

THE HARBOURS ORDINANCE, 1880.

ARRANGEMENT OF CLAUSES.

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No. 13.—1880.

1st October.

AN ORDINANCE for the Regulation of Harbours and
for other purposes.

(L. S.) WILLIAM A. G. YOUNG.

7th October, 1880.

WHEREAS it is expedient to amend the law as to
the regulation of harbours, and at the same time
to make certain provisions applicable to the waters of
the Colony generally: Be it therefore enacted by His
Excellency the Governor, by and with the advice and
consent of the Legislative Council, as follows:—

Preliminary.

1. This Ordinance may be cited for all purposes as Short title.
“The Harbours Ordinance, 1880.”

2. In this Ordinance,

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

Interpreta-
tion.

The term “boatman” means any person employed in
navigating or in propelling with oars or other-
wise any boat, flat or other craft; and

The term “prescribed” means prescribed by the
authority specified in this Ordinance, or where
no authority is specified by regulations made by
the Governor.

3. This Ordinance shall not come into operation until
a day to be appointed by the Governor by proclamation,
which day is in this Ordinance referred to as the com-
mencement of this Ordinance: Provided that at any
time after the passing of this Ordinance any proclama-
tion may be issued and any rules and regulations may
be made and approved, and any act or thing necessary
or proper for bringing this Ordinance into operation at
the commencement thereof may be done so that such
proclamation, rules, regulations, act or thing take effect
only upon the said commencement.

Commence-
ment.

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Application of Ordinance. 4. This Ordinance, except such parts thereof as are expressly limited to any particular harbour, shall apply to—

1. The harbour of Port of Spain,
2. The harbour of San Fernando, and
3. Any other harbour established under this Ordinance.

The Governor and Vice-Admiral by proclamation may define the limits of the harbours of Port of Spain and San Fernando, and may establish any other 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.

General Provisions.

Power to
appoint
Harbour
Masters.

5. Her Majesty may appoint such persons as to Her Majesty seem fit to be harbour masters and assistant harbour masters of any harbours.

Every harbour master and assistant harbour master appointed under this section shall hold office during Her Majesty's pleasure.

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, but a proportionate part thereof shall accrue due from day to day.

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 are vested in or imposed upon the harbour master of the Island.

Owners and
masters to
obey
regulations.

6. All owners and masters of ships entering or being within the waters of this Colony shall be bound to take notice of all regulations for the time being in force under Section 25 of the Merchant Shipping Act Amendment Act, 1862 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 deemed to be guilty of a misdemeanour.

7. In case any damage to person or property arises from the non-observation by any ship of any regulation made by or in pursuance of the Merchant Shipping Act Amendment Act, 1862, 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.

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

8. 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 Amendment Act, 1862, 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.

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

9. 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 penalty not exceeding one pound for each offence.

Flags of droghers.

10. 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 penalty not exceeding ten pounds.

Vessels anchoring.

11. 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

Power to give directions as to anchorage.



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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 penalty not exceeding ten pounds.

Visit of
vessels on
arrival.

12. 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.

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 not exceeding ten pounds.

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.

Particulars to
be entered by
harbour
master on
visiting
vessel.

13. 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 names 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 penalty not exceeding twenty pounds.

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.

14. In the case of any vessel arriving in the waters of this Colony, no person except officers of Customs or the visiting officer acting under the Quarantine Ordinance, 1871, 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, or by any rope or boat-hook or in any other way communicate with her, or receive any letters, papers, or packages from her. 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.

Going on board or communicating before Harbour Master's visit.

Any person contravening this section and any boatman or other person having charge of a boat contravening this section shall be liable to a penalty not exceeding five pounds, and any such boat may be seized and detained as a security for the payment of such penalty.

15. Any person who lands from or leaves any vessel arriving in the waters of this 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 penalty not exceeding five pounds, and the master or person in charge of such vessel shall be liable to a penalty of ten pounds for every person who so lands from or leaves the vessel.

Landing before Harbour Master's visit.

