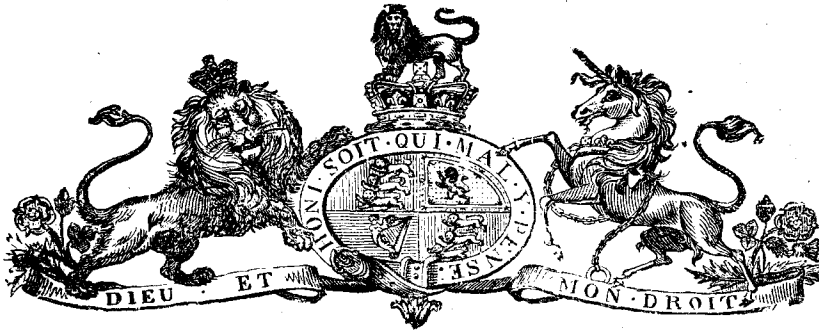


TASMANIA.



1901.

ANNO PRIMO

EDWARDI VII. REGIS,

No. 54.

see Marine Act 1921

AN ACT to provide for the Formation of the *Leven Harbour Trust*, and the Execution of Harbour Works at the *River Leven*. A.D. 1901.

[8 January, 1902.]

BE it enacted by His Excellency the Governor of *Tasmania*, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows :—

1 In the construction of this Act :

Interpretation.

“ Works ” means and includes such Roads, Railways, Tramways, Bridges, Jetties, Breakwaters, and Training Walls as shall be or be deemed to be necessary for the construction or maintenance of the *Leven Harbour*, in accordance with the plans and specifications mentioned in Section *Twenty-three* of this Act :

“ Landholder ” means and includes any and every owner or occupier of any property within the district :

“ Trustees ” means and includes the Trustees for the time being elected for the purposes of this Act :

“ Assessment Roll ” means and includes the Assessment Roll under “ The Assessment Act, 1900,” for the time being in force in which any property situate in the district is comprised :

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Leven Harbour Trust.

A.D. 1901.

“Owner” means the person for the time being in the actual receipt of or entitled to receive, or who, if such property were let to a tenant, would be entitled to receive, the rents and profits thereof, whether as beneficial owner, trustee, executor, or administrator, or mortgagee in possession, but shall not include any person who holds land at a rent :

“Gazette” means *The Hobart Gazette* :

“Port” means and includes any port, haven, or harbour within the jurisdiction of the Trustees, and any navigable river, creek, or inlet in which the tide ebbs and flows, and which is within the jurisdiction of the Trustees.

District defined.

2 “The *Leven Harbour District*,” for the purposes of this Act, shall be as described in Schedule (7.) of this Act.

Time and place of poll.

3 The Governor shall, by Proclamation, direct that, on a day and at the place or places therein named, the owners of properties in the district shall, by a poll to be taken in the manner hereinafter provided, decide whether the works shall be constructed under this Act. Such Proclamation shall be published once in the *Gazette*, and twice in Two newspapers circulating in the district. A circular shall also be posted to every voter within the district, at least Fourteen days prior to the Election, containing the following particulars :—Estimate of the cost of all Harbour Works proposed, including Turning Basin and additional Wharves, verified by the Engineer-in-Chief, together with the gross amount of annual charge for interest and Sinking Fund for which the Landowners would be liable.

Returning Officer.

4 The Governor in Council shall appoint the person by whom the decision of the owners shall be ascertained, and such person is hereinafter referred to as the Returning Officer.

Returning Officer's declaration.

5 The Returning Officer, and every Deputy Returning Officer, shall, before the day of the poll, make and subscribe before a Justice of the Peace a declaration in the form in the Schedule (1.), and any Returning Officer, or Deputy Returning Officer, who acts contrary to such declaration shall be liable to forfeit and pay a penalty not exceeding Fifty Pounds.

Returning Officer to preside

6 The Returning Officer shall preside at the principal polling-place, and shall, by writing under his hand, appoint a deputy to act for him and take the poll at each of the other polling-places.

Rooms to be provided.

7 The Returning Officer shall cause rooms to be hired, or otherwise obtained, at the place or places named by the Governor as occasion requires, and such rooms shall be so divided and arranged as to the Returning Officer seems best adapted for carrying out the



Leven Harbour Trust.

provisions of this Act, but so that there shall be as many inner rooms, or compartments as may be necessary, opening only into the room in which the ballot-box is kept, and sufficiently supplied with writing materials, in which the owners voting shall be enabled to fill up their ballot-papers in perfect secrecy, and with perfect security from interruption, and the Returning Officer shall provide a sufficient number of copies of the Assessment Roll, and a sufficient number of printed ballot-papers, containing the words "Yes" and "No," and every one of such ballot-papers shall be signed on the back by the Returning Officer, and the Returning Officer shall also provide a sufficient number of ballot-boxes, with secure locks, and with apertures through which the ballot-papers are be put into such boxes.

A.D. 1901.

Assessment rolls.

Ballot-papers.

Ballot-boxes.

8 The registration of votes shall commence at Nine o'clock in the forenoon, and shall finally close at Six o'clock in the afternoon, of the day appointed by the Governor as aforesaid. Every owner who is in the room in which the Returning Officer or Deputy Returning Officer is presiding at Six o'clock in the afternoon, and who has not voted, shall be allowed to vote.

Hours of polling.

