also be charged upon the vessel.

Regulation
as to flats,
etc.,
serving a
vessel.

17. Flats, lighters, rafts, stages, and boats belonging to or used in the service of any vessel in any harbour, whether in delivering or taking away goods or passengers or otherwise, shall not be moored under the stern, but alongside

such vessel, and not at a greater distance than forty feet therefrom. In case of any contravention of this section, the master or person in charge of the vessel, and also any other person by whom or by whose order the same may have been contravened, shall be liable to a fine of forty-eight dollars.

18. (1) No launch, flat, lighter, drogher, boat or other craft shall be stationed or remain in such a position as to impede any ship in its approach to or departure from any pier, landing place or wharf. In case of contravention of the provisions of this subsection the person in charge of such offending craft or vessel shall be liable to a fine of forty-eight dollars.

Impeding
access to
wharves or
landing
places.
Ord. 4-1949,
s. 2.

(2) The Harbour Master of any harbour, in any case in which he considers that a vessel is stationed or remaining in such a situation as to contravene this section, may order the master or person in charge of the vessel to remove the same so as to conform to this section. If any master or person in charge of a vessel refuses or neglects to obey such order forthwith, he shall be liable to a fine of forty-eight dollars.

19. No vessel shall be made fast to any public buoy in any harbour. The master of any vessel contravening this section shall be liable to a fine of forty-eight dollars, and also liable to pay, in respect of any damage caused to the buoy, such sum as a Magistrate may award, to be recovered, applied, and accounted for in the same manner as a fine. Such fine and sum shall also be charged upon the vessel.

Protection
of buoys.

20. No person shall, in the waters of any harbour, except on a boat or floating stage, no part of which boat or stage is within twenty-five feet of any vessel, or on a wharf, boil or heat by fire any pitch, tar, oil, resin, or other inflammable matter. Any person acting in contravention of this section, and also the master or person in charge of any vessel on which, and the person in charge of any boat or floating stage on which, any such contravention takes place shall be liable to a fine of ninety-six dollars.

Heating
inflammable
matter in
harbour.

Throwing
ballast, etc.,
in shallow
water.

21. Every person who throws any ballast or any stones, sand, gravel, dirt, or rubbish into the Gulf of Paria, at any place where there is less depth of water than ten fathoms, shall be liable to a fine of two hundred and forty dollars for every such offence; and in case such ballast, stones, sand, gravel, dirt, or rubbish are thrown from any vessel, the master or person in charge of such vessel shall, in addition to the person actually throwing the same, be liable to the same fine, which shall also be charged upon the vessel.

Removal of
wreck.

22. The Harbour Master of any harbour may cause any vessel or part of a vessel, sunk or aground in such harbour, to be removed, and may cause the same, with all the tackle, apparel and furniture thereof, and all merchandise, goods, and articles found on board, or such part as is preserved, to be sold by public auction, and, after deducting all the expenses of removal and sale, shall pay the balance, if any, to the Accountant General, for the use of the owner if claimed within the period of twelve months from the sale, and if not claimed within such period for the use of the Colony; and if the expenses of removal and sale exceed the proceeds of sale, the Harbour Master may, by an action at law, recover them from the owner or any part owner of the vessel:

Provided that where the owner or a part-owner, or the agent of such owner or part-owner, of any vessel or part of a vessel sunk or aground as aforesaid, is resident in the Colony, and can with reasonable diligence be found, the Harbour Master shall not remove such vessel under the powers of this section unless he has given such owner, part-owner, or agent, or left at his usual or last known place of abode or business, a notice in writing requiring him to remove the same, and allowing for that purpose such time as the Harbour Master thinks reasonable.

Hauling up
vessel.

23. (1) No person shall haul up or place for repair or otherwise any vessel on any public wharf, jetty, or slip in any harbour without the permission of the Harbour Master.

(2) Any person contravening this section shall be liable to a fine of ten dollars for every such offence, and every vessel in respect of which this section is contravened shall be charged with the payment of such fine, and may be

seized and removed by the Harbour Master or any person acting under his authority.

