

Acts of the General Assembly of His Majesty's Province of New-Brunswick passed in the year 1786. Saint John, NB: J. Ryan, 1786.

26 George III – Chapter 49

An Act establishing the Rates to be taken for Wharfage and Cranage of Ships and other Vessels within the limits of this province.

Whereas the erecting of wharfs and cranes is found to be greatly serviceable and to conduce very much to the case, benefit and convenience of trade and navigation and the increase of the same, and for as much as the proprietors of such wharfs and cranes, have and will be at a considerable expense in building, and keeping the same in repair.

II. Be it enacted by the Governor, Council and Assembly, That it shall and may be lawful to and for the owners and proprietors of wharfs and cranes now built or hereafter to be erected within the limits of this province, to ask, demand, take and receive to and for their several and respective uses, from all ships and vessels that shall use the same from and after the publication of this act the following rates, that is to say, for every vessel not exceeding fifty tons, whilst careening, loading, unloading or lying fast to any wharf after the rate of one shilling for each and every day they may so use the same, and for every vessel of fifty tons and not exceeding one hundred, so using as aforesaid after the rate of one shilling and six pence for each and every day they may so use the same, and for every vessel of one hundred tons and upwards, not exceeding two hundred tons so using as aforesaid, after the rate of two shillings and six pence for each and every day they may so use the same, and for every vessel of two hundred tons or upwards, so using as aforesaid, at and after the rate of three shillings for each and every day they may so use the same.

III. And be it further enacted, That every ship or other vessel which at any time shall only lie fast to any or either of the said wharfs, and shall be in a condition capable of being removed, shall be obliged to move off from thence in order to make room for, and suffer any other ship or vessel to load, unload, or careen thereat, and on refusal or failure so to do, after due notice and request thereof to the master or commander, or to any one of the owners of such ship or other vessel, he or they shall forfeit and pay to the owner or owners of such wharf, the sum of two pounds to be recovered upon complaint made, and due proof upon the oath of one or more credible witness, before any one justice of the peace in the county, to be levied by warrant of distress and sale of the offender's goods, rendering the overplus, if any be after deducting the cost of prosecution, to the offender.

IV. And be it further enacted, That all and every ship, or other vessel, that shall make fast to any other ship or vessel that shall be fastened to any or either of the wharfs aforesaid, and shall continue so to be fastened, or shall so load, unload or careen, shall be subject and liable to pay the one half of the rates that such ship or other vessel so fastened should and would have been liable to pay by this act, in case they

were fastened to any or either of the said wharfs and there loaded, unloaded and careened.

V. And be it further enacted, That it shall and may be lawful to and for the owner or owners respectively of every crane that now is or hereafter shall be made, erected and built on any or either of the wharfs aforesaid, to ask, demand, take, and receive to and for his, her or their several and respective use and uses, from the master, commander or owners of all ships and other vessels that shall use and employ such crane or cranes, the rates following, that is to say, for taking out and putting in the mast of any ship or other vessel the sum of twenty shillings; and for taking out or putting in the mast of any ship or vessel the sum of fifteen shillings, and for any other use or purpose of loading or unloading any goods, wares, merchandize or other thing at and after the rate of five shillings, for each and every day such ship or vessel shall so use the same.

VI. An be it further enacted, That if any or either of the said wharfs or cranes shall at any time or times be so encumbered with lumber, mill-stones, or any other species of goods, so as to incommode or obstruct the palling or repassing of any carts or carriages employed for the purpose of loading, or unloading any ship or other vessel, then and in that case the owner or owners of such wharfs or cranes shall personally warn, or by notice in writing to be left at the place of residence of the owner or owners of such lumber, mill-stones or other goods, their agent or agents, requiring him or them to remove the same from thence within a reasonable time, and if the same shall not be removed accordingly, the owner or owners of said wharfs or cranes, by themselves or their agents, are hereby empowered to remove the same, and keep them in his custody, until the whole charges attending the removal be paid by the owner or claimer of such goods, and in case the owner or agent is not to be found, the owner of such wharf or crane may and shall at his discretion remove the said woods as before directed.

VII. And be it further enacted, That the master or commander, owner or agent of every ship or other vessel using any of the wharfs or cranes as aforesaid, shall be liable to pay the sum or sums due for the wharfage or carnage of such ship or other vessel after the rates by this act established to the owner or agent for such wharf or crane.

Provided, That such agent or agents for such ship or vessel shall be liable to pay the same only where an accompt shall be delivered to, or in case of absence, left at his or their house, and the money demanded of him or them, or his or their clerk before the sailing or departure of such ship or vessel from port: any thing herein contained to the contrary notwithstanding.

Provided also, That nothing herein contained shall infringe, impair, or do away any right, which the mayor, aldermen and commonalty of the city of Saint John have or possess by the charter of the said city, as by law established.