9 Each and every owner shall enter unattended into the room provided for the purpose, and, in presence of the Returning Officer or Deputy Returning Officer, as the case may require, sign his name on the Assessment Roll opposite to where his name and property appear, and shall receive from the Returning Officer or Deputy Returning Officer as many ballot-papers as the number of votes to which such owner is entitled, and he shall then retire unattended into an inner room or compartment, and shall there strike out or deface the word "Yes" or "No," and shall afterwards place the ballot-paper or papers in a ballot-box provided for that purpose; and if the word "Yes" remains on the said ballot-paper undefaced, it shall be taken to signify that the owner so voting is in favour of the works being constructed under the provisions of this Act, and if the word "No" remains thereon undefaced, it shall be taken to signify that the owner so voting is not in favour of the construction of the works under the provisions of this Act; and if neither or both of the said words shall be struck out or defaced, then such ballot-paper shall be null and void, and shall not be counted.

How poll taken.

10 For the purpose of such poll, every owner shall have a number of votes proportioned to the annual value of his property in the district, such value to be ascertained by the Assessment Roll, according to the scale set forth in "The Rural Voting Act, 1884."

Voting at poll.

48 Vict. No. 26.

11 Every owner of several properties within the district shall be entitled to a number of votes according to the scale aforesaid, in proportion to the aggregate annual value of such properties as ascertained as aforesaid.

Aggregate value of properties to be taken.

Leven Harbour Trust.

A.D. 1901.

Joint ownership.

12 Where any property is jointly owned by more persons than one, the votes to which such owners are entitled shall be given as follows:—

If the number of votes assigned in respect of such property according to the scale aforesaid can be equally divided by the number of the joint owners, each of such joint owners is hereby empowered to give, and shall, if he votes, give, the number of votes to which a division of the votes assigned in respect of the property by the number of such joint owners shows him to be entitled to, and no more.

If the number of votes assigned in respect of such property is greater than the number of the joint owners, but cannot be equally divided thereby, such a portion of the total number of votes as can be equally divided shall be so divided, and each of such owners is hereby empowered to give, and shall, if he votes, give, the number of votes which a division of such portion of the total number as aforesaid shows him to be entitled to, and the vote or votes which cannot be divided among the joint owners shall be given by such one of them as is for that purpose deputed in writing by the other or others of such joint owners.

If the number of votes assigned in respect of such property is less than the number of such joint owners, then only one of such joint owners shall be entitled to vote in respect of the property so jointly owned as is for that purpose deputed in writing by the other or others of such joint owners.

Provided that such joint owners shall not in any case have among them in respect of such property a greater number of votes than Seven.

Trustees votes.

13 Where the annual value of property in the joint ownership of more persons than one, as Trustees, Executors, or Administrators, exceeds the sum of Four hundred and sixty Pounds, such Trustees, Executors, or Administrators shall not have amongst them in respect of such property a greater number of votes than Seven, and it shall be lawful for such votes to be given by such one or more of themselves as they may, by writing under their hands, appoint to be the person or persons to vote for such property: Provided always, that no person being a Trustee, Executor, or Administrator, as aforesaid, shall have in the aggregate a greater number of votes than Seven by reason of his acting in the capacity of Trustee, Executor, or Administrator, and also being beneficially entitled to or interested in any other property in the district.

Limitation of votes.

14 No person claiming to vote under this Act shall be entitled in any case whatever to a greater number of votes than Seven, notwithstanding he may have a plurality of qualifications in respect of properties within the district.

Objections to votes.

15 Any vote tendered to the Returning Officer or Deputy Returning Officer, as the case may be, may be objected to by any Scrutineer then present, and every such objection shall be decided by

Leven Harbour Trust.

the Returning Officer or Deputy Returning Officer, as the case may require. A.D. 1901.

16 No enquiry shall be permitted as to the right of any person to vote, except only as follows, (that is to say): the Returning Officer or Deputy Returning Officer may, if he think fit, and shall, if required by any Scrutineer, take from any person tendering himself as a voter before or at the time the ballot-paper is delivered to him, and not afterwards, the declaration in the Schedule (2.)

Questions to voters.

Any person who refuses to take such declaration shall not be allowed to vote. Any person who wilfully makes such declaration falsely shall be liable to a penalty of not less than One Pound nor more than Twenty Pounds.

17 In the event of any person who is blind or cannot read or write desiring to vote, the Returning Officer or Deputy Returning Officer shall write his name in the proper place on the Assessment Roll, and attest the same under his hand, and shall openly, in the room in which ballot-papers are received, in the presence of any Scrutineers who may be present, strike out the word "Yes" or "No" as such voter shall direct, and place the ballot-paper in the ballot-box, and such procedure shall be binding on every such person.

Blind or illiterate voters.

18 Two persons shall not be in an inner room or compartment for voting at the same time.

Persons in inner room.

19 No person shall take any ballot-paper out of the room in which the ballot-box is kept, excepting into the inner room or compartment, and then only for the purpose of recording his vote as herein directed, and any person wilfully acting contrary to the provisions of this and the last preceding Section shall forfeit and pay a penalty not exceeding Twenty Pounds.

Ballot-papers not to be taken outside.