24. No sand, shingle, ballast, stones, gravel, coals, bricks, tiles, or loose earth shall be deposited so as to be within ten feet of the edge of any wharf. The owner of anything in respect of which any contravention of this section takes place shall be liable to a fine of five dollars for every day during which such contravention continues, and every such thing shall, from day to day as such fines accrue, be charged with the payment thereof. Encumbering wharves.

25. No person shall, in any harbour, make fast or cause to be made fast any vessel, except gigs, bum-boats, jolly-boats, or other such like small boats, in such manner that such vessel lies alongside or close to any wharf or jetty, except during such time as such vessel is actually taking in or discharging cargo. Any person contravening this section shall be liable, for every such offence, to a fine of ten dollars, which shall be charged upon the vessel. Making fast to wharves.

26. The owner or other person in charge of any vessel in any harbour shall keep the same at all times free and clear from stagnant water, and if any owner or person in charge of any vessel refuses or neglects, within the space of twenty-four hours after having been duly notified to that effect by the Harbour Master or Assistant Harbour Master, to clear out the stagnant water therefrom, he shall be liable to a fine of ten dollars; and if such fine is not forthwith paid, or if any vessel is found by the Harbour Master or Assistant Harbour Master having stagnant water therein, and such Harbour Master is unable to find the owner or person in charge thereof, it shall be lawful for the Harbour Master to seize such vessel, which shall thereupon be charged with the payment of the said fine. Clearing out stagnant water.

27. No vessel shall receive a clearance from the Comptroller of Customs and Excise or any other officer of Customs except upon the production of a certificate from a Harbour Master certifying that all things required by this Ordinance, or by any Act of Parliament relating to merchant shipping, to be complied with previous to the departure of such vessel have been complied with. Restriction on clearance at Customs.

Power to stop vessel departing without clearance.

28. Where the Harbour Master or Assistant Harbour Master has reasonable grounds to believe that any vessel is about to depart contrary to a direction given by the Harbour Master under this Ordinance, or without being duly cleared by the Comptroller of Customs and Excise or other proper officer of Customs, such Harbour Master or Assistant Harbour Master may stop and detain such vessel, and for this purpose may use the assistance of any other persons as he thinks fit, and if necessary may use force.

Penalty for clearing without certificate.

29. If the master of any vessel shall depart or sail from any port in the Colony, or if the agent of any vessel shall clear or cause any such vessel to be cleared, without a certificate from a Harbour Master certifying that all things required to be complied with by—

(a) this Ordinance,

(b) any Act of Parliament relating to merchant shipping,

(c) the Immigration (Restriction) Ordinance,

have been respectively complied with, every such master or agent shall be liable to a fine of forty-eight dollars.

LICENSING OF BOATS AND BOATMEN.

Licences to boats.

30. The Harbour Master of any harbour may, upon the application of the owner of any boat, flat, or other craft, and upon being satisfied as to the safety and fitness of such boat, flat, or other craft, and upon proof to his satisfaction by statutory declaration or otherwise that the applicant is the owner, and upon payment of the fees specified in this Ordinance, grant a licence in respect of such boat, flat, or other craft, which licence shall be dated, and may be in the form following, that is to say:—

TRINIDAD AND TOBAGO.

Harbour of
Boat Licence, No.

A.B. is hereby licensed as the owner of a boat plying for hire in this harbour.

This licence commences on the day of , 19 ,
and expires on

Harbour Master.

Such Harbour Master shall number every such licence with a distinct and particular number, and shall keep a register of all such licences.

31. The Harbour Master of any harbour may, on the application of anyone whom he considers a proper person, and upon payment of the fees specified in this Ordinance, grant to such person a licence to ply as a boatman in such harbour, which licence shall be dated, and may be in the form following, that is to say:—

Licences to unattached boatmen.

TRINIDAD AND TOBAGO.

Harbour of .

Boatman's Licence, No.

A.B. is hereby licensed to ply as boatman in this harbour.

This licence commences on the day of , 19 ,
and expires on

Harbour Master.

