

NEW ZEALAND.

ANNO VICESIMO SEPTIMO

VICTORIÆ REGINÆ.

No.

ANALYSIS.

Title.	30. Buoys &c., to belong to Superintendent.
Preamble.	31. Superintendent may define limits.
1. Short Title.	32. Plans of construction of additional wharves &c., to be laid before Superintendent.
2. Interpretation Clause.	33. Governor in Council may make Harbour Regulations.
3. Governor to exercise powers of the British Board of Trade.	34. General Dues and Rates.
4. Certain powers to be vested in the Governor in Council.	35. General Expenses.
5. Marine Board to be established.	36. Lighthouse and Pilotage Dues to be Port Charges and to be paid before Clearance.
6. Appointments to be Gazetted.	37. Pilotage not compulsory.
7. When Wardens seats vacant.	38. Bye-Laws.
8. New Appointment of Warden.	39. Bye-Laws deemed part of Act.
9. Board shall be Corporation and have a Seal.	40. Proof of Bye-Laws.
10. Conveyances must be approved.	41. Offence incurring penalty.
11. Appointments of Pilots.	42. Penalty for obstruction.
12. Superintendent to regulate Pilot Charges, &c.	43. Penalty for wilful Damage to works.
13. Pilots to be examined.	44. Penalty for wilful Damage to Lights.
14. Pilots may be suspended from duty.	45. Trees felled to be removed from Rivers &c.
15. Penalty on person illegally Piloting.	46. Penalty for removing or defacing Buoys &c.
16. Pilots who have been licensed under former law to act.	47. Accidental Injuries to be repaired under Penalty.
17. Rates of Pilotage to be fixed and prepaid.	48. Penalty on Harbour Master for neglect &c.
18. Extra Charge for detention of Pilot.	49. Penalty on Pilots for Misbehaviour, &c.
19. Board to manage and control Coast-Lights.	50. Sums unaccounted for to be deemed Crown Debts.
20. Provision for erection of Light-houses, &c.	51. Summary Procedure for Breach of Bye-Laws.
21. Board may fix Light Dues.	52. What shall be sufficient Averment.
22. Board to make Marine Surveys.	53. Limitation and Regulation of Actions.
23. Inspection. Steam Vessels.	54. British Registry to rule Tonnage.
24. Board may delegate powers under Steam Navigation Act.	55. Tonnage to be measured.
25. Quarantine Regulations.	56. Acts repealed.
26. Funds how to be dealt with.	57. Existing Rules to remain in force.
27. Dues and Rates to form Special Fund.	58. Governor in Council may make regulations.
28. Annual account to be transmitted and audited.	59. Schedule.
29. Definition of Powers and Duties.	

A BILL INTITULED—

AN ACT to establish a Marine Board and to provide for the general Control and Management of Ports Pilots Lighthouses and other Matters relating to Navigation and to regulate Port Charges and other Rates. Title.

WHEREAS it is expedient that the general control and Management of Ports Harbours Wharves Docks Pilots Lighthouses and other matters relating to Navigation and Shipping should be provided for by law. Preamble.

BE IT THEREFORE ENACTED by the General Assembly of New Zealand in Parliament assembled and by the authority of the same as follows :—

Short Title.

I. The Short Title of this Act shall be “The Marine Board Act 1863.”

Interpretation clause.

II. In the construction and for the purposes of this Act and of all proceedings under this Act the following words shall have the meanings hereinafter assigned to them unless there is something in the context of the Act repugnant to such construction :—

“Warden” shall include Master Warden.

“Port” shall extend to and include any port harbour or haven or navigable creek or river within the limits defined for such Port.

“Wharf” shall extend to and include any public wharf quay or pier or any place used for the landing of goods or passengers situate within any “Port” the management of which is not otherwise provided for by law.

“Collector of Customs” shall include the person acting as such at the Port in respect of which the term is used.

“Master” shall extend to and include the person not being a Pilot commanding or for the time being having the principal or actual charge custody or control of a vessel.

“Colonial Ports” shall mean all Ports within the Colony and within the Australian Colonies.