20 The Deputy Returning Officer of each polling-place shall, as soon as practicable after the close of the poll, and in the presence of such of the Scrutineers as choose to be present, open the ballot-boxes, and count the votes therein, and forthwith make out and sign an abstract of the result of the voting at that place, and shall make up the ballot-papers taken from the ballot-box into a separate parcel, sealed with his own seal and the seals of such Scrutineers as desire to affix their seals, and shall send to the Returning Officer such parcel so sealed as aforesaid: and shall also send in a separate parcel, securely fastened, to the Returning Officer the unused and spoilt ballot-papers, the Assessment Roll supplied to such Deputy Returning Officer (having thereon the signature of any owner who has voted), and an account setting forth the number of ballot-papers originally delivered to such Deputy Returning Officer, the number delivered to and used by voters, the number left unused, and the number (if any) set aside for reference to the Returning Officer.

Counting votes.

Leven Harbour Trust.

A.D. 1901.

Declaration of
the poll.

21 The Returning Officer shall, as soon as possible after the close of the poll, declare the result thereof, and shall make an abstract of the total result of the said poll, and shall sign the same, and shall forthwith transmit such abstract to the Governor, and the said abstract shall be published in the *Gazette* forthwith after the receipt thereof by the Governor.

Plans to be
furnished.

22 If the district, by a majority of not less than Three-fourths of the votes recorded by the owners voting, decide in favour of the works being constructed, then plans, specifications, and estimates of the works, with a report of the Engineer-in-Chief thereon, shall be furnished to Parliament, and upon a resolution of both Houses of Parliament affirming that the works can be constructed and completed for the sum of Seventeen thousand two hundred and fifty Pounds, and that a rate of not more than One Shilling in the Pound on the annual value as shown in the Assessment Roll of the lands within the district will be sufficient to comply with the terms of Sections Twenty-nine and Thirty-four of this Act, the Governor may, by notice in the *Gazette*, declare that the works shall be constructed under the provisions of this Act.

First election of
Trustees.

23—(1.) The Governor shall, in the notice mentioned in the last preceding Section, direct that, on a day and at a place in the district, between the hours therein named, an election shall be held to choose from the male resident Landholders Five persons to be Trustees.

(2.) Such notice shall, in addition to its publication in the *Gazette*, be published at least three times consecutively in a public newspaper circulating in the district. The first of such publications shall be not less than Twenty-one days before the day appointed for the election.

(3.) Such election shall be presided over by the person appointed for that purpose by the Governor in such notice.

(4.) Nominations of Landholders for election as Trustees shall be forwarded to and received by the person so appointed to preside Seven clear days before the day for holding the election. Such nominations shall be forthwith advertised in a public newspaper circulating in the district. The person appointed to preside shall perform all the duties of a Returning Officer set forth in Sections Six and Seven of this Act; but, instead of the ballot-papers having printed on them the words "Yes" and "No," there shall be printed the names of the several candidates for election.

(5.) Within Three days after the election, the person so presiding shall prepare, sign, and forward to the Treasurer a notification of the names of the persons and places of residence of the persons elected to be Trustees.

(6.) The Treasurer, upon receipt of such notification, shall cause to be published in the *Gazette* the names of the persons so elected, and shall also cause written notice of his election to be sent by post to every Trustee.

Leven Harbour Trust.

(7.) The first meeting of Trustees shall be held at such time and place as the Treasurer shall appoint. The Treasurer is hereby directed forthwith to send by post to every Trustee written notice of the time and place so appointed by him for such first meeting.

A.D. 1901.

24 The Trustees are hereby declared to be a body corporate by the name of "The *Leven* Harbour Trustees," having perpetual succession and a common seal.

Trustees a Corporation.

25 Save as hereinbefore provided, the first election, and every subsequent election of Trustees, shall be held in the same manner as elections for Trustees of road districts, and for the purposes of every such election the annual retirement of and of filling vacancies among the Trustees, and recording the proceedings of the Trustees, the district shall be deemed to be a road district, and Sections Thirty-three, Thirty-four, Thirty-six, Thirty-seven, Thirty-eight, Thirty-nine, Forty-two, Forty-three, Forty-four, Forty-five, Forty-six, Forty-seven, Forty-eight, Forty-nine, Fifty, and Fifty-one of "The Roads Act, 1884," Sections Two, Three, Four, Five, Six, Seven, Eight, Nine, and Ten of "The Roads Act Amendment Act, 1885," Sections Three and Five of "The Roads Amendment Act, 1899," and "The Rural Voting Act, 1884," are hereby incorporated with this Act, *mutatis mutandis*.

Mode of election.

48 Vict. No. 28.

49 Vict. No. 38.

48 Vict. No. 26.

63 Vict. No. 37.

26 It shall be lawful for the Trustees, with the approval of Parliament, to borrow, on security of the rates, funds, and property at the disposal of the said Trustees, any sum of money not exceeding Seventeen thousand two hundred and fifty Pounds, for the purpose of constructing any works authorised by this Act, and of paying the cost of preparing plans, specifications, and estimates of such works; and if, after having borrowed the said sum or any part thereof, the Trustees pay off the same, it shall be lawful for the Trustees again to borrow, with the approval of Parliament, the amount so paid off, and so from time to time.

Power to Trustees to borrow £17,250.

27 It shall be lawful for Parliament to grant the sum of Seventeen thousand two hundred and fifty Pounds as a loan to the Trustees for and towards the construction of any works authorised by this Act and the preparation of plans, specifications, and estimates of such works, and such sum shall be defrayed out of moneys to be provided by Parliament for that purpose. Provided, that before the construction of the works is commenced, the contract for the same shall be approved by the Governor.

Loan of £17,250 may be granted to Trustees.

28 The moneys so advanced shall be repaid by the district to the Treasurer to the extent and in the manner hereinafter provided.

Repayments by district.