Such Harbour Master shall number every such licence with a distinct and particular number, and shall keep a register of all such licences, and shall deliver to every boatman a badge to be constantly worn by such boatman when employed or plying. The badge shall be of such form and materials, and be worn in such manner, as is from time to time directed by the Harbour Master.

32. Every licence under this Ordinance to a boat, flat, or other craft, or to a boatman, shall commence on some day not later than one month from the date thereof, and shall continue in force until the 1st of January next after such commencement, or until such earlier day as the Harbour Master granting the same thinks fit.

Duration of licence.

33. Every Harbour Master shall keep a register, in which he shall enter the name and place of residence of the owner of every licensed boat and of all licensed boatmen, and the dates when such licences were granted. The register may be inspected by any person between the hours of eight o'clock in the morning and four o'clock in the afternoon on payment of the fee of twenty-four cents.

Register of licensed boats.

Licence fees
for boats and
boatmen.
Schedule.

34. (1) The fees set out in the Schedule hereto shall be payable in respect of boatmen and boats licensed under the provisions of this Ordinance. Such fees shall be paid to the Harbour Master issuing the licence. The fees paid to the Harbour Master of San Fernando shall, subject to the provisions of section 66, be for the use of the San Fernando Borough Council; the fees payable in all other cases shall be deposited to the general revenue of the Colony.

(2) The Legislative Council may from time to time by resolution increase, reduce, or abolish, the fees set out in the Schedule hereto.

Penalty on plying
without a
licence.

35. Every person who, within the limits of any harbour and without having a licence in force under this Ordinance, keeps any boat for the purpose of carrying passengers for hire, or plies as a boatman, shall be liable, in the case of a first offence, to a fine of ten dollars, and in the case of any subsequent offence, to a fine of forty-eight dollars.

Penalty on
not wearing
badge.

36. Every person plying as a boatman in any harbour and not wearing the badge given to him by the Harbour Master pursuant to this Ordinance shall be liable to a fine of ten dollars.

Penalty on
transfer of
boatman's
badge.

37. Any boatman to whom any badge is delivered pursuant to this Ordinance who transfers such badge to any other person, or allows the same to be worn by any other person, and any person who wears any such badge not being the person to whom the same was delivered pursuant to this Ordinance, shall be liable to a fine of ten dollars.

Return of
badges at
expiration of
licence.

38. Every person to whom any boatman's badge is delivered shall be bound, at the expiration of the term of the licence granted to such person, to return such badge to the Harbour Master; and if any such badge is not so returned within forty-eight hours after such term has expired, the person to whom the same was delivered shall be liable to a fine of twenty-four dollars, and any person found using or wearing any such badge after the expiration of the term of the licence shall be liable to a fine of twenty-four dollars.

39. Where any licensed boat is, without the consent of the Harbour Master, left without any licensed boatman remaining therein, the owner of such boat shall be liable to a fine of five dollars.

Leaving boat unattended.

40. (1) If any person uses any licensed boat without the consent of the licensed owner of the boat, he shall be liable for each offence to a fine of ten dollars.

Unlawful user of licensed boat.

Provided that a person shall not be convicted under this section if he proves either—

(a) that he had reasonable cause to believe and did in fact believe in good faith that the owner of the licensed boat would, had he been present, have consented to the licensed boat being used in the manner in which it was used; or

(b) that he had reasonable cause to believe and did in fact believe in good faith that he had a right to use the licensed boat.

(2) If any person is convicted under this section, the Harbour Master may, if he thinks fit, either in addition to or without inflicting any punishment, order that the person convicted do pay to the owner of the licensed boat either or both of the following sums, namely,—

(a) such sum as, in the opinion of the Harbour Master, would have been charged if the licensed boat had been hired by the person convicted;

(b) such sum as, in the opinion of the Harbour Master, represents fair compensation for any damage done to the licensed boat.

41. Every licensed boat shall, when employed or plying for passengers, be manned by two licensed boatmen. In case of any contravention of this section, the owner of the boat and every boatman employed therein or plying therewith shall be liable to a fine of ten dollars.

