

Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1840. Fredericton, NB: John Simpson, Printer to the Queen's Most Excellent Majesty, 1840.

3 Victoria – Chapter 81

An Act to limit the extent and regulate the building of Wharves on the eastern side of the Harbour of Saint John. Passed 31st March 1840.

Whereas certain Commissioners were, by His Excellency the Lieutenant Governor, appointed to enquire into and report upon the state of the Harbour of Saint John, and have, in pursuance of such appointment, made a Report touching part of the said Harbour, and have caused a certain Plan of part of the said Harbour to be prepared; and the Mayor, Aldermen and Commonalty of the said City have, by Petition to the Legislature, applied for an Act to define and fix a permanent line in part of the said Harbour, to which the extension of Wharves shall be limited;

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That from and after the passing of this Act no Wharf, Pier or erection of any kind or description whatsoever shall be built, erected or extended westwardly into the said Harbour of Saint John, on the eastern side thereof, beyond a line to be formed as follows, viz: commencing at the point formed by the westwardly prolongation of the southern line of the Wharf owned by Robert W. Crookshank, and a southerly continuation of the western line of the Pier at the end of the southern Wharf of the north slip, which said point is seventy feet distant from the southwest corner of the said Robert W. Crookshank's present Wharf, thence from said point in a direct line to the southwest corner of the Wharf now or lately the property of David Hatfield to the southward of the South Market Wharf, thence in a direct line to the southwest corner of Nehemiah Merritt's south Wharf, thence in a direct line to a point in the western prolongation of the south line of the Wharf of the late Richard Bonsai, distant sixty feet from the western end of the said Wharf, and thence in a direct line to a westwardly prolongation of the north line of Saint James Street, at the distance of one hundred and eighty five feet from the western side line of Prince William Street, measured on the north line of Saint James Street as marked on the said plan; and that the said plan so prepared by the said Commissioners shall be signed by them and filed in the office of the Secretary of the Province.

II. And be it enacted, That all Wharves to be erected within or on the eastern side of the said line, shall be of squared Timber and close built, so as to prevent stone, rubbish or gravel from falling into the Harbour, and no ballast shall be allowed to be used in the building thereof but stone, and the tops of such Wharves to be planked or timbered in the same manner as the North and South Market Wharves; and such Wharves to the extent of forty feet from the fronts thereof respectively, to be for ever kept free and open for vessels to repair to, and load and discharge thereat, and no Houses or Stores shall at any time be erected on the said spaces, and no Lumber or Goods of any sort be permitted to remain on such spaces longer than twenty four hours.

III. Whereas the property fronting on that part of the Harbour of the City of Saint John, situate between Duke and Saint James Streets, would be greatly benefitted, and the Harbour made more

commodious for loading and discharging goods, if a Street in continuation of Saint John or Water Street were to be laid out thereon; Be it enacted, That it shall not be lawful for the owners of such property to build or authorize to be built any Wharf, Pier or other erection, on the beach or flats between the line of low water mark and the line for limiting the extension of Wharves described herein, unless such owner or owners shall have first conveyed to the Mayor, Aldermen and Commonalty of the said City, a space of not less than fifty feet in width through his or their property, ground or flats, for the sole and exclusive purpose of continuing Saint John or Water Street from Duke to Saint James Street, as aforesaid.

IV. And be it enacted, That no space between low water mark and the line defining the extent to which Wharves may be built, shall be leased or sold to any person or persons whomsoever, unless it shall first be stipulated that at least two Slips of not less than thirty five feet in width each, and one hundred and twenty feet or more in length, shall for ever be left open and kept as Landing Slips, with cart ways leading to the public Streets, for each block or space contained between Union and King Streets, King and Princess Streets, Princess and Duke Streets, Duke and Queen Streets, and Queen and Saint James Streets.