29 The Trustees shall annually, on the First day of *January* in every year, pay to the Treasurer a sum equal to Five Pounds per centum per annum on the moneys so advanced as aforesaid.

Annual payments

Leven Harbour Trust.

A.D. 1901.

Appropriation of
payments.

30 Out of such payments to him, the Treasurer shall retain for the public service interest at the rate of Three Pounds Ten Shillings per centum per annum on the moneys for the time being owing to him by the district. The balance of such payments shall be forthwith invested in the purchase of Government stock bearing interest, which stock shall be placed in the Treasury books in the names of the Treasurer and the Trustees, to an account intituled "The *Leven* Harbour Trust Loan Sinking Fund Account."

Interest on
sinking fund.

31 All interest accruing due on any such stock for the time being standing to the credit of such account shall be invested in the purchase of similar Government stock, which shall be placed to the credit of the same account.

Reduction of
debt.

32 When and as often as the amount to the credit of such account amounts to One hundred Pounds, such amount, or the securities representing the same, shall be paid or transferred to the Treasurer, and be by him applied in or towards payment or satisfaction of the moneys advanced to the Trustees under the provisions hereinbefore contained.

Trustees may
levy rates.

33 To provide funds for the repayment of the moneys advanced by the Treasurer as aforesaid, with interest thereon, the Trustees are hereby empowered, so long as the said moneys and interest, or any part thereof respectively, remain unpaid, to make and levy such a rate not exceeding One Shilling in the Pound upon the annual value of the property in the district as they may deem necessary.

Amount of rate.

34 The amount of such rate shall be from time to time determined by the Trustees annually, and shall be made and levied annually, if required by them, until the amount advanced and paid as aforesaid has been repaid, with interest thereon, as aforesaid.

Mode of collec-
tion.

35 Every such rate shall be made, levied, and collected in the same manner as if the same were a road rate, and the district were a road district ; and, for the purposes of making, levying, and collecting such rate, the provisions of "The Roads Act, 1884" (Sections Fifty-seven to Seventy-five, both included), relating to road rates, are hereby incorporated within this Act, *mutatis mutandis*.

Cessation of rate.

36 As soon as the amount advanced by the Treasurer to the Trustees, with interest thereon, shall have been paid, no further rate shall be made upon the property of the district.

Default of pay-
ment, the Govern-
or may levy
rate

37 If at any time default shall be made in the annual payment hereinbefore provided to be made by the Trustees to the Treasurer, the Governor shall, and lawfully may, make and levy a rate, to be called the Harbour Rate, not exceeding One Shilling in the Pound, upon the annual value of all lands in the district, as shown by the Assessment Roll by Proclamation in the *Gazette*, declaring the

Leven Harbour Trust.

making thereof, and specifying the amount in the Pound of such rate, and at what periods, and in what proportions, the same is payable; and, upon such Proclamation being so published, such rate shall be payable by the landholders at the periods and in the proportions therein specified, and it shall not be necessary in such Proclamation to set forth the names of the persons liable to the payment of the rate, or the sums which, according to such rate, such persons are liable to pay, or any other particulars than hereinbefore in that behalf mentioned.

A.D. 1901.

38 The Governor may appoint Collectors of such rate, and every such Collector shall have and exercise the same powers and authorities for collecting such rates as a Collector appointed by the Trustees.

Governor may appoint collectors.

39 The Trustees shall have the sole control and management of the construction and maintenance of the works, and upon their election, the powers and duties of the Marine Board of *Leven*, in, upon, and over the wharves, jetties, and training walls within the district, by virtue of "The Marine Boards Act, 1889," and the several Acts amending the same, or incorporated therewith, shall absolutely cease.

Trustees to control works.

40 It shall be lawful for the Trustees, after Fourteen days' notice to the owner or occupier, to enter upon any uncultivated land, and to cut down, quarry, dig, and carry away all such indigenous timber, stone, clay, or the like material, as may be required for the purpose of constructing or completing, repairing or maintaining, the works, making full compensation for such timber, stone, clay, or material, to the party entitled thereto: Provided that it shall not be lawful for the Trustees to cut down any such indigenous timber where it has been reserved and used by the owner or occupier of the land for the purpose of ornament or shelter.

Power to enter lands.

41 The Trustees may enter upon and take such waste lands of the Crown as may be necessary for the construction of the work, and may remove therefrom timber, stone, clay, or like material, without paying any compensation for either land or material.

Trustee may enter Crown lands.

42 The Trustees may enter upon and take such private land as may be necessary for the construction of the works in the mode prescribed by *The Lands Clauses Act*, which Act, except Sections Eight, Nine, and Thirty-seven, is hereby incorporated with this Act; and the compensation for taking indigenous timber, stone, or material from uncultivated land, or materials from any land, for the purposes of this Act, shall be settled by arbitration in the mode prescribed by *The Lands Clauses Act*, in cases of disputed compensation. The Trustees shall be deemed to be the promoters of the undertaking.

Trustees may take private lands.

Leven Harbour Trust.

A.D. 1901.

Signature of documents.

43 Every summons, notice, or other document, and all contracts and agreements requiring to be signed or executed by the Trustees, may be signed by the Chairman of the Trustees, whose signature shall be sufficient for all purposes, and service of any summons, notice, or other proceeding, upon the Chairman of the Trustees shall be deemed to be service upon all the Trustees.

Proceedings by or against the Trustees.