Crew of boats.

42. Where it appears to any Harbour Master that any licensed boat is out of repair or unseaworthy, or otherwise unsafe, such Harbour Master may cause a notice in writing to be served on the owner or person in charge of the boat

Withdraw-
ing boat's
licence.

that the licence thereof is cancelled, and thereupon such licence shall become void. Any person using or employed in or plying with any boat the licence of which is cancelled, shall be deemed to be using or employed in or plying with an unlicensed boat, and shall be punishable accordingly.

Equipment
of boats.

43. Every licensed boat shall have the number of its licence, and the name of the owner thereof, and a table of the fares authorised to be taken under this Ordinance, painted thereon or affixed thereto in conspicuous characters, and so as to be easily read by a passenger; and when employed or plying, shall be furnished with four good oars and also with a rudder, tiller, and spare thole-pins of hardwood or iron, and a bucket or other utensil proper for bailing. In case of any contravention of this section, the owner of the boat shall be liable to a fine of ten dollars.

Fares and
regulations.

44. (1) The Harbour Master of each harbour shall prescribe a table of fares to be taken in respect of licensed boats hired in the harbour, but such table shall have no force unless and until it is approved by the Governor.

(2) The Harbour Master of each harbour may from time to time make regulations for maintaining order in reference to boats, boatmen, porters, and persons exercising the calling of porters in or near the harbour. Such regulations shall have no force unless and until they are approved by the Governor. Any person contravening any such regulation shall be liable to a fine of twenty-four dollars. Any member of the Police Force may take into custody any person whom he finds contravening any such regulation, and detain such person until he can be brought before the Harbour Master or a Magistrate.

Disputes
between
boat owners
and boat-
men.

(3) The Harbour Master shall have jurisdiction to settle all disputes between the owner of a licensed boat and any licensed boatman as to the accounting for or division of any fare received in respect of the user or hire of the licensed boat where the amount in dispute does not exceed nine dollars and sixty cents, and for that purpose to order the payment of such sum not exceeding that amount as in the opinion of the Harbour Master shall be due from either party to the other.

45. The following persons shall be guilty of offences against this section:—

Offences by
boatmen.

(a) any boatman who demands or takes from any person more than the prescribed fare;

(b) any boatman who, between the hours of six o'clock in the morning and six o'clock in the evening of any day except Sunday, wilfully refuses or avoids, or attempts to avoid, any fare or passenger, or who, on any day except Sunday, without reasonable cause, refuses or neglects to ply, or who untruly represents that he is hired or engaged, or who does not answer when called by the number of his boat;

(c) any boatman who plies any fare or passenger, and afterwards refuses to take such fare or passenger to such place as he directs, or unnecessarily delays any fare or passenger by not bringing up his boat for the fare or passenger to get into the same, or who continues at any quay, wharf, or landing place after the fare or passenger is in his boat, or does not proceed with due diligence and exertion, and without any wilful hindrance or delay, to such place as the said fare or passenger directs;

(d) any boatman who in any manner hinders or prevents, or attempts to hinder or prevent, any person from reading the name, number, or table of fares painted on or affixed to any licensed boat, or who refuses to tell his christian name or surname, or the number of his boat, or the number of his licence, to any person who, on paying any fare or sum demanded as fare, requires the same; and any boatman who uses any indecent, scurrilous, or abusive language to any passenger or person desirous of hiring a boat, or who wilfully obstructs or hinders any person desirous of approaching any boat or boatman.

Every person guilty of any offence under this section shall be liable to a fine of twenty-four dollars.