16. 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 penalty not exceeding five pounds, and shall also be liable to make good any damage that may be caused to any other vessel by reason of such default.

Vessel in harbour more than three days.

17. The master or person in charge of any vessel shall keep a buoy constantly fixed to every anchor

Buoys over anchors.

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 penalty not exceeding five pounds, and such penalty shall also be charged upon the vessel.

Regulation as to flats, &c., serving a vessel.

18. 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 penalty not exceeding ten pounds.

Impeding access to wharves, &c.

19. No launch, flat, lighter, drogher, boat, or other craft or vessel, shall be stationed or remain in such a situation as to impede the passage to any landing place or wharf.

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 provision, may order the master or person in charge of the vessel to remove the same so as to conform to this provision. If any master or person in charge of a vessel refuses or neglects to obey such order forthwith he shall be liable to a penalty not exceeding ten pounds.

For the protection of buoys.

20. 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 penalty not exceeding ten pounds, and also liable to pay in respect of any damage caused to the buoy such sum as a Stipendiary Justice may award, to be recovered, applied, and accounted for in the same manner as a penalty. Such penalty and sum shall also be charged upon the vessel.

Heating inflammable matter in harbour.

21. 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 penalty not exceeding twenty pounds.

22. 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 penalty not exceeding fifty pounds 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 penalty, which shall also be charged upon the vessel.

Prohibition of throwing ballast, &c., in shallow water.

23. 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 Receiver-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 Her Majesty the Queen for the purposes of this 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 this 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.

Removal of wreck.

24. No person shall haul up or place for repair or otherwise any vessel on any public wharf, jetty, or slip,

Hauling up vessel.

in any harbour without the permission of the harbour master.

In case of contravention of this section the person contravening the same shall be liable to a penalty of two pounds for every such offence, and every vessel in respect of which this section is contravened shall be charged with the payment of such penalty, and may be seized and removed by the harbour master or any person acting under his authority.

Incumbering
wharves.

25. 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 penalty of one pound for every day during which such contravention continues, and every such thing shall from day to day as such penalties accrue be charged with the payment thereof.

Making
vessels fast to
wharves.

26. 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. In case of any contravention of this section every person contravening the same shall be liable for every such offence to a penalty of two pounds, which shall also be charged upon the vessel.

Clearing out
stagnant
water.

27. 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 penalty of two pounds: And if such penalty 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 har-

harbour master to seize such vessel which shall thereupon be charged with the payment of the said penalty.

28. No vessel shall receive a clearance from the collector of customs 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.

29. 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 collector of customs 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.

Power to stop vessel departing without clearance.

30. Any harbour master 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, grant a license in respect of such boat, flat, or other craft which license shall be dated, and may be in the form following, (that is to say):

Licenses to boats.

TRINIDAD.

HARBOUR OF [PORT OF SPAIN].

Boat License, No.

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

This license commences on the _____ day of _____, and expires on the 31st December, 18 ____.

G. W. N.,
Harbour Master.

And such harbour master shall number every such license with a distinct and particular number, and shall keep a register of all such licenses.

Licenses to
unattached
boatmen.

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

TRINIDAD.

HARBOUR OF [PORT OF SPAIN].

Boatman's License, No.

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

This license commences on the _____ day of _____, and expires on the 31st of December, 18 _____.

G. W. N.,

Harbour Master.

The harbour master shall number every such license with a distinct and particular number, and shall keep a register of all such licenses, 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.

Duration of
license.

32. Every license 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 first day of January next, after such commencement, or until such earlier day as the harbour master granting the same thinks fit.

Register of
licensed boats.

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 licenses were granted. The register may be inspected by any person between the hours of eight of the clock in the morning and four of the clock in the afternoon on payment of the fee of one shilling.

34. The following shall be the fees payable on the licenses for boats and boatmen:— Fees for licenses.

For every licensed boat . . . Five shillings.

For every licensed boatman . . . Five shillings.