“Colonial Trader” shall mean and intend a vessel the master of which has at any time made more than two consecutive voyages to and fro between the Port in this Colony in which the vessel may be and any other Colonial Port and which is actually trading between Colonial Ports.

Governor to exercise powers of the British Board of Trade.

III. The Governor shall have and exercise within the Colony all the powers *mutatis mutandis* which are in and by the Acts of the Imperial Parliament entitled “The Merchant Shipping Act 1854” “the Merchant Shipping Act 1855,” and the “Merchant Shipping Act Amendment Act 1862,” vested in the Board of Trade. Provided always that it shall not be lawful for the Governor to alter or interfere with any provisions or rules now or at any time hereafter to be in force relating to the ownership measurement or registry of British Ships under or by virtue of the said Acts or any of them.

THE MARINE BOARD.**Certain powers to be vested in the Governor in Council.**

IV. Where by the said “Merchant Shipping Act 1854” any power may be exercised by the Board of Trade with the assistance of the Commissioner of Customs such power may be exercised by the Governor in Council.

V. The Governor in Council shall as soon as conveniently may be after the passing of this Act establish a Board to be called the Marine Board of New Zealand and shall appoint some fit and proper person to be the President thereof, who shall act as Master Warden of such Marine Board and not less than three nor more than five other persons to be Wardens thereof of whom one shall be appointed to be the Treasurer thereof and such appointments from time to time as he shall think fit to revoke and cancel and to make others in lieu thereof.

Marine Board to be established.

VI. Every appointment by the Governor in Council of a Warden shall be made by warrant of which a notice shall be published in the *Government Gazette* of the Colony.

Appointments to be Gazetted.

VII. If any Warden is declared insolvent or ceases or neglects to attend the sittings of the Marine Board for a period of three months at one time except in cases of illness certified by a duly qualified Medical Practitioner or of absence by permission of the said Board it shall be lawful for the said Board to declare such Warden's seat vacant and it shall thereupon be vacant accordingly.

When Warden's seat vacant.

VIII. Upon every vacancy among the Wardens a new Warden shall be nominated and appointed in manner aforesaid to supply such vacancy.

New Appointment of Warden.

IX. The said Board shall be a Body Corporate by the name of the Marine Board of New Zealand and by that name shall have perpetual succession and be capable of suing and being sued and of taking purchasing and holding land and personal estate and of alienating mortgaging leasing and disposing of the same and shall have a Common Seal and in all cases of legal proceedings service or notice thereof upon the Master Warden for the time being shall be sufficient service on the Board.

Board shall be Corporation and have a Seal.

X. Provided that every purchase and every alienation mortgage lease and disposition of land by such Board shall be approved of by the Governor in Council.

Conveyances must be approved.

PILOTS AND PILOTAGE.

XI. The Marine Board is hereby empowered to license suspend or dismiss all Pilots within the Colony.

Appointments of Pilots.

XII. The Superintendent of each Province is hereby empowered to appoint all Pilots within the said Province, and shall provide for the maintenance of Pilot establishments and remuneration of Pilots and shall regulate the duties and conduct of all such Pilots and shall fix the Pilotage rates which shall be payable at each Port within the said Province not being greater than the rates specified in the Schedule and shall determine the nature of the service for which such rates respectively shall be payable the time of payment and the amount to be paid for detention of Pilots on board vessels under quarantine or otherwise.

Superintendent to regulate Pilot Charges, &c.

XIII. No person shall be appointed to be a Pilot at any Port unless he shall have first passed such an examination as the Marine Board shall have prescribed in that behalf and shall have received a certificate of competency.

Pilots to be examined

Pilots may be suspended from duty.

XIV. It shall be lawful for the Superintendent of any Province at any time as he may deem necessary to suspend any Pilot from acting as such for a Port within such Province. Provided that every such suspension and the cause thereof shall be forthwith reported to the Chief Marine Board whose decision shall be final.

Penalty on person illegally piloting.

XV. If any person not licensed as a Pilot shall assume or continue in the charge of any ship as a Pilot after a licensed Pilot has offered to take charge of her, or shall use a license which he is not entitled to use for the purpose of making himself appear to be a licensed Pilot he shall for each offence incur a penalty not exceeding £50.

Pilots who have been licensed under former law to act.