46. If any person having employed any licensed boat neglects or refuses to pay the fare lawfully demanded of him, it shall be lawful for the Harbour Master or any Magistrate, on complaint made before him, to cause such

Enforcing
payment of
boat fares.

person to be summoned before him, at some reasonable time to be named in the summons, to show cause why he should not pay the fare demanded of him, and such Harbour Master or Magistrate shall hear and determine such complaint, and may for such purpose summon and examine any witness, and if it be made to appear that the fare demanded is the proper fare and ought to have been paid by such person, such Harbour Master or Magistrate shall order such person to pay to the boatman the said fare and the costs of the proceedings, and also if he thinks fit such further sum, not exceeding four dollars and eighty cents as he thinks ought reasonably to be paid to the boatman for his loss of time; and in case such person does not forthwith pay to the boatman such fare, costs, and sum of money, it shall be lawful for the Harbour Master or Magistrate to commit such person to prison, there to be kept in custody for such period not exceeding fifteen days as such Harbour Master or Magistrate deems fit, unless such fare, costs, and sum of money, the total amount whereof shall be stated in the warrant of commitment, be sooner paid.

Making fast
unattended
boat.

47. No licensed boat shall, in any harbour, be made fast to any wharf or jetty whatsoever unless the boatmen belonging to such boat are actually in attendance, and if any boat is made fast contrary to this section the same may be seized and detained by the Harbour Master or any person acting under his orders and made fast in any place that the Harbour Master directs, and detained until the sum of one dollar and twenty cents in respect of the expenses of the removal, seizure, and detention are paid; and if such sum is not paid within twenty-four hours after such seizure, a further daily sum of sixty cents shall be payable for every day or part of a day after the expiration of the first twenty-four hours until the total sum payable amounts to four dollars and eighty cents, when no further daily sum shall be payable, but the boat shall be charged with the payment of the said sum of four dollars and eighty cents and may be dealt with accordingly.

Places where
boats may
be made
fast.

48. In no case shall a licensed boat be made fast, moored, or placed, except in such place or places as the Harbour

Master appoints, and any boatman who refuses or wilfully neglects to obey any order of the Harbour Master respecting the making fast, mooring, placing, or removing of his boat, shall be liable to a fine of ten dollars.

SALE OF VESSELS.

49. Where any vessel or other property is under this Ordinance charged with the payment of any sum of money, the same may be seized and detained by any Harbour Master or person authorised by him, and such Harbour Master may, at any time after the expiration of six days from the day of such seizure, if the amount of money charged upon the same and the expenses of and incident to the seizure and detention remain unpaid, sell such vessel or property by public auction subject to any reserved bid, stipulations, or conditions which he thinks proper, with power from time to time to buy in or adjourn the sale; and out of the moneys arising from any such sale he shall in the first place pay all the expenses of and incident to the seizure, detention, and sale, and in the next place deduct the sum of money with which the vessel or other property sold was charged and pay the same into the Treasury for the use of the Colony, and pay the balance into the Treasury upon trust for the person or persons entitled to the property sold according to their respective rights and interests, provided that a claim by such person or persons be made and established to the satisfaction of the Accountant General within the period of three months from such payment in, after the expiration of which period the sum paid in or any unapplied balance thereof shall be carried to the account of the general revenue of the Colony.

Mode of
realising
securities on
vessels.

OFFENCES AND PROCEDURE.

50. (1) All offences which, under the Merchant Shipping Act, 1894, are punishable summarily in the Colony may be heard and determined by any Magistrate, and the provisions of the Summary Courts Ordinance shall apply to such offences.

Offences by
seamen.

(2) The power vested by subsection (4) of section 223 of the said Act in any Justice may be exercised by any Justice in the Colony.

Harbour to
be part of
the Colony.

51. For the purpose of giving jurisdiction to all courts, and to all Judges, Magistrates, and Justices, every harbour shall be deemed to be part of the Colony; and all complaints in respect of any offences committed in any harbour which are punishable on summary conviction shall be heard and determined by a Magistrate.

Offences.

52. Every act or default in respect of which any penalty is imposed by this Ordinance, or any sum of money is made recoverable as a penalty, shall be an offence against this Ordinance.

Procedure
and recovery
of penalties.

53. (1) All offences under this Ordinance may be prosecuted, and all penalties incurred may be imposed or recovered, in the manner provided by the Summary Courts Ordinance.