44 In all proceedings, civil or criminal, it shall be sufficient to describe the property in any work as the property of the *Leven Harbour Trustees*, describing such work in general terms, and all proceedings at law or in equity may be had or taken by and against the Trustees, and the Trustees may be described in all contracts and agreements under the name of "The *Leven Harbour Trustees*," and no action or suit shall abate by reason of any change in the persons constituting such Trustees.

Officers.

45 The Trustees shall, from time to time, appoint a Treasurer (who may be one of the Trustees), and may, from time to time, appoint and employ Collectors of Rates, Bankers, Solicitors, Wharfingers, and other officers as the Trustees may think necessary and proper, and may from time to time remove all or any of such persons from office, and appoint others in their stead, or in the places of such as may resign or die, and may, out of the moneys at their disposal, pay such salaries and allowances to such persons respectively as the Trustees think fit.

Persons may hold two offices.

46 Nothing herein contained shall prevent the same person holding two or more of such offices at the same time, save and except that the same person shall not hold at one and the same time the offices of Treasurer to the Trustees and Collector of Rates.

Salaries.

47 The Chairman and Treasurer of the Trustees shall be paid respectively such salary as the Trustees, with the approval of the Governor, may from time to time determine.

Officers may not be trustees.

48 Except as last aforesaid, every person holding any office or place of profit in the gift or disposal of the Trustees shall be disqualified from being a Trustee, and if any Trustee is appointed to any such office or place of profit, he shall thereupon cease to be a Trustee. Any Trustee who shall be appointed Treasurer shall be liable to all the provisions of this Act relating to such officer as if he were not a Trustee.

Security.

49 Before any person, whether Treasurer, Clerk, Collector, or other officer who is entrusted by the Trustees with the custody or control of moneys by virtue of his office, enters upon his office, the Chairman of the Trustees shall take sufficient security for the faithful performance thereof.

Leven Harbour Trust.

50 Every officer or person employed by the Trustees shall, in books to be kept for that purpose, enter true accounts of all sums of money by him received and paid, and of the several matters for which such sums have been received and paid, and of all acts done by him by direction of the Trustees, and such books shall at all times be open to the inspection of any Trustee, and any Trustee may take extracts therefrom.

A.D. 1901.

Officer's books.

51 Every Collector or other officer shall, within Seven days after he shall have received any money on behalf of the Trustees, pay the same into the Bankers of the Trustees to their credit, and the receipt of such Bankers for the moneys so paid shall be a sufficient discharge to such Collector or officer ; and every such Collector or officer shall, in such time and in such manner as the Trustees direct, deliver to the Trustees true and perfect accounts, in writing under his hand, of all moneys paid by him to the said Bankers, and also a list of all persons who have neglected or refused to pay any moneys owing by them, with a statement of the moneys due from them respectively.

Officers to pay over moneys.

52 Every Collector and other officer appointed or employed by the Trustees shall, from time to time, when required by the Trustees, make out and deliver to them, or to any person appointed by the Trustees for that purpose, a true and perfect account, in writing under his hand, of all moneys received by him on account of the Trustees, and such account shall state how, and to whom, and for what purpose, such moneys have been disposed of, and, together with such account, such Collector or officer shall deliver the vouchers and receipts for such payments ; and every such Collector or officer shall pay to the Trustees, or to any person appointed by the Trustees to receive the same, all moneys which appear to be owing from him upon the balance of such accounts.

Officers to make out accounts.

53 If any such Collector, Treasurer, or other officer fails to render such accounts as aforesaid, or to produce and deliver up all the vouchers and receipts relating to the same in his possession or power, or to pay the balance thereof when thereunto required, or if for Three days after being thereunto required he fails to deliver up to the Trustees, or to any person appointed by the Trustees to receive the same, all books, papers, writings, property, effects, matters, and things in his possession or power, relating to the execution of his office, or belonging to the Trustees, then, on complaint thereof being made to a Justice of the Peace, such Justice of the Peace shall forthwith summon such Collector, Treasurer, or other officer to appear before Two or more Justices of the Peace, at a time and place to be set forth in such summons, to answer such complaint, and, upon the appearance of such Collector, Treasurer, or other officer, or upon proof by affidavit or otherwise that such summons was personally served upon him, or left at his last known place of abode in *Tasmania*, such Justices of the Peace

Failure to render accounts.

Leven Harbour Trust.

A.D. 1901.

may hear and determine the matter in a summary way, and may adjust and declare the balance owing by such Collector, Treasurer, or officer; and, if it appears, either upon confession of such Collector, Treasurer, or officer, or upon evidence, or upon inspection of the accounts, that any moneys of the Trustees are in the hands of such Collector, Treasurer, or officer, or owing by him to the Trustees, such Justices of the Peace may order such Collector, Treasurer, or officer to pay the same: And if such Collector, Treasurer, or officer fail to pay the amount so ordered forthwith, it shall be lawful for such Justices of the Peace to issue their warrant to levy the same by distress, and, in default of sufficient distress, to commit such Collector, Treasurer, or officer to gaol, there to remain without bail for a period not exceeding Three months, unless the same is sooner paid.

Refusal to make
out accounts.

54 If any such Collector, Treasurer, or officer summonsed as aforesaid refuses to make out such account, in writing, or to produce and deliver to the Justices of the Peace the several vouchers and receipts relating thereto, or to deliver up any books, papers, or writings, property, effects, matters, or things, in his possession or power belonging to the Trustees, such Justices of the Peace may commit such Collector, Treasurer, or officer to gaol, there to remain till he shall have delivered up all the vouchers and receipts in his possession or power relating to such account, and all the books, papers, writings, property, effects, matters, and things, in his possession or power belonging to the Trustees.