XVI. Every Pilot who at the time of the commencement of this Act is legally licensed as a Pilot shall during the continuance of such license and until he be suspended or dismissed be deemed to be licensed as a Pilot under this Act.

Rates of Pilotage to be fixed and prepaid.

XVII. No Pilot shall in any case conduct a vessel to sea from any Port until the full amount of Pilotage according to the rates for the time being fixed and established for such Port has been paid.

Extra Charge for Detention of Pilot.

XVIII. If any Pilot in charge of a vessel entering into or proceeding out of any Port remains on board such vessel whilst under Quarantine or is delayed in the performance of his duty by any act of the master the master or owner shall for every day the Pilot remains on board or is delayed as aforesaid pay in addition to the amount of Pilotage so fixed as aforesaid such sum as may from time to time be directed by the Superintendent by any Bye-law to be made and published under the authority of this Act and such additional amount shall be a Port charge on the vessel.

LIGHTHOUSES.

Board to Manage and control Coast-Lights.

XIX. The Marine Board shall have the management and control of and is hereby charged with the maintenance and reparation of the several light-houses light-ships sea-marks and beacons erected or to be erected on the Coast of this Colony and subject to the provisions of this Act shall have all the powers and jurisdiction in respect of such light-houses and light-ships which the guild or fraternity commonly called the Corporation of the Trinity House of Deptford Strond has and exercises or may hereafter have and exercise within the United Kingdom.

Provision for erection of Light-Houses, &c.

XX. The Marine Board is hereby authorised to do all things necessary for the erection and establishment of new light-houses and light-ships sea-marks and beacons which it may determine to be necessary or desirable.

Board may fix Light Dues.

XXI. It shall be lawful for the Marine Board to fix Light-house Dues not exceeding those specified in the Schedule to this Act which shall be payable at any Port or Ports within the Colony in respect of all vessels arriving at such Ports by the Master of every such vessel and such dues from time to time to alter.

SURVEYS AND OTHER DUTIES.

XXII. It shall be the duty of the Marine Board to make and complete or authorize to be made and completed all such Surveys of any port harbour or coastline of the Colony as may be requisite for the safety of shipping and all such Surveys so made and completed shall be published by authority of the said Board.

Board to make Marine Surveys.

XXIII. The Marine Board shall have all such powers and exercise all such duties and functions as are conferred upon any Board by the Steam Navigation Act 1862.

Inspection. Steam Vessels.

XXIV. It shall be lawful for the Marine Board with the consent of the Governor in Council to delegate in writing any or all such powers duties and functions in respect of any Port to the Collector of Customs of such Port or to some other fit and proper person to be by him had and exercised on behalf of the Marine Board in accordance with regulations to be expressed in such delegation.

Board may delegate powers under Steam Navigation Act.

XXV. The Marine Board shall from time to time as occasion may require make and issue Quarantine Regulations to be in force within any port or ports of the Colony Provided that all such regulations shall before coming into operation be approved of by the Governor in Council and published in the *Government Gazette* of the Colony and of the Province to which the same shall relate.

Quarantine Regulations.

ACCOUNTS.

XXVI. All Light-house Dues and Pilotage Rates leviable under the authority of this Act shall be paid by the master of the vessel in respect of which the same shall be payable to the Collector of Customs of the port who shall from time to time pay the amount of such Light-house Dues to the Colonial Treasurer And all such Light-house Dues shall be carried by the Colonial Treasurer to a separate account and shall be by him paid from time to time upon the warrant of the Governor to the Marine Board and such Pilotage Rates shall be paid by the Collector of Customs to the Provincial Treasurer of the Province in which the same are levied for the public service of the said Province.

Funds how to be dealt with.

XXVII. The Light-house dues so paid over shall form a fund to be applied by the Marine Board exclusively to the erection maintenance and repair of Light-houses on the coast of the Colony.

Dues and rates to form Special Fund.

XXVIII. An annual account of all monies received and expended by the Marine Board for the purposes of this Act signed by the Master Warden or two of the Wardens made up to the thirty-first day of December in each year shall before the end of the then next January be transmitted by the Board to the Auditor of Public Accounts for examination and audit.

