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AN ACT

For the Regulation of the Harbors of Vancouver Island.

WHEREAS it is necessary to make regulations for and to prevent the commission of nuisances in the Harbors of Vancouver Island;

Be it therefore enacted by the Governor, on Her Majesty's behalf, by and with the advice and consent of the Legislative Council and Assembly, as follows:—

Harbor Master to give directions.

I. The Harbor Master of every Harbor or Port in the Colony of Vancouver Island, 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 be in or at any Harbor, Pier, or Wharf within the jurisdiction of such Harbor Master, and the position, mooring or unmooring, placing and removing, of every vessel whilst therein, for removing Unserviceable Vessels and other obstructions from the Harbor, Pier or Wharf and keeping the same clear, and for regulating the use of Fires and Lights within or upon the vessels in the Harbor or in or at any Pier or Wharf.

Penalty for not complying with Harbor Master's directions.

II. The Master of every vessel within any Harbor or at any Pier or Wharf shall regulate such vessel according to the directions of the Harbor Master, made in conformity with this Act; and any Master or other person in charge of any vessel who, after notice of any such direction by the Harbor 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 Harbor Master may be levied by distress.

III. In the event of the Harbor 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 directions, it shall be lawful for the said Harbor 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 way before any Justice of the Peace, and in case of refusal or neglect of payment of such charges for the space of seven days after the award made, the Harbor Master may levy such charges 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.

Shoot to be attached to vessel discharging ballast &c.

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 canvas, or cloth, or a shoot to the vessel, extending to the wharf, quay or vessel, to or from which such ballast, coals, cinders, stones, bricks, tiles 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 the distance of six feet at least from the edge of every Quay or Wharf on which the same shall be placed to be loaded or discharged, 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.

Combustibles to be removed from Wharves &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 Harbor, 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 in writing, signed by the Harbor Master, and if he fail so to do 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.

VI. Every person who shall throw or put any ballast, earth, stones, ashes, rubbish or other material into any Harbor, 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 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 on persons throwing ballast, &c., into any Harbor.

VII. If any person shall remove or wilfully or through negligence injure or destroy any buoy, beacon, land or sea mark used for the convenience of navigation, he shall for every such offence be liable to a penalty not exceeding Twenty Pounds.

Penalty of £20 on any person removing or injuring, any buoy, land or sea mark.

VIII. No Master or other person in charge of any vessel in any Harbor shall fire or cause to be fired any cannon or gun without the permission of the said Harbor Master, except steamers employed for the carriage of mail or passengers, ships belonging to Her Majesty or to the Government of any Foreign Nation, and any person so offending shall be liable to a penalty not exceeding Five Pounds.

Penalty for firing cannons or guns in any Harbor without permission.

IX. No Master, Commander or Pilot, having charge of any vessel or ship shall moor any such vessel or ship to any buoy or beacon, not being a mooring buoy or beacon, or in any manner hang on to such buoy or beacon not being a mooring buoy or beacon, under a penalty not exceeding Twenty Pounds

Penalty on Master, of mooring to other than a mooring buoy or beacon.

X. Every Master, Commander, Pilot or other person having charge of any vessel or ship, shall when required so to do by the said Harbor 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.

Masters and others to obey Harbor Master's instructions.

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 virmin, without the authority of the said Harbor Master.

No vessel to be smoked for rats, &c, without 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 Harbors of Vancouver's Island, by any

Combustibles not to be heated or melted on vessels or wharves without permission.

Master, Commander or Pilot in charge of any vessel or ship without the consent of the Harbor Master.

Persons not to interfere with the fastenings of vessels without authority.

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 of the Harbors of Vancouver's Island, unless authorized so to do by the said Harbor Master or by some persons 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.

Boats, lighters, &c., not to be in the way of vessels.

XIV. No boats, lighters or other craft shall be permitted to be in places where they may injure vessels or interfere with mooring, unmooring or removal or navigation of vessels.

Harbor Master not to be impeded in the execution of his duties.

XV. Masters, Commanders or Crews of vessels or ships shall not impede by word or act the said Harbor Master or any person acting under his orders, or in the execution of their duties.

Fines and penalties, how recoverable.

XVI. All fines and penalties imposed by this Act may be recovered in a summary manner before any Justice of the Peace.

Citation of Act.

This Act may be cited as the "Harbor Regulation Act, 1863."

Read a third time and passed the House of Assembly, the 6th day of February, A. D., 1863.

EDWIN JAMES NESBITT,
Acting Clerk of the House of Assembly.

Read a third time and passed the Council, the 13th day of February, A. D., 1863.

R. FINLAYSON,
President.

Received my assent this 16th day of February, A. D., 1863.

JAMES DOUGLAS,
Governor.