BRITISH COLUMBIA.

V. R.

No. 15. An Ordinance for the regulation of the Harbours of British Columbia.

[29th March, 1865.]

Preamble.

WHEREAS, it is necessary to make regulations for, and to prevent the commission of nuisances in the Harbours of British Columbia and its Dependencies;

Be it enacted by the Governor of British Columbia, by and with the advice and consent of the Legislative Council thereof, as follows:

Harbour Master to make general Harbour Regulations.

I. The Harbour Master of every Harbour or Port in the Colony of British Columbia, when appointed, shall give directions for regulating the time at which, and the manner in which every vessel shall enter into, go out of, or to, or be in any Harbour, Pier, or Wharf within the jurisdiction of such Harbour Master; and the position, mooring or unmooring, placing and removing of every vessel whilst therein; for removing unserviceable vessels and other obstructions from the Harbour, Pier, or Wharf, and keeping the same clear; and for regulating the use of fires and lights within or upon the vessels in the Harbour, or in or at any Pier or Wharf.

Penalties for non-conformity therewith.

II. The master of every vessel within any Harbour, or at any Pier or Wharf, shall regulate such vessel according to the directions of the Harbour Master, made in conformity with this Ordinance. Any master or other person in charge of any vessel, who, after notice of any such direction by the Harbour Master served upon him, shall not forthwith regulate such vessel according to such directions, shall be liable to a penalty of not less than Five pounds, and not exceeding Twenty pounds.

Charges incurred by Harbour Master when to be levied by distress.

III. In the event of the Harbour Master not finding the master or officer in charge of any vessel on board to obey his instructions, when the service is required without delay, or in the event of such master or other person neglecting to satisfactorily conform to such direction, it shall be lawful for the said Harbour Master or any person acting under his authority, to employ a sufficient number of persons to perform the required service, and to recover the amount of the same from the owner or master of such vessel in a summary manner before any Justice of the Peace, and in case of refusal or neglect of payment of such charge for the space of seven days after conviction, the Harbour Master may levy such charge by distress and sale of such vessel, or the tackle or furniture thereof, and the said Justice shall issue his warrant accordingly. Provided, that the levy aforesaid shall in nowise affect any penalties to which such master or other person shall have rendered himself liable.

Rules for discharging coals, ballast, and loose material.

IV. Every master or person in charge of any vessel, previously to loading or unloading, or discharging ballast, coals, cinders, stones, bricks, tiles, or any other loose matter of a like nature, shall be, and is hereby required to fasten canvass or a cloth, or a shoot from the vessel, extending to the Wharf, Quay, or vessel, to or from which such ballast or other loose material shall be conveyed, so as to prevent any part thereof from dropping into the Harbour, and shall place the same at such distance or point from or near the edge of every Quay or Wharf in which the same shall be placed to be loaded or discharged, as such Harbour Master shall order, and in default of so doing, every such master or other person shall be liable for every such offence to a penalty not exceeding Twenty pounds.

Removal of tar, pitch, gunpowder, &c., &c.

V. Every person, being the owner of or having the charge of any tar, pitch, resin, spirituous liquors, turpentine, oil, gunpowder, or other combustible thing which shall be upon any Quay or Wharf, or on the deck of any vessel within any Harbour, or at or near any Wharf or Pier, shall cause the same to be removed to a place of safety, or otherwise secured or rendered safe, within two hours after being required so to do, by notice in writing under the hand of the Harbour Master, and in default of so doing shall be liable to a penalty not exceeding Five pounds for every hour such combustible thing shall remain in any such place aforesaid, after the expiration of two hours from the service of such notice.

Penalty for throwing rubbish into Harbours.

VI. Every person who shall throw or put, any ballast, earth, stones, ashes, rubbish, or other material into any Harbour, or shall knowingly permit the same to be so thrown or put, shall, unless he shall have obtained permission in that behalf in writing, under the hand of the Harbour Master, with the sanction of the Governor for the time being, be liable to a penalty not exceeding Fifty pounds for every such offence, and on such offence being proved, one-half of the said penalty may, at the discretion of the Justice before whom the complaint shall be made, be paid to the informer or informers thereof.