Annual Account to be transmitted and Audited.

GENERAL POWERS AND DUTIES OF LOCAL AUTHORITIES.

XXIX. The Superintendent of each Province is hereby empowered and required to perform the general functions and duties following :—

Definition of Powers and Duties.

- To define for the purposes of this Act the limit of any Port within the Province.
- To superintend and maintain harbour-marks buoys lights and beacons now or hereafter to be erected or placed :
- To license Boatmen plying for hire in any Port and fix the Fees to be paid for such Licenses and also the Penalties on persons plying for hire without being licensed to regulate the Fares to be charged by Licensed Watermen plying for hire within the Ports in the Province to fix places at which Licensed Watermen shall ply and otherwise regulate their conduct and proceedings and to regulate and control steam or other Ferry-boats plying for hire at wharves or public thoroughfares :
- If necessary to license Tugs for conducting vessels into and out of Port and to fix the Fees to be paid for such Licenses :
- To appoint and suspend Harbour-Masters and to appoint suspend and remove other Officers of the Port :
- To regulate the berthing of vessels at wharves and in docks and the mooring unmooring and removal of vessels and the number of days during which a vessel shall be permitted to occupy any berth and to fix and determine the depth of water to which vessels in any dock may be loaded whilst in such dock :
- To license ballast-boats and tank-boats and as far as possible to regulate the supply of ballast and water to the shipping :
- To regulate the duties and conduct of the Harbour-Masters and other persons employed and acting in carrying out and effectuating the several objects of this Act within any Port the limits to which the powers and duties of Harbour-Master shall extend and the mode in which Masters of vessels shall apply for and obtain the services of the Harbour-Masters :
- To carry out and enforce all Harbour and Quarantine Regulations which shall be lawfully in force within the Port :
- To make and enforce rules in cases where such shall not have already been provided by law for the convenience of persons walking upon or landing on or embarking from any wharf for regulating the shipping or landing of goods merchandise or other commodities at or from any dock or wharf the nature of the goods merchandise or other commodities which may or may not be shipped or landed and the mode and time of shipping and landing the same for the cleansing repair and effectual preservation of docks and wharves for the governing and regulation of porters carters carmen and others carrying goods or using or driving horses waggons carts drays trucks or other carriages for conveying passengers goods merchandise or other commodities to or from

docks or wharves for the convenience of persons using or resorting to the same and otherwise generally for the better governance regulation and management safety and protection of the ports docks wharves and shipping as to such Superintendent may seem necessary or desirable.

XXX. All buoys beacons and sea-marks within any Port shall be vested in the Superintendent of the Province within which the same shall be situate.

Buoys &c. to belong to Superintendent.

WHARVES AND DOCKS.

XXXI. For the prevention of doubts and disputes as to the limits of any wharf quay pier or dock it shall be lawful for the Superintendent of any Province from time to time as occasion may require by Proclamation for that purpose published in the *Gazette* of the Province to define the limits and boundaries for the purposes of this Act of any wharf quay pier or dock within such Province and such Proclamation from time to time to revoke and in manner aforesaid to re-define such limits and boundaries and every wharf quay pier or dock so defined or re-defined shall be a wharf quay pier or dock within the meaning and for the purposes of this Act and the limits and boundaries so defined or re-defined shall be deemed to be the limits and boundaries of the same.

Superintendent may define limits.

XXXII. It shall not be lawful for any person to commence or undertake the construction of any new or additional wharf quay dock pier or other harbour work in any Port until he shall have laid before the Superintendent of the Province within which such Port is situate detailed plans and specifications of such proposed work nor until the same shall have been approved of by the Superintendent and notice in writing of such approval shall have been given to such person accordingly And no works executed with such approval shall render any person liable for indictment for nuisance or perpesture Provided always that nothing in this Act contained shall be held to interfere with any rights or privileges of water frontage or any other rights or privileges of any person or persons in to or over any lands reclaimed or to be reclaimed from the sea.

Plans of construction of additional wharves &c. to be laid before Superintendent.

GENERAL PROVISIONS.

