

Acts of the General Assembly of His Majesty's Province of New-Brunswick passed in the year 1822. Fredericton, NB: George K. Lugin, Printer to the King's Most Excellent Majesty, 1822.

3 George IV – Chapter 28

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. Be 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 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 Majesty's Reign, intituled "An Act to make perpetual several Acts of the General Assembly which are near expiring," as makes the said recited Act passed in the fifty-second year of His said late Majesty's Reign, perpetual: and also an Act made and passed in the fifty-seventh year of His said late Majesty's Reign, intituled "An Act in amendment of an Act, intituled "An Act more effectually to prevent the encumbering or filling up of Harbours, and to authorize the appointment of Harbour-Masters," be, and the same are hereby repealed.

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 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 Sessions, under the penalty of twenty five pounds for each and every offence.

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 ballast port or gunwale of such ship or vessel, to the boat or lighter, to prevent any part of 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.

V. And be it further mooted, 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 as may have been incurred under and by virtue of the Acts hereby repealed, or either or any of them.