



ANNO QUARTO

VICTORIÆ REGINÆ.

No. 3.

AN ACT to Regulate the Ballasting of Vessels in Port Adelaide.

WHEREAS it is expedient as well for the protection of the banks and shores of Port Adelaide from injury as for deepening the channel and aiding the navigation of vessels therein that the ballasting of ships should be regulated in manner aftermentioned :

BE IT THEREFORE ENACTED by His Excellency Lieutenant-Colonel George Gawler Knight of the Royal Hanoverian Guelphic Order Governor and Commander-in Chief of Her Majesty's Province of South Australia by and with the advice and consent of the Legislative Council thereof —

I. That it shall be lawful for his Excellency the Governor from time to time by notice published in the *South Australian Gazette* to appoint proper places in the said port either in the channel or on the banks thereof from which places all mud sand or other materials to be used for ballasting ships shall be raised dug excavated or procured and by like order to appoint a ballast master or other fit and competent officers to superintend the procuring and supplying of such ballast and the loading thereof on board of all vessels.

II. That no person shall excavate dig raise procure or load any mud sand or other materials used for ballasting vessels other than the proper officers appointed as aforesaid or persons acting in their employment or under their superintendance or at any other place than those authorised as abovementioned and every ship owner master officer or seaman of any ship or other person whatsoever found offending against or contravening the above enactment shall forfeit and pay a penalty not exceeding five pounds for every such offence.

That

III. That it shall be lawful for the harbour master in respect of the said supply of ballast by the officers appointed as aforesaid to charge and levy rates and dues at and after a scale to be from time to time authorised by the Governor and published in the *South Australian Gazette* which shall be payable on demand by all owners masters and other officers of ships to the said harbour master or other officer by whom empowered in the same manner and at the same time as the other port dues payable by them respectively and no such vessel shall be cleared outwards at the customs until production of a receipt for the said ballast dues under the hand of the proper officer.

IV. That all such rates and dues and all penalties imposed by this act shall in default of immediate payment be recoverable by summary procedure before the Resident Magistrate or any two Justices of the Peace for the province and by distress and sale and in default of sufficient distress by imprisonment for any period not exceeding three months. And all such rates dues and penalties shall be paid to the harbour master of Port Adelaide to be accounted for to the Colonial Treasurer for the public uses of the province and support of the Government thereof.

V. That this act shall commence on the first day of September, 1840.

GEORGE GAWLER,
Governor of South Australia.

Passed in Council this Eleventh day of August, 1840.

A. M. MUNDY,
Clerk of Council.