XXXIII. It shall be lawful for the Governor in Council from time to time to make such Regulations as may be found necessary respecting the anchoring and mooring of vessels in any Port the packing landing deposit and removal of gunpowder the erection of magazines for the safe keeping thereof the watering and ballasting and discharging of ballast of or from vessels and all other matters relating to the safe and commodious navigation of any Port Harbour or River and the order and management of vessels resorting thereto and for the purpose of giving effect to such regulations it shall be lawful for the Governor in Council to authorise the levying of Harbour-Masters' Fees not exceeding the Rate specified in the Schedule and to impose any penalty not exceeding £20 for any one offence against any provisions thereof Provided that all Harbour Dues payable under this Act shall be paid to the Treasurer of the Province in which they shall arise for the Public Service of the said Province.

Governor in Council may make Harbour Regulations.

General Dues and Rates.

XXXIV. Subject to any alteration made by or under authority of this Act and until other provision is made in that behalf under the authority of this Act all Light-house Pilotage Wharfage and other Dues Rates and Charges now payable by law within any of the Ports of this Colony shall continue to be levied and shall be paid to the Collector of Customs or other person or persons authorised to receive the same at the Port where the same are payable and shall be available only for the purposes of the Port in which they are levied.

General Expenses.

XXXV. All necessary and lawful expenses incurred by the Board in the execution of this Act or of any powers or duties at any time vested in the Board by law shall be defrayed out of the funds at the disposal of the Board.

Light-house and Pilotage Dues to be Port Charges and to be paid before Clearance.

XXXVI. All Light-house Pilotage and other Dues and payments whatever hereby made payable by the master of any ship or vessel or in respect of any ship or vessel shall be deemed to be Port-charges and shall be paid and recovered in the same manner as any Port-charge is by law payable and recoverable and the clearance of any vessel in respect of which any Port-charge or any other charge or sum of money has been imposed or is payable under this Act shall be withheld until all such Port-charges and other charges and sums of money are duly paid satisfied and discharged as by this Act required and if the master of any vessel attempts to take such vessel to sea without such clearance such vessel may be detained.

Pilotage not compulsory.

XXXVII. It shall not be compulsory for the master of any vessel to take on board a Pilot for conducting such vessel to sea or into Port as the case may be.

Bye-Laws.

XXXVIII. The Marine Board and the Superintendent of each Province are respectively hereby empowered from time to time to make publish alter modify amend or repeal such Bye-Laws as to them respectively shall seem meet for carrying into effect and enforcing the general powers and duties hereinbefore vested in and imposed on the said Board and Superintendent respectively and also all other matters and things whatsoever which the said Board or Superintendent is authorised to do or cause to be done under this Act and for the collection of all dues and sums of money payable to such Board or Provincial Treasurer for the purposes of this Act and to appoint by such Bye-Laws such penalties as are deemed necessary for enforcing the same Provided that no such penalty shall exceed the sum of Fifty Pounds and no such Bye-Law shall have any effect unless the same shall have been submitted to and approved of by the Governor in Council and shall have been published in the *Government Gazette* of the Colony or of the Province to which the same shall relate.

Bye-Laws deemed part of Act.

XXXIX. All Bye-Laws so made and in force as aforesaid shall be deemed to be incorporated with this Act and shall be of the same force and effect as though the provisions of such Bye-Laws were expressly enacted in this Act.

XL. In all proceedings the production of the *Gazette* containing any such Bye-Law shall alone be sufficient *prima facie* evidence that all the provisions of this Act relating to the making and confirmation of such Bye-Law have been duly complied with and that such Bye-Law is in full force and effect and the *onus* of proving the contrary shall in every case be on the person disputing the validity of such Bye-Law.

Proof of Bye-laws.

PENALTIES.

XLI. If any person fails refuses or neglects to do or in any manner obstructs impedes or interferes with the doing of anything enjoined or authorised to be done or wilfully does anything prohibited by this Act or molests or makes use of any threatening or abusive language to any Warden Harbour-Master Pilot or other Officer whilst in the execution of his duty under this Act or in any other respect offends against any of the provisions of this Act or any regulation duly made under authority of this Act every such person in any such case so offending shall where no other penalty is in that behalf specifically provided forfeit a penalty not exceeding Fifty Pounds.

Offence incurring penalty.

