

XI. *And be it further enacted*, That until such time as proper buildings shall be erected and prepared within the said Port and City of Saint John, for the purposes by this Act contemplated, it shall and may be lawful for the Commissioners to be appointed as herein beforementioned, to hire and make use of any other houses or buildings within the said Port or City, which they shall think fit and convenient for a Marine Hospital and Pest House, in manner and form as by this Act is prescribed.

Until proper buildings shall be erected, the Commissioners may use other buildings.

XII. *And be it further enacted*, That the last Sections of the herein beforementioned Acts respectively, which limit the continuance thereof to five years, be, and the same are hereby repealed severally and respectively.

The last Sections of the 60 Geo. 3, c. 16 and 2 Geo. 4, c. 10, repealed.

### CAP. XXVIII.

An ACT to repeal all the Laws made for preventing the encumbering or filling up of Harbours, and to authorize the appointment of Harbour-Masters, and to make more effectual provision for the same.

*Passed the 21st March, 1822.*

I. **B**E it enacted by the Lieutenant-Governor, Council, and Assembly, That an Act made and passed in the thirty-third year of the Reign of His late Majesty King George the Third, 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 said late Majesty's Reign, intituled "An Act in addition to an Act, to prevent the encumbering or filling up of Harbours," and also an Act made and passed in the fifty-second year of His said late Majesty's Reign, intituled "An Act more effectually

33 Geo. 3, c. 2,

50 Geo. 3, c. 8,

52 Geo. 3, c. 12,

54 Geo. 3, c. 1,

57 Geo. 3, c. 6,  
repealed.

“ effectually to prevent the encumbering or  
 “ filling up of Harbours, and to authorize  
 “ the appointment of Harbour-Masters,”  
 and also so much of an Act made and passed  
 in the fifty-fourth year of His said late Ma-  
 jesty’s Reign, intituled “ An Act to make  
 “ perpetual several Acts of the General As-  
 “ ssembly which are near expiring,” as makes  
 the said recited Act passed in the fifty-second  
 year of His said late Majesty’s Reign, per-  
 petual : and also an Act made and passed in  
 the fifty-seventh year of His said late Maje-  
 sty’s Reign, intituled “ An Act in amendment  
 “ of an Act, intituled “ An Act more effec-  
 “ tually to prevent the encumbering or fill-  
 “ ing up of Harbours, and to authorize the  
 “ appointment of Harbour-Masters,” be,  
 and the same are hereby repealed.

Ballast not to be  
 thrown or landed  
 in any Road, Port  
 or Harbour, but  
 in such place as  
 shall be appointed  
 by the Justices of  
 the County, un-  
 der penalty of  
 £25.

II. *And be it further enacted*, That no Mas-  
 ter or Commander of any ship or vessel shall  
 unload or throw overboard any ballast or  
 rubbish in 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 Justices of the  
 Peace for the County in which such Road,  
 Port, or Harbour, may be, in General Ses-  
 sions, under the penalty of *twenty-five pounds*  
 for each and every offence.

When ballast is  
 discharged into a  
 lighter, a piece of  
 canvas to reach  
 from the ballast  
 port to the lighter,  
 under penalty of  
 £10.

III. *And be it further enacted*, That when  
 ballast is discharged in any of the Ports or  
 Harbours in this Province, into boats or  
 lighters, there shall be a sufficient piece of  
 canvas or tarpaulin, reaching from the bal-  
 last port or gunwale of such ship or vessel,  
 to the boat or lighter, to prevent any part of  
 such

such ballast or rubbish from falling into such Port or Harbour, under the penalty of *ten pounds* for each and every offence.