Arrest of Officer.

55 If any Trustee, or any person acting on behalf of the Trustee, makes oath that he has good reason to believe, upon grounds to be stated in his deposition, and does believe, that it is the intention of any such Collector, Treasurer, or officer of the Trustees to abscond, the Justice of the Peace taking such deposition may, instead of issuing his summons as aforesaid, issue his warrant for bringing such Collector, Treasurer, or officer before such Two or more Justices of the Peace as aforesaid; but no person executing such warrant shall keep such Collector, Treasurer, or officer in custody longer than Twenty-four hours without bringing him before a Justice of the Peace, and the Justice of the Peace before whom such Collector, Treasurer, or officer is brought may either discharge such Collector, Treasurer, or officer, if he thinks there is no sufficient ground for his detention, or order such Collector, Treasurer, or officer to be detained in custody, so as to be brought before Two or more Justices of the Peace, at a time and place to be named in such order, unless such Collector, Treasurer, or officer gives bail to the satisfaction of such Justice of the Peace for his appearance before such Justices of the Peace to answer the complaint of the Trustees.

Saving of
remedies.

56 No proceeding against, or dealing with, any such Collector, Treasurer, or officer as aforesaid, shall deprive the Trustees of any

Leven Harbour Trust.

remedy which they otherwise would have had against such Collector, Treasurer, or officer, or any surety for him. A.D. 1901.

57 The Trustees shall cause books to be provided and kept, and true and regular accounts to be entered therein of all sums of money received and paid under the authority of this Act, and of the several purposes for which such sums of money have been received and paid, which books shall, at all reasonable times, be open to the inspection of any Trustees, or any creditor of the Trustees, without fee or reward, and the persons aforesaid, or any of them, may take copies of, or extracts from, any of the said books, without paying for the same: And any person having the custody of the said books who does not, on the reasonable demand of any person as aforesaid, permit him to inspect the said books, and to take copies of and extracts from the same, or any of them, shall, for every such offence, incur a penalty not exceeding Five Pounds. Books.

58 Such wharfages on goods entered to be landed at any port within the jurisdiction of the Trustees not exceeding those specified in Schedule (3.), and on goods entered for export at any port within the jurisdiction of the Trustees not exceeding those specified in Schedule (4.), and such Harbour Dues not exceeding those in Schedule (5.), as may from time to time be fixed by any By-law made by the Trustees under the authority of this Act, shall be payable, and paid to the Collector of Customs at the port, or such officer as may be appointed by the Governor, for the purposes of this Act. Wharfage rates.

Until such by-laws as aforesaid shall be made, the wharfages payable under the By-laws of the Marine Board of *Leven* at the date of the first election of Trustees hereunder shall continue to be payable and paid to the Collector of Customs, or such other officer as aforesaid, for the purposes of this Art.

59 Sections Fifty-nine to One hundred and nine, Section One hundred and twelve, Sections One hundred and twenty to One hundred and thirty-three (except as much of Section One hundred and thirty as relates to the granting of certificates of competency or service to Masters and Mates of steam or sailing vessels), Sections One hundred and seventy to One hundred and seventy-four, Sections One hundred and eighty-one to One hundred and ninety of "The Marine Boards Act, 1889," Section Thirteen of "The Marine Boards Amendment Act, 1892," Section Three of "The Marine Boards Amendment Act, 1893," Sections Eleven, Twelve, Thirteen, Fourteen, Fifteen, Sixteen, Nineteen, and Twenty-three of "The Marine Boards Amendment Act, 1895," and Sections Nine and Twenty-six of "The Marine Boards Amendment Act, 1898," shall be, and the same are hereby, incorporated with this Act. Incorporation of parts of Marine Boards Acts.

53 Vict. No. 34.

56 Vict. No. 57.

57 Vict. No. 15.

59 Vict. No. 27.

62 Vict. No. 36.

All acts, matters, and things directed or required to be done by the Master Warden of a Marine Board shall, and may lawfully, be done by the Chairman of the Trustees:

All acts, matters, and things directed or required to be done by

Leven Harbour Trust.

A.D. 1901. One or more Wardens of a Marine Board, shall and may lawfully be done by One or more of the Trustees :

Whenever, in the Acts, or parts of Acts, incorporated in this Act, as last above-mentioned, "the Board" is referred to, such reference shall be deemed to extend to and to mean "The *Leven Harbour Trust.*"

Subsequent poll. **60** If the result of the poll hereinbefore provided for shall be against the proposal to execute the works, such decision shall not be final, but the Governor may, from time to time thereafter, direct a poll to be taken in such district, in the manner herein provided for such first poll. If the result of any later poll shall be favourable to the proposal to execute the works, the like proceedings shall be had for the election of Trustees, submission of plans, and construction of the works, as hereinbefore provided in the case of such first-mentioned poll being favourable. Provided that there shall be a period of at least One year between the declaration of the last poll and the taking of any subsequent poll. Provided also that no poll shall be taken after the expiration of Five years from the date of this Act.

Expenses of Act, poll, &c. **61** The expenses of and attending the taking of every such poll as aforesaid, of the preparation of this Act, of the preparation of the plans, specifications, and estimates of the works, and the report thereon, and of the first election of Trustees hereunder, shall be borne by the Marine Board of *Leven.*

Short title. **62** This Act may be cited for all purposes as "The *Leven Harbour Trust Act.*"

SCHEDULE.