XLII. If any person wilfully obstructs molests or hinders any engineer surveyor workman labourer or other person employed by the Board or Superintendent of any Province in the performance of his duty or employment in the execution of this Act every person so offending shall forfeit a penalty not exceeding Twenty Pounds.

Penalty for obstruction.

XLIII. If any person wilfully breaks throws down destroys or in anywise damages or injures any wharf quay pier dock shed roadway building or other work whatsoever which is under the charge of any Superintendent every person so offending shall for every such offence forfeit a penalty not exceeding Fifty Pounds over and above the amount of injury or damage done.

Penalty for wilful Damage to works.

XLIV. If any person wilfully or negligently breaks throws down damages or takes away any lamp lamp-post lamp-iron or other work set up for the purpose of lighting any such wharf quay pier or dock as aforesaid or any such adjoining roadway or street as aforesaid or wilfully extinguishes any light within any such lamp every person so offending shall forfeit for every such offence a penalty not exceeding Twenty Pounds over and above the amount of injury or damage done.

Penalty for Wilful Damage to Lights.

XLV. If any tree is felled by the owner or occupier of any land or by any person employed or authorised by him on the bank of any navigable river or creek so that any part thereof is in or over the water below high-water mark and the same is not removed within two days after having been so felled such owner or occupier shall forfeit a penalty not exceeding Forty shillings and a further penalty of Forty shillings for each day beyond the two days aforesaid during which any such tree so felled as aforesaid so continues on the bank of such navigable river or creek and if any tree is so felled by any unauthorised person such unauthorised person shall for every such tree so felled, forfeit a penalty not exceeding Five pounds together with the cost of removing the same.

Trees felled to be removed from Rivers &c.

Penalty for removing
or defacing Buoys &c.

XLVI. Any person who wilfully injures removes or destroys any buoy beacon or sea-mark used for the convenience of navigation or for the preservation of vessels shall be guilty of felony and on conviction of the said offence shall be liable to penal servitude for a period not exceeding Four years.

Accidental Injuries
to be repaired under
Penalty.

XLVII. Any person who makes any vessel boat timber or other article fast to any buoy beacon or sea-mark and any master or owner of a vessel being navigated without having a Pilot on board or the owner of any boat by which any such buoy beacon or sea-mark is accidentally removed injured or destroyed who does not forthwith and either with or without demand make good such damage or pay to the Collector of Customs at the Port for the purposes of this Act a sum in the judgment of such Collector sufficient to cover the expense of so doing shall for every such offence forfeit a penalty not exceeding One Hundred Pounds.

Penalty on Harbour
Master for neglect &c

XLVIII. Any Harbour-Master or other Officer or person who refuses or neglects to perform any duty imposed on him by this Act or by any regulations made and issued under the authority of this Act or who through negligence or drunkenness does or occasions any injury to a vessel or to the tackle or furniture thereof or who while in the execution of his duty as such Harbour-Master makes use of any threatening or abusive language to the master of any vessel shall forfeit a penalty not exceeding Fifty Pounds.

Penalty on Pilots for
Misbehaviour, &c.

LXIX. Any Pilot who refuses neglects or delays to take charge of a vessel without good and sufficient cause in that behalf or quits any vessel departing before the vessel has passed the point or distance which may be fixed for that purpose by the Superintendent of the Province in which the Port is situate for which such Pilot is appointed or who by drunkenness renders himself incapable of conducting the vessel or by ignorance or from want of due care does or occasions any injury to the vessel or to the tackle or furniture thereof or makes use of any threatening or abusive language to the master shall on proof of the offence forfeit a penalty not exceeding Fifty Pounds and shall besides be liable to suspension and dismissal as hereinbefore provided.

Sums unaccounted
for to be deemed
Crown debts.

L. All sums of money received by virtue and for the purposes of this Act of which the application or disposition for the purposes of this Act is not duly shown or accounted for or for the payment and disbursement of which for such purposes no legal or proper voucher or receipt is produced to the satisfaction of the Auditor of Public Accounts or Provincial Auditor as the case may be or which is wrongly or improperly retained by the Board or any member thereof shall be and be recoverable as a debt upon record from the Board to Her Majesty.