(2) The jurisdiction to settle disputes conferred on the Harbour Master, may be exercised in the manner provided by the Summary Courts Ordinance.

(3) Offences for which the fine or penalty does not exceed twenty-four dollars may be dealt with by the Harbour Master, who for that purpose, and for the purposes of his jurisdiction to settle disputes between boat owners and boatmen, shall have all the powers and privileges of a Magistrate.

ADMIRALTY JURISDICTION OF HARBOUR MASTER.

Jurisdiction
of Harbour
Master in
cases of
collision.

54. (1) The Harbour Master of every harbour shall have Admiralty jurisdiction in all causes of damage by collision where the amount claimed does not exceed one hundred and ninety-two dollars and the collision took place within his harbour.

(2) All such causes may be heard and determined in a summary way, and, if the Harbour Master sees fit, without issuing any summons or other process *in personam* or *in rem*, so always that the statement of the party complaining be taken on oath, and that the Harbour Master before making any final order gives to the parties interested in the vessel complained of an opportunity of answering the

complaint, and the Harbour Master may, if he sees fit, and shall, if required by any party, take evidence on oath.

55. A cause book shall be kept by every Harbour Master in which causes brought before him in his Admiralty jurisdiction shall be entered, and such causes shall be numbered consecutively in each year according to the order in which the same are commenced; and the date of the complaint being laid, the names of the party complaining and of the ship or party complained against, the nature of the complaint, the names of the witnesses, and the mode in which the cause is disposed of, and such other particulars (if any) as are directed by general rules under this Ordinance, shall be entered in such cause book.

Harbour
Master's
Admiralty
cause book.

56. A Harbour Master in exercising Admiralty jurisdiction under this Ordinance may, if he thinks fit, summon to his assistance an assessor or two assessors, but he shall not be bound to decide according to their opinion. Every assessor under this section shall be a ship master or ship carpenter.

Assessors in
Admiralty
causes.

57. The Harbour Master of the harbour of Port-of-Spain may make general rules regulating the practice and procedure in Admiralty causes under this Ordinance, the fees to be paid, and the costs to be allowed, and the remuneration to be given to assessors; but no general rule under this section shall have any effect unless and until it is approved by a Judge of the Supreme Court, and moreover any such rule imposing fees or regulating the disposal of any fees shall not have any effect unless and until it is approved by the Governor.

General rules
in Admiralty
causes.

58. (1) Notwithstanding anything in this Ordinance, but subject to any general orders made under this section, a Judge of the Supreme Court, in the exercise of its jurisdiction as a Colonial Court of Admiralty under the provisions of the Colonial Courts of Admiralty Act, 1890, may, at any stage of an Admiralty cause instituted before a Harbour Master, order the same to be transferred to the Supreme Court.

Transfer of
causes from
Harbour
Master to
Supreme
Court.

53 & 54 Vic.
c. 27.

(2) The Chief Justice, with the concurrence of a Puisne Judge, may make general orders regulating the

Procedure.

procedure and practice in reference to transfers under this section.

Publication of orders.

(3) All such general orders made under this Ordinance shall be published in the *Royal Gazette*.

Power of Harbour Master to enforce orders.

59. Every Harbour Master shall, for the purpose of enforcing any judgment or order, have such powers of detaining and selling vessels and such other powers as are, at the time of the giving of such judgment or the making of such order, vested in the Supreme Court as a Colonial Court of Admiralty.

Power to administer oaths.

60. Every Harbour Master shall, in all Admiralty causes and in all other judicial proceedings before him, have power to administer an oath.

Jurisdiction of Harbour Master.

61. Every Harbour Master, as to all matters happening within his harbour and for the purpose of taking any statutory declaration, shall have all the powers and jurisdiction which, by any Act of Parliament, Ordinance, or other law, are vested in any Magistrate or Justice, and be entitled to the same protection, privileges, and immunities as a Magistrate or Justice, and such powers and jurisdiction may be exercised by the Harbour Master in any place in the Colony, whether within the limits of his harbour or not.

INQUESTS.

Inquests as to deaths in harbours.