IV. *And be it further enacted*, That it shall and may be lawful for the Justices of the Peace in the several and respective Counties, in General Session, to appoint Harbour-Masters for such Harbours as may be found to require the same, and shall also have power and authority to regulate the ballast-births, and also the manner in which vessels coming into such Ports or Harbours shall anchor and moor, which directions and regulations it shall be the duty of the Harbour-Master to enforce; 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 such refusal or neglect; 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), 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 the respective Harbours, to the Pilots appointed for such Harbour, one copy of which regulations such Pilots are hereby required to give to the Master or Commander of every vessel they may take in charge, for his information, and it shall be the duty of the Harbour-Masters to prosecute all breaches of this Act.

Justices in Session to appoint Harbour-Masters and regulate ballast births, and the anchoring and mooring of vessels

Harbour-Masters to enforce the regulations.

Masters of vessels disobeying Harbour-Masters, to forfeit £5.

Fees of Harbour-Masters.

Harbour-Masters to furnish Pilots with regulations.

Pilots to give one copy to the Master of any vessel they may take in charge.

Harbour-Masters to prosecute offenders.

V. *And*

Penalties recoverable before two Justices for the County where the offence is committed.

Paid to the Commissioners appointed for erecting Beacons, &c.

Not to extend to the City of Saint John.

If there shall not be two Justices residing within ten miles of the place where the offence is committed, penalty may be recovered before one Justice.

Harbour-Masters heretofore appointed to continue in office until others are appointed.

V. *And be it further enacted,* That the several penalties in this Act mentioned, shall be recovered, on oath of one or more credible witness or witnesses, before any two of His Majesty's Justices of the Peace for the County where the offence shall be committed; all which penalties, when recovered, shall be paid into the hands of the Commissioners appointed to erect Beacons, Land Marks, and Buoys, and to make other improvements in the Navigation in their respective Counties, who shall account annually to the Justices of the General Sessions, for the expenditure thereof. *Provided always,* that nothing in this Act shall extend, or be construed to extend to the City of St. John.

VI. *And be it further enacted,* That henceforth in case two Justices shall not be found residing at, or within ten miles, of the place where any offence or offences against this Act may be committed, the several penalties mentioned in the same may be recovered before any one of His Majesty's Justices of the Peace for the County where the offence shall be committed, and applied in the manner herein before directed.

VII. *And be it further enacted,* That the Harbour-Masters heretofore appointed under and pursuant to the provisions of any former Acts made for that purpose, shall remain and continue in the exercise of the duties of their office until other persons are appointed in their stead, under the provisions of this Act, and such Harbour-Masters shall have full power and authority to prosecute and recover all such fines and penalties

ties as may have been incurred under and by virtue of the Acts hereby repealed, or either or any of them.

CAP. XXIX.

An ACT in addition to an Act, intituled " An Act for the appointment of Town or Parish Officers in the several Counties in this Province."

*Vol. 3. W. 4 c. 31.*

Passed the 21st March, 1822.

**W**HEREAS by an Act made and passed in the twenty-sixth year of the Reign of His late Majesty King George the Third, intituled " An Act for the appointment of Town or Parish Officers in the several Counties in this Province," no provision is made for supplying the places of Officers who may refuse or neglect to serve: For remedy whereof,

Preamble.

*26. G. 3. c. 28.*

I. *Be it enacted by the Lieutenant-Governor, Council, and Assembly,* That when any person or persons appointed under and by virtue of the said herein before recited Act, shall refuse or neglect to serve in any of the offices to which he or they may be appointed, it shall and may be lawful for any two of His Majesty's Justices of the Peace for the County, to appoint a fit person or persons, who shall be sworn as directed in and by the said herein before recited Act, and shall serve in such vacant office or offices until other fit person or persons be appointed by the Court of General Sessions at their meeting next ensuing such vacancy, and shall be subject to the like penalties for refusal or neglect to accept, or for being guilty of any neglect or misbehaviour in the execution of his or their office or offices, as by the said herein before recited

In case of refusal by any person appointed to serve in Parish offices, two Justices may appoint others to serve until others be appointed by the General Sessions, at their meeting next ensuing the vacancy.

Persons so appointed to be subject to the like penalties for refusal or neglect, as if appointed by Sessions.