Summary Procedure
for breach of Bye-
laws.

LI. Any breach whatsoever of any of the provisions of this Act or of any bye-law or regulation made thereunder shall where no other mode or remedy is by this Act specifically provided be heard and determined in a summary way before any Resident Magistrate or two or more Justices of the Peace.

What shall be suffi-
cient Averment.

LII. In any proceeding for any offence against this Act the averment that such offence was committed within the limits

of the Port within which the same is alleged to be committed shall be sufficient without proof of such limits unless the contrary is proved.

LIII. No plaintiff shall recover in any action commenced against any person for anything done in pursuance of this Act unless such action be commenced within three months after the fact committed and unless notice in writing has been given to the defendant one month before such action is commenced of such intended action signed by the attorney of the plaintiff specifying the cause of such action nor shall the plaintiff recover in any such action if tender of sufficient amends has been made to him or his attorney by or on behalf of the defendant before such action brought and in case no such tender is made it shall be lawful for the defendant in any such action at any time before issue joined to pay into Court such sum of money as he thinks proper and the defendant in every such action may plead the general issue and give the special matter in evidence and that the same was done in pursuance and under the authority of this Act and if the same appears to have been so done or if such action or suit has been brought before the expiration of one month next after such notice has been given as aforesaid or after sufficient satisfaction made or tendered as aforesaid or after the time limited for bringing the same as aforesaid then and in every of such cases the Jury shall find a verdict for the defendant and upon such verdict or if the plaintiff is non-suited or discontinues his action or if upon demurrer or otherwise judgment is given against the plaintiff then and in every such case the defendant shall recover treble costs and shall have the same remedy for recovering the same as any defendant has for its costs in any other case by law.

Limitation and Regulation of Actions.

LIV. Where any vessel has been registered at a Port in the United Kingdom or any British possession the amount of tonnage specified in the certificate of such registry shall for the purposes of this Act be deemed to be the tonnage of such vessel.

British Registry to rule tonnage.

LV. In order to ascertain the tonnage of any vessel not registered as aforesaid as to which any question arises it shall be lawful for any Officer of the Customs or other person appointed in that behalf by the Collector of Customs at the Port in which such vessel may then be to measure such vessel and such Officer or person in measuring such vessel shall follow the regulations contained in the law regulating the measurement of shipping for the time being in force in this Colony.

Tonnage to be measured.

LVI. An Ordinance passed by the Legislative Council of New Zealand intituled "An Ordinance to provide for the Regulation of Harbours" another Ordinance passed by the said Legislative Council intituled "An Ordinance to amend an Ordinance to provide for the Regulation of Harbours" and "The Marine Boards Act 1862" are hereby respectively repealed.

Acts repealed.

LVII. All Rules and Regulations which are in force when this Act comes into operation shall continue in force as if made under this Act until revoked or altered under the authority of this Act and no longer.

Existing Rules to remain in force.

Governor in Council
may make Resolu-
tions.

LVIII. In all cases in which no provision or no sufficient provision is made by this Act it shall be lawful for the Governor in Council from time to time for the purpose of facilitating or more effectually carrying into execution any of the objects thereof to make and prescribe all such regulations either general or applicable to particular cases only as he shall think fit and such regulations from time to time to revoke or alter as to the Governor in Council shall appear to be requisite.

Schedule.

SCHEDULE.

HARBOUR MASTERS' FEES.

For every service performed by a Harbour Master under this Act a sum not exceeding One Penny per Ton of the Vessel in respect of which the Service is performed.

PILOTAGE RATES.

For every sailing Vessel a sum not exceeding Six Pence per Ton Inwards and the same sum Outwards.

For every Steam Vessel a sum not exceeding Four Pence per Ton Inwards and the same sum Outwards.

For every day that a Pilot is detained on board any Vessel whilst under Quarantine or by any act of the Master a sum not exceeding Twenty Shillings per day.

LIGHT-HOUSE RATES.

For every Steam Vessel and for every Vessel employed in the Coasting Trade on entering Inwards at the Customs of this Colony Four Pence per Ton. For every other Vessel entering Inwards at the Customs of this Colony Nine Pence per Ton.