Such fees shall be paid to the harbour master granting the license for the use if paid to the harbour master of the San Fernando Harbour, of the mayor and burgesses of San Fernando, and in all other cases for the use of Her Majesty for the purposes of this colony.

35. Every person who within the limits of any harbour and without having a license in force under this Ordinance keeps any boat for the purpose of carrying passengers for hire or plies as a boatman shall be liable to a penalty not exceeding in the case of a first offence two pounds, and in the case of a second or any subsequent offence, ten pounds. Penalty on plying without a license.

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 penalty not exceeding two pounds. Penalty on not wearing 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 penalty not exceeding two pounds. Penalty on transfer of boatman's badge.

38. Every person to whom any boatman's badge is delivered shall be bound at the expiration of the term of the license 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 penalty not exceeding five pounds, and any person found using or wearing any such badge after the expiration of the term of the license shall be liable to a penalty not exceeding five pounds. Return of badges at expiration of license.

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 penalty not exceeding one pound. Leaving boat unattended.

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Crew of boats. 40. 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 penalty not exceeding two pounds.

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Withdrawing boat's license. 41. 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 that the license thereof is cancelled, and thereupon such license shall become void. Any person using or employed in or plying with any boat the license 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. 42. Every licensed boat shall have the number of its license 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 moreover, 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 baling. In case of any contravention of this section, the owner of the boat shall be liable to a penalty not exceeding two pounds.

Power to fix boat fares and make regulations. 43. 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.

The harbour master of each harbour may from time to time make, alter or revoke 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 penalty not exceeding five pounds. Any police constable may take into custody any person whom he finds contravening any such regulation, and detain such person until he

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can be brought before the harbour master or a Stipendiary Justice of the Peace.

44. The following persons shall be guilty of offences against this section :— Offences by
boatmen.

1. Any boatman who demands or takes from any person more than the prescribed fare ;
2. Any boatman who, between the hours of six in the morning and six 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 ;
3. 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 ; and
4. 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 license 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 against this section shall be liable to a penalty not exceeding five pounds.

45. If any person having employed any licensed boat neglects or refuses to pay the fare lawfully demanded Enforcing
payment of
boat fares.

of him, it shall be lawful for the harbour master or any Stipendiary Justice of the Peace, on complaint made before him, to cause such 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 Stipendiary Justice 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 Stipendiary Justice 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 one pound, 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 said harbour master or Stipendiary Justice to commit such person to the Royal Gaol, there to be kept in custody for such period not exceeding fifteen days as such harbour master or Stipendiary Justice 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.

46. 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 five shillings 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 two shillings and sixpence 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 one pound when no further daily sum shall be payable, but the boat shall be charged with the payment of the said sum of one pound and may be dealt with accordingly.

Places where
boats may be
made fast.

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

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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 penalty not exceeding two pounds.

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Sections 48, 49, 50 are repealed by Ordinance 8 of 1883.

51. 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 Colonial Treasury for the use of Her Majesty and pay the balance into the Colonial 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 the person or persons so entitled be made and established to the satisfaction of the Receiver 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 become the property of Her Majesty and be carried to the account of the general revenue of the Colony.

Mode of realizing securities on vessels.

52. All offences which under the Merchant Shipping Act, 1854, are punishable summarily in this Colony may be heard and determined by any Stipendiary Jus-

Offences by seamen.

tice of the Peace and the provisions of the Ordinance No. 5 of 1868, intituled "An Ordinance respecting the Summary Administration of Justice" shall apply to such offences.

The power vested by Section 248 of the Merchant Shipping Act, 1854, in any Justice may be exercised by any Justice of the Peace in this Colony.

Offences in
harbours.

53. For the purpose of giving jurisdiction to all Courts and to all judges, justices and magistrates, every harbour shall be deemed to be part of this Island, and all informations and complaints in respect of any offences punishable on summary conviction or in respect of any matters which any Justice or Justices of the Peace are by any Ordinance authorised to deal with in a summary manner may be heard and determined by any Stipendiary Justice of the Peace.