(1.)

I, *A.B.*, do solemnly and sincerely declare that I will faithfully perform the duties devolving upon me in ascertaining the decision of the owners of property within the *Leven Harbour* district as to the construction of the work mentioned in the Proclamation of the Governor in Council, dated the day of 190 , that I will not in any manner interfere with any voter when filling up his ballot-paper, or attempt to ascertain the manner in which he votes; and, in case I should become acquainted with the manner in which any voter has voted then, that I will not disclose my knowledge to any person or persons, nor aid, directly or indirectly, in discovering the same.

(2.)

I, *A.B.*, do solemnly and sincerely declare that I am the person named as [*A.E.*] in the Assessment Roll now in force for the district of *West Devon* and a voter for the *Leven Harbour* District, and that I have not before voted at this poll.

Witness—

[To be signed by declarant and witnessed by Returning Officer or Deputy Returning Officer.]

Leven Harbour Trust.

(3)

A.D. 1901.

WHARFAGE RATES ON GOODS INWARDS.

	<i>s.</i>	<i>d.</i>
Tun Butt, each.....	3	9
Pipe or Puncheon, each.....	2	0
Hogshead, each.....	1	6
Barrel, Tierce, or Quarter-cask, each.....	1	0
Octave, Keg, or Firkin.....	0	6
Case, Crate, Cask, Bale, Box, Bundle, Trunk, Bag, or other Package, containing goods not otherwise enumerated, measuring 30 cubic feet and upwards...	3	0
Ditto, over 5 cubic feet, and not exceeding 30 cubic feet.	2	0
Ditto, under 5 cubic feet.....	0	9
Box of Tea.....	0	2
Chest of Tea.....	0	9
Half-chest.....	0	6
Quarter-chest.....	0	4
Case, Cask, or other Package of any Liquid in bottle, tin, jar, carboy, or drum, 5 gallons and under 10 gallons reputed quarts and pints.....	0	6
Ditto, 10 gallons and under 25 gallons.....	0	9
Ditto, exceeding 25 gallons.....	1	0
Sugar, Coffee, Rice, Dried Fruits, Tallow, Soap, Paint, Potatoes, Onions, Sago, Tapioca, Flour, Meal, Salt, Cordage, Flax, Oakum, Nails, Shot, Iron Sheathing, Metal, Steel, Galvanised Iron, Corrugated or Plain, Lead, or other loose Metal, Machinery, and other heavy goods not otherwise enumerated, per cwt.....	0	4
Less than 1 cwt. to pay as 1 cwt.		
Candles, per 100 lbs.....	1	0
Less than 50 lbs. to pay as 50 lbs.		
Coals, per ton.....	2	0
Less than 1 ton to pay as 1 ton.		
Timber, per load of 50 cubic feet.....	4	0
Less than 25 feet cubic feet to pay as 25 cubic feet.		
Oars, Spades, Shovels, Forks, Frying Pans, and other similar articles, per dozen.....	0	3
Fractional parts of a dozen to pay as a dozen.		
Brooms, Handles, Staves, Handspikes, Gun-stocks, and small pieces of shaped wood, per score.....	0	4
Fractional parts of a score to pay as a score.		
Grain, Malt, or Pulse, per 100 lbs.....	0	6
Four-wheel Carriage.....	20	0
Two-wheel Carriage.....	10	0
Piano or Harmonium.....	4	0
Tubs or Buckets, per score.....	0	6
Chairs, if loose, each.....	0	2
Sheep, each.....	0	1
Horses, each.....	5	0
Cattle, per head.....	1	0

All articles for the use of His Majesty's Government, or of the Fisheries of the Commonwealth, as well as all Fish Oil and Whalebone landed from any vessel engaged in the Fisheries, all Empty Casks intended for the Fisheries, and Guano Bones and Bonedust, and other Manures to be exempt from wharfage.

Unless otherwise provided, goods packed in cases or packages shall pay wharfage rates as if not so packed.

Leven Harbour Trust.

A.D. 1901.

(4.)

WHARFAGE RATES OUTWARDS.

	s.	d.
Potatoes, per bag	0	1½
Grain, Pulse, and Malt, per 100 lbs. or part of 100 lbs....	0	3
Timber in log, per 100 superficial feet	0	2
Any quantity less than 100 feet to pay as 100 feet.		
Timber, sawn, per 100 superficial feet... ..	0	2
Any quantity less than 100 feet to pay as 100 feet.		
Palings and Staves, per 100	0	2
Any number less than 100 to pay as 100.		
Ores of Galena, Copper, Iron, or Tin, per ton	0	6
Any quantity less than a ton to pay as a ton.		

(5.)

HARBOURMASTER'S FEES.

Every steam ship and sailing ship, not being a coasting ship only, entering any port, and loading and discharging passengers, cargo, or ballast, shall pay Two Pence per registered ton.

Steam ships or sailing ships, employed in coasting only, shall pay One Penny per registered ton for each trip.

(6.)

PILOTAGE RATES.

For every sailing vessel, a sum not exceeding One Shilling per ton inwards, and the same sum outwards.

For every steam vessel, a sum not exceeding Eightpence 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.

(7.)

BOUNDARIES OF PROPOSED LEVEN HARBOUR DISTRICT.