62. For the purposes of any Ordinance relating to Coroners, every harbour shall be deemed to be in the district of such duly qualified medical practitioner as the Governor appoints to be District Medical Officer thereof, and the Harbour Master shall, as to all matters happening in his harbour, have all the powers and jurisdiction and discharge all the duties of a Coroner.

MISCELLANEOUS.

Regulations.

63. (1) The Governor and Vice-Admiral may make regulations respecting—

(a) the use of the piers, wharves, and jetties in any harbour;

(b) the places in any harbour where the making fast of vessels or the landing of passengers or goods is prohibited or allowed only subject to restrictions specified in such regulations;

(c) the forms to be used in respect of the arrivals and departures of vessels;

(d) the colours to be shown by any vessel which, after having been boarded in any harbour, arrives in another harbour;

(e) the place and manner in which the particulars required by this Ordinance, and any other particulars which he may direct, shall be painted or otherwise shown on licensed boats, and the times at and the circumstances under which they are to be repainted or otherwise renewed;

(f) the carrying of lights by vessels, and the doing of all such other things as the Governor and Vice-Admiral may deem necessary for better ensuring the safety of persons and vessels within all harbours;

(g) such other things as are by this Ordinance required to be prescribed by the Governor and Vice-Admiral; and

(h) generally for the purpose of enforcing the provisions of this Ordinance.

(2) Any such regulations may impose penalties in respect of any breach thereof, whether by act or default, so that such penalties do not exceed twenty-four dollars for any one breach, and may direct that any vessel or boat, or any goods in respect whereof any such breach takes place, be charged with the payment of such penalty. Such regulations shall have the same effect and may be enforced in the same manner as if they were contained in this Ordinance.

64. All general rules as to the Admiralty jurisdiction of any Harbour Master, and all regulations by the Governor and Vice-Admiral or by a Harbour Master made under this Ordinance, shall be published in the *Royal Gazette*.

Publication
of regula-
tions.

65. Every Harbour Master shall cause a table of boat fares and a printed copy of this Ordinance to be hung up

Publication
of Ordinance
and table of
fares.

in his office in some conspicuous place. He shall also supply to any person copies of the said table of fares and of this Ordinance on payment of the sums following, that is to say:—

For every table of fares	Twenty-four cents.
For every copy of this Ordinance ...	Forty-eight cents.

SAN FERNANDO HARBOUR.

(The two next following sections shall be applicable to the harbour of San Fernando only.)

Application
of licence
fees.

66. The Harbour Master shall, before the end of the months of January and July, make a return to the San Fernando Borough Council of all licences granted by him, whether in respect of boats or boatmen in the harbour of San Fernando, during the half-year ending on the last day of the preceding month, and of the names of all persons to whom he granted such licences, and of the amount of the fees for such licences; and, after deducting the cost of badges and all other expenses incident to the granting of such licences, shall hold the balance of such amount in trust to pay the same over to the Town Clerk and Treasurer of San Fernando for the use of the said Borough Council: Provided that the Harbour Master shall be allowed all expenses actually and in good faith paid or incurred by him, and shall not be liable for any loss unless the same happened by his wilful act or default.

Application
of penalties.

67. Every penalty recovered under this Ordinance in respect of anything done or omitted in the harbour of San Fernando, after deducting all costs of suing for and recovering the same, shall be paid as follows: that is to say, one moiety to the Town Clerk and Treasurer of San Fernando for the use of the San Fernando Borough Council, and the other moiety to the Accountant General for the use of the Colony: Provided always, that the Governor may remit the whole or any part of any such penalty or of any imprisonment in default of payment thereof.

SCHEDULE.

(Section 34.)

Fees payable for licensed Boatmen and Boats.

BOATMEN:		\$
For every licensed boatman	0.60
BOATS:		
For each licensed boat designed to carry not more than 10 passengers	1.20
More than 10 but not more than 15 passengers	1.80
„ 15 „ „ 20 „	3.60
„ 20 „ „ 40 „	7.20
„ 40 passengers	9.00

