

In case of the death, removal from the City, or refusal of any person appointed or elected to the office of Constable, the Common Council may appoint another.

II. *And be it further enacted;* That if any Person appointed to the office of Constable, under and by virtue of this Act, or elected to the same office agreeably to the provisions of the said Charter, shall happen to die; or remove out of the said City, within the time for which he shall be so appointed or elected, or shall refuse to take upon himself to execute the said office, when so appointed or elected; it shall and may be lawful for the said Common Council to appoint one other fit person to execute the said office, in the room of such person so dying, or removing, or refusing to take upon himself to execute such office.

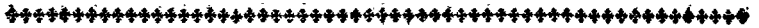
Constables to be appointed by the Common Council to be sworn.

III. *And be it further enacted,* That every Person appointed under and by virtue of this Act, shall before he executes the office of Constable, be duly sworn as is provided by the said Charter, in the case of persons elected to the said office; and any person who shall refuse, deny, delay or neglect to take upon him to execute the said office, when so appointed by the said Common Council, shall be subject to the like fine as is provided by the said Charter, upon the refusal or neglect of any person to take upon him to execute the said office, after being elected to the same; to be imposed or recovered, and levied and collected, as in and by the same Charter is provided,

And for refusal or neglect of duty to be liable to the same fine as Constables elected under the Charter.

Constables in the eastern district, to be inhabitants of the wards for which they are appointed, and Freemen, and in the western district to be inhabitants of the district, and Freemen.

IV. *And be it further enacted,* That the persons who may be appointed to the office of Constable, under and by virtue of this Act, for the several Wards in the eastern district of the said City, shall be inhabitants of the Wards, for which they shall be respectively appointed, and Freemen of the said City, and the persons who may be in like manner appointed for the Wards in the western district of the said City, shall be inhabitants of the said district, and Freemen of the said City,



CAP. XII.

An ACT more effectually to prevent the encumbering or filling up of Harbours, and to authorise the appointment of Harbour Masters. Passed the 7th of March, 1812.

Preamble:

WHEREAS the Laws now in force "to prevent the encumbering or filling up of Harbours," are found ineffectual: And whereas it is necessary for the security of vessels, that Harbour Masters should be appointed in this Province.

Former Acts repealed.

I. *Be it therefore enacted by the President, Council, and Assembly,* That an Act made and passed in the thirty-third year of His MAJESTY'S Reign, intituled "An Act to prevent the encumbering or filling up of Harbours," and also an Act, made and passed in the fiftieth year of His MAJESTY'S Reign, intituled "An Act in addition to an Act, to prevent the encumbering or filling up of Harbours," be, and the same are hereby repealed.

II.

II. *And be it further enacted,* That no master or commander of any ship or vessel, shall unload or throw overboard, any ballast or rubbish, into any Road, Port, or Harbour, in this Province, or land the same in any other part of such Road, Port, or Harbour, than shall be appointed by the Harbour Master, or Port Wardens of the respective Ports, under the penalty of *twenty five pounds*, for each and every offence.

No ballast or rubbish to be unloaded or thrown into any other part of any road, port or harbour, than shall be appointed by the Harbour master, or Port Wardens under the penalty of 25/.

III. *And be it further enacted,* That when ballast is discharged in any of the Harbours of this Province, into boats or lighters, there shall be a sufficient piece of canvas, or tarpauling, reaching from the ballast port, or gunwale of such ship or vessel, to the boat or lighter, to prevent any part of such ballast or rubbish falling into such Harbour, under the penalty of *ten pounds*, for each and every offence, which penalties shall be recovered on the oath of one or more credible witness or witnesses, before any two of His MAJESTY'S Justices of the Peace, for the County where such offence shall be committed; all which penalties when recovered, shall be paid into the hands of the Commissioners appointed to erect beacons, land marks, buoys, and other necessary purposes in their respective Counties, who shall account to the Justices in their Sessions for the expenditure: Provided always that nothing in this Act shall extend or be construed to extend to the City of Saint John.

In discharging ballast a piece of canvas to be used to prevent ballast from falling into the harbour, under the penalty of 10/.

To be recovered before two Justices and paid into the hands of the commissioners appointed to erect Beacons, &c.

Not to extend to the City of Saint John.

IV. *And be it further enacted,* That it shall and may be lawful for the Justices of the Inferior Court of Common Pleas, in the respective Counties, to appoint Harbour Masters for such Harbours as may be found to require the same, which Harbour Masters shall have full power and authority to direct and regulate the proper ballast births, and also the anchoring and mooring of each and every vessel coming into such Harbours, and the master or commander of any ship or vessel, who shall refuse or neglect to obey or conform to the directions of such Harbour Master, shall forfeit and pay the sum of *five pounds*, for each refusal or neglect, to be recovered and applied as aforesaid; and it shall and may be lawful for such Harbour Master to ask, demand and receive from the master, commander or consignee of every ship or vessel, (coasters excepted) which shall come into and anchor in such Harbour, the sum of *five shillings*, for all vessels above fifty tons, and not exceeding one hundred tons, and *ten shillings* for all vessels above one hundred tons, as Harbour Masters fees, which Harbour Masters shall furnish copies of the Regulations made for their respective Harbours to the Pilots appointed for such Harbours, one copy of which Regulations, such Pilots are hereby required to give to the master or commander of every vessel they may take charge of for his information; and it shall be the duty of such Harbour Masters to prosecute all breaches of this Act.

Justices of the Inferior Courts of Common Pleas to appoint Harbour Masters, who shall have power to regulate ballast births, and the anchoring and mooring of vessels.

Master of vessels disobeying directions of Harbour Masters, to forfeit £5.

Harbour Master's fees.

Harbour Masters to furnish copies of Regulations to the Pilots, who shall give one copy to the master of every vessel which they may take charge of.

V. *And be it further enacted,* That this Act shall be in force for two years, and to the end of the then next Session of the General Assembly, and no longer.

Limitation.