Recovery of
penalties.

54. 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.

55. Every offence against this Ordinance shall be an offence punishable on summary conviction, and the procedure shall be according to the Ordinance No. 5 of 1868, intituled "An Ordinance respecting the Summary Administration of Justice." Such offences, where the penalty in respect of the same is a pecuniary penalty limited so as not to exceed five pounds, may be heard and determined by the harbour master or a Stipendiary Justice of the Peace, and in all other cases may be heard and determined by a Stipendiary Justice of the Peace. Every pecuniary penalty imposed in respect of an offence against this Ordinance shall, subject to the provisions of this Ordinance, be recovered either by distress and sale of the goods and chattels of the person liable thereto, or by sale of any boat or other thing which under this Ordinance is charged with the payment of the penalty, but where it appears to the satisfaction of the harbour master or Stipendiary Justice of the Peace, either at the time at which the penalty is imposed or at any time thereafter, that the full amount of the penalty, together with the costs of the proceedings, cannot be recovered by either of the means aforesaid or that the levy of the

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distress would be more injurious to the person liable or his family than imprisonment, such harbour master or Stipendiary Justice may order the person liable to the penalty to be imprisoned, with or without hard labour, according to the following scale and not otherwise, that is to say—

- (1.) If the penalty does not exceed ten shillings for a term not exceeding seven days ;
- (2.) If the penalty exceeds ten shillings but does not exceed forty shillings for a term not exceeding fourteen days ;
- (3.) If the penalty exceeds forty shillings but does not exceed five pounds for a term not exceeding one month ;
- (4.) If the penalty exceeds five pounds but does not exceed ten pounds for a term not exceeding two months ;
- (5.) If the penalty exceeds ten pounds but does not exceed twenty-five pounds for a term not exceeding three months ; and
- (6.) If the penalty exceeds twenty-five pounds for a term not exceeding six months.

Imprisonment under this section in default of payment of a pecuniary penalty shall cease upon payment of the penalty and costs of the proceedings and the amount of such penalty and costs shall be stated in the warrant of commitment.

Proceedings under this section in respect of any offence shall be commenced within six months after the act or default was committed and not later.

56. The harbour master of every harbour shall have Admiralty jurisdiction in all causes of damage by collision where the amount claimed does not exceed forty pounds and the collision took place within his harbour.

Jurisdiction
of harbour
master in
cases of
collision.

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.

Harbour master's Admiralty cause book.

57. 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.

Assessors in Admiralty causes.

58. 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.

General rules in Admiralty causes.

59. The Harbour Master of the Harbour of Port of Spain may, from time to time, make, alter, or revoke 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 and no alteration or revocation of any such general rule shall have any effect unless and until it is approved by the Judge of the Vice-Admiralty Court, and moreover any such rule imposing fees or regulating the disposal of any fees, and any alteration or revocation of any such last-mentioned rule shall not have any effect unless and until it is approved by the Governor and Vice-Admiral.

Jurisdiction of harbour master.

60. 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 Justice of the Peace and be entitled to the same protection, privileges and immuni-

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ties as a Justice of the Peace 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.

61. 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.

Inquests as to deaths in harbours.

62. All actions or other proceedings for anything done under this Ordinance by any harbour master or assistant harbour master or person acting under the authority of one of them shall be commenced within four months after the matter complained of was done and not later, and notice in writing of such action or other proceeding and the cause thereof shall be given to the defendant one month at least before the commencement of such action or proceeding.

Limitation of actions.

In every such action the defendant may plead the general issue and give this Ordinance and the special matter in evidence at the trial. No plaintiff shall recover in any such action if tender of sufficient amends was made before such action was commenced, or if a sufficient sum of money is paid into Court after such action is commenced by or on behalf of the defendant, together with costs incurred up to the time of such payment into Court. If the plaintiff becomes nonsuit or discontinues the action, or if in any way judgment is given against the plaintiff, the defendant shall be entitled to full costs as between solicitor and client.

