

Acts of the General Assembly of His Majesty's Province of New-Brunswick passed in the year 1801. Saint John, NB: John Ryan, Printer to the King's Most Excellent Majesty, 1801.

41 George III – Chapter 4

An Act for the better securing the Navigation of Passamaquoddy Bay within Deer Island. Passed the 21st of February, 1801.

Whereas an Act made and passed in the thirty-fifth year of His Majesty's Reign, intituled "an Act to provide for the support of Beacons to be erected for the better securing the Navigation of Passamaquoddy Bay, and building a Slip in the Harbor of Saint Andrews" has expired. And whereas from the monies arising by virtue of the said Act having been found insufficient to defray the expence of erecting, replacing, and keeping in repair the Beacons or Land-marks therein mentioned, it is necessary and expedient that further provisions be made for that purpose, and for paying off the debt contracted by the Commissioners appointed by His Excellency the Lieutenant Governor by virtue of the said Act.

I. Be it therefore enacted by the Lieutenant Governor, Council and Assembly, That it shall and may be lawful for such Commissioners as His Excellency the Lieutenant Governor shall appoint, or the major part of them, to ask, demand, sue for, and receive from the Deputy Province Treasurer, for the County of Charlotte his heirs or executors, or any other person or persons, all such sum or sums of money, as he or they may have received or may have become indebted for by virtue of the said Act, and also to examine, adjust, settle, and pay off, all demands arising in consequence of the erecting, replacing, or keeping in repair such Beacons or Landmarks.

II. And be it further enacted, That the Beacons or Landmarks to be erected, replaced, or kept in repair, shall be at the following places, viz:—one on the Sand Spit, called Sandy Island, a second on the extremity of Indian Point, and a third on the South Eastern point of Saint Andrew's Island.

III. And be it further enacted, That from and after the time it shall be certified under the hands of the Justices of the Inferior Court of Common Pleas or the major part of them to the Deputy Province Treasurer for the said County, that such Beacons are erected as aforesaid, there be and hereby are granted to His Majesty, his heirs and successors, for the building, replacing and support of such Beacons the following duties of tonnage on all inward bound vessels entering Passamaquoddy Bay within Deer Island, of the following description and at the following rates, viz:—On all vessels, coasting craft excepted, one halfpenny per ton for every ton they respectively admeasure agreeable to register; and on all coasting vessels, one shilling and three-pence for each time they arrive in Passamaquoddy Bay within Deer Island aforesaid.

IV. And be it further enacted, That every master of such ship or vessel who shall refuse or neglect to call upon the Deputy Province Treasurer and pay to him such tonnage within forty-eight hours after his arrival, shall forfeit and pay a sum not exceeding five pounds, to be sued for and recovered before any two of His Majesty's Justices of the Peace, and applied for the purpose of erecting or supporting such Beacons.

V. And be it further enacted, That the Commissioners to be appointed as aforesaid to superintend and compleat the erecting of the said Beacons, or the major part of them, shall have power and authority to call upon the Deputy Province Treasurer for such sum or sums of money as he shall from time to time have collected, excepting the amount of five per cent, which it shall be lawful for such Deputy Treasurer to retain in full for his trouble in collecting the same.

VI. And be it further enacted, That the said Commissioners shall at the first Court of General Sessions of the Peace in the said County of Charlotte, yearly render an account to the Justices of the said Sessions of the monies from time to time received, and expended by them, under this Act, and shall also on paying off the debt at present incurred, and compleating the said Beacons pay the balance, if any, remaining in their hands, into the County Treasury, for the purpose of defraying the expences of keeping in repair or replacing such Beacons.

VII. And be it further enacted, That if any person or persons shall take away, cut down, destroy or deface either of the said Beacons, such offender or offenders shall on due conviction thereof, by the oath of one or more credible witness or witnesses, before any two of his Majesty's Justices of the Peace, forfeit and pay a sum, not exceeding twenty pounds, to be applied as aforesaid, and on failure of payment thereof, or want of goods and chattels whereon to levy, such offender or offenders, shall be committed by such Justices to the County Goal for a space not exceeding three months.

VIII. And be it further enacted, That this Act shall continue and be in force for the term of Five Years and no longer.