Penalty for mooring on buoys.

VII. No master, commander or pilot, having charge of any vessel or ship, shall moor or in any manner make fast any such vessel or ship to any buoy or beacon not being a mooring buoy or beacon, or make use of the same for warping, under a penalty not exceeding One hundred pounds.

Vessels to be trimmed as Harbour Master may order.

VIII. Every master, commander, pilot, or other person having charge of any vessel or ship, shall, when required so to do by the said Harbour Master, or by any person acting under his authority, peak their yards, place sprit sail yard fore and aft, run jib boom in, get their anchors on the forecastle deck, rig in main and mizen booms, and stern and quarter davits.

Penalty for false information as to draught of water.

IX. Any master or other person having the command of any vessel, who shall give false information of the draught of water of any such ships, shall render himself liable to a penalty of Twenty pounds.

Penalty for injuring buoys, beacons, &c., &c.

X. Any master or other person who shall remove, or wilfully, or through negligence injure or destroy, or permit a vessel to strike any light-ship, beacon, buoy, light-house, or land-mark belonging to the Colony, and within the jurisdiction thereof, shall, for each such offence be subject to a penalty of not exceeding One hundred pounds, in addition to the amount of the damage done, the amount of such damage to be ascertained in a summary manner before any Justice of the Peace for the said Colony, and in default of payment to be levied by distress and sale of the goods of the offender, or of the vessel doing the damage, or of the tackle or furniture thereof; provided, that the offender may be arrested and detained in custody

until the return of the warrant of distress, and in case of the insufficiency of such distress he may be committed to prison for three calendar months, or until payment of the amount for the time being remaining due of such penalty, damages, and all costs incurred in carrying out the provisions of this Ordinance.

Vessels not to be smoked unless by Harbour Master's permission.

XI. No master, commander, pilot, or other person in charge of any vessel or ship, shall be allowed to smoke any such vessel or ship for rats or vermin, without the authority of the said Harbour Master.

Pitch and oil not to be melted unless by Harbour Master's permission.

XII. No pitch, tar, or other combustible matter shall be heated or melted on board of any vessel or ship, or on the Wharves within the precincts of any of the Harbours of British Columbia or its Dependencies, by any master, commander, or pilot, in charge of any vessel or ship, without the consent of the Harbour Master.

Moorings not to be cut.

XIII. No person or persons shall let go, cut, or unfasten any rope, chain, or other fastening to or from any vessel or buoy, anchor mooring, dolphin or wharf, or other place connected with any ship or vessel in any Harbour of British Columbia, unless authorized so to do by the said Harbour Master, or by some person acting under his orders, or by the pilot, master, or commander of any vessel or ship which may be in the act of mooring, unmooring, or removing.

Harbour Master not to be impeded in his duties.

XIV. Masters, commanders, or crews of vessels or ships, shall not impede the said Harbour Master, or any person acting under his orders, or in the execution of their duties.

Penalties.

XV. Any person infringing any provisions of this Ordinance, shall be liable to a penalty not exceeding Five pounds for each and every such offence, unless otherwise herein specially provided for.

General Penalties how recoverable.

XVI. All fines and penalties imposed by this Ordinance may be recovered in a summary manner before any Justice of the Peace, in manner in Clause 10 hereinbefore mentioned, and shall be paid into the Treasury as part of the Revenue.

Interpretation.

XVII. The word "Harbour" shall include all ports, inland places and waters to which the provisions of this Ordinance may be applied or from time to time varied by any Proclamation of the Governor to that effect.

Short Title.

XVIII. This Ordinance shall be cited as the "Harbour Regulation Ordinance, 1865."

Passed the Legislative Council the 22nd day of March, A.D. 1865.

CHARLES GOOD,
Clerk.

ARTHUR N. BIRCH,
Presiding Member.

Assented to, in Her Majesty's name, this twenty-ninth day of March, 1865.

FREDERICK SEYMOUR,
Governor.