63. The Governor and Vice-Admiral may from time to time make, alter and revoke regulations as to the use of the piers, wharves, or jetties in any harbour, as to the places in any harbour where the making fast of vessels or boats or the landing of passengers or goods is prohibited or allowed only subject to restrictions specified in such regulations, or prescribing the forms to be used in respect of the arrivals and departures of vessels, the colours to be shown by any vessel which, after having been boarded in any harbour, arrives in another harbour,

Power of Governor to make regulations.

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 and circumstances under which they are to be repainted or otherwise renewed, and such other things as are by this Ordinance required to be prescribed by the Governor or Vice-Admiral, and generally all such regulations as may require to be made by him for the purpose of enforcing the provisions of this Ordinance.

Any such regulations may impose penalties in respect of any breach thereof whether by act or default so that such penalties do not exceed five pounds 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.

Publication of
rules and
regulations.

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*. Production of a copy of the *Royal Gazette* purporting to contain any such general rule or regulation shall be *prima facie* evidence of the tenor thereof, and of its having been made or approved by any authority or person by whom it purports to be made or approved.

Publication of
Ordinance
and table of
fares.

65. Every harbour master shall cause a table of boat fares and a printed copy of this Ordinance to be hung up 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) :—

| | |
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| For every table of fares | One shilling. |
| For every copy of this Ordinance | Two shillings. |

Special Provisions applicable to San Fernando Harbour.

The two next following sections shall be applicable to the harbour of San Fernando only :—

66. The harbour master shall before the end of the months of January and July make a return to the mayor and burgesses of San Fernando of all licenses granted by him, whether in respect of boats or boatmen 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 licenses, and of the amount of the fees for such licenses, and after deducting the cost of badges and all other expenses incident to the granting of such licenses 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 Mayor and burgesses: 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 fees for license.

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 Treasurer and Town Clerk of San Fernando for the use of the Mayor and burgesses thereof, and the other moiety to the Sub-Receiver for the use of Her Majesty: Provided always that the Governor on behalf of Her Majesty may remit the whole or any part of any such penalty or of any imprisonment in default of payment thereof.

Application of penalties.

Repeal of Enactments.

68. From and after the commencement of this Ordinance the Ordinance made and passed on the 26th day of May, 1840, intituled "An Ordinance for regulating the Harbour of Port of Spain and the Vessels and Boats in this Colony and the Seamen and Boatmen belonging thereto," and the Order in Council of the 8th day of December, 1840, confirming and allowing the said Ordinance with certain variations, and the Ordinance No. 12 of 1848, intituled "An Ordinance for regulating the Harbour of San Fernando, and the Vessels and Boats therein and the Seamen and Boatmen belonging thereto," shall be repealed: Provided that

Repeal of certain enactments.

1. Such repeal shall not affect anything done or any right or obligation accrued, or any liability, penalty, or forfeiture incurred before the commencement of this Ordinance or any remedy or proceedings in respect of any of the matters aforesaid; and,
2. Every license granted under the said Order in Council or either of the said Ordinances shall continue in force, subject as to all matters except duration and the fee payable to the enactments under which it was granted.

As to licenses
granted after
1st June,
1880.

69. Every license in respect of a boat or to any boatman granted under the Order in Council or either of the Ordinances repealed by this Ordinance after the passing of this Ordinance and before the thirty-first of December, 1880, shall expire on the said thirty-first of December, 1880, and a proportionate part only of the fee charged at the time of the passing of this Ordinance for six months shall be payable.

In respect of any such license granted after the first of June, 1880, and before the passing of this Ordinance the licensee shall be entitled to a return of a proportionate part in respect of the time after the thirty-first of December, 1880, during which the license would but for this section be in force, and the Governor may issue to the Receiver General the warrants necessary to give effect to this enactment.

This section shall come into operation immediately on the passing of this Ordinance.

Passed in Council this first day of October, in the year of our Lord one thousand eight hundred and eighty.

A. C. ROSS,
Clerk of the Council.