Commencing at point on Bass Strait due east from a north-east angle of Lot 327 purchased by John Walker, and bounded by a line due west to a north-east angle of the said lot; thence westerly by the the north boundary of that lot to the eastern boundary of Lot 6038 purchased by M. W. B. Pasley; thence northerly along the eastern boundary of the last-mentioned lot to land purchased by A. Littlejohn; thence by the southern boundary of that land to land purchased by J. Barker; thence by part of the eastern and southern boundaries of that lot to land purchased by W. S. Groom; thence westerly by the southern boundary of that land to the eastern boundary of a grant to Amos Drew; thence southerly along the eastern boundary of that grant to the

Leven Harbour Trust.

north boundary of Lot 492 purchased by Alexander Clerke; thence westerly along the north boundary of that lot and land purchased by J. M. Dooley; thence southerly along the western boundary of the last-mentioned land to the north boundary of 462 purchased by J. M. Ware; thence by parts of the northern and western boundaries of that lot to the north-east angle of Lot 1975 purchased by Thomas Giblin; thence by the northern and western boundaries of that lot and part of the western boundary of Lot 1976 also purchased by Thomas Giblin to land purchased by W. J. Morris; thence westerly by the northern boundary of that lot; also by the western boundary of the said lot to the south-east angle of land purchased by J. Rafferty; thence by the southern boundary of that lot to the north-west angle of a surveyed lot; thence by the western boundary of the last-mentioned lot southerly to the River Leven; thence by the western bank of that river to land purchased by W. Russell; thence by the northern and western boundaries of that land; thence by a line south-westerly to the north-east angle of land purchased by A. Short; thence by the eastern and part of the southern boundary of that land to land purchased by R. Bransden; thence southerly by the eastern boundary of that land and land purchased by H. Bransden; also by the eastern boundary of a lot of 48 acres and 20 perches to the south-east angle of the said lot; thence by a line south-westerly to the north-west angle of land purchased by J. R. Fulton; thence by the western boundary of that land to Lowanna Creek; thence by that creek in a south-westerly direction to the eastern boundary of land selected by P. J. Marshall; thence northerly along the eastern boundary of that selection to its north-east angle; thence by the northern and part of the western boundaries of the same selection to the north boundary of a surveyed lot of 49 acres 1 rood and 33 perches; thence by the northern and western boundaries of that lot to land selected by H. James; thence westerly by the northern boundary of that lot; thence southerly by the western boundary of the said lot to its south-west angle; thence by a southerly line to the southern boundary of the Parish of Lowanna; thence easterly by the southern boundaries of the Parishes of Lowana and Castra to the Castra Rivulet; thence by that rivulet to land purchased by E. X. Hall; thence by the western and northern boundaries of that land to land purchased by E. Nicholls; thence by the northern boundary of the last-mentioned land to its north-east angle; thence northerly along the eastern boundary of land purchased by A. Gould to the southern boundary of the Parish of Castra; thence by that boundary easterly to the Wilmot River; thence by that river in a north-westerly direction to the southern boundary of 50 acres purchased by H. Grainger; thence westerly by the southern boundary of that lot; by part of the eastern and southern boundaries of a surveyed lot to the eastern boundary of 25 acres 1 rood purchased by J. Russell; by part of the eastern and southern boundaries of that lot to land purchased by W. J. Berry; thence southerly and westerly along that land and along the south boundary of a vacant lot of Crown land to the eastern boundary of Lot 853, leased to Wm. Moore, junior; thence by the eastern, southern, and western boundaries of that lot to the southern boundary of land purchased by Wm. Moore; thence by southern, eastern, and northern boundaries of that land to the south-west angle of land purchased by A. Dennison, by the western boundary of the said land purchased by A. Dennison, and the western boundary of land purchased by E. Champion, to the southern boundary of Lot 5720 purchased by Wm. Moore; thence easterly along the southern boundary of Lot 5720 to its south-east angle; thence northerly along the eastern boundary of the said lot to the south boundary of the Town of Moreton; thence by the southern and eastern boundaries of that town to its north-east angle; thence by the eastern boundary of Lot 5132 to Clayton's Rivulet, crossing that stream; thence by that stream northerly to the north boundary of Lot 6154, purchased by Alexander Clerke; thence westerly along that boundary to the south-west angle of 100 acres purchased by Jno. Simpson; by the western boundary of that lot northerly to land purchased by G. A. Fulton; by the southern and western boundaries of that land and the western boundary of land purchased by T. W. Monds to the south boundary of a lot of 50 acres 2 roods 39 perches; by the southern boundary of that lot westerly to the east boundary of land purchased by S. T. Hayden; thence northerly and westerly along the eastern and northern boundaries of that land to the eastern boundary of land purchased by J. Mills; thence northerly along the eastern boundary of that land to the southern boundary of land purchased by Wm. L. Jordan; thence westerly along the southern boundary of that land to the eastern boundary of land purchased by S. S. Travers; thence northerly along the eastern boundary of that

A.D. 1901.

Leven Harbour Trust.

A.D. 1901.
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land and land purchased by Geo. M'Donald, jun., to the north-west angle of Lot 491 purchased by Thomas Drew; thence easterly along the northern boundary of that lot to land purchased by N. Lyendecker, by the western and northern boundaries of that lot to the south-west angle of 30 acres located to E. Browne, by the western and northern boundaries of that location to the south-east angle of land purchased by J. Donovan; by the eastern boundary of that land to Clayton's Rivulet, crossing the same; thence by that rivulet to Bass Strait; thence by that strait to the point of commencement.