

Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1842. Fredericton, NB: John Simpson, Printer to the Queen's Most Excellent Majesty, 1842.

5 Victoria – Chapter 2

An Act to authorize the Justices of the Peace for the County of Charlotte to make regulations for the Market Wharf in the Parish of Saint Stephen. Passed 29th March 1842.

Whereas a certain piece of Land, Beach and Flats, situate in the Parish of Saint Stephen, has been granted to the Justices of the Peace for the County of Charlotte, in trust for a Public Landing in and for said Parish : And whereas by an Act of Assembly made and passed in the fifth year of the Reign of His late Majesty King William the Fourth, intituled *An Act to authorize and empower the Justices of the Peace for the Comity of Charlotte to lease a part of the Public Landing at Salt Water, in the Parish of Saint Stephen*, the Justices aforesaid are authorized to erect thereon Wharves, Stores and other Buildings as they may think beneficial to the said Parish of Saint Stephen: And whereas a Market Wharf has been built on said Public Landing;

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That the Justices of the Peace for the County of Charlotte at their General Sessions, shall and may and they are hereby authorized and empowered to make such Orders and Regulations for the due ordering of Vessels lying at the said Market Wharf in Saint Stephen, or coming to or removing from the same, and for the lading or unlading of Goods and Merchandize at the said Market Wharf, and for the preventing nuisances, incumbrances and obstructions, for the depositing and leaving of Goods and Merchandize, or otherwise howsoever, on the said Market Wharf, and generally for the safe keeping and well ordering of the said Market Wharf in all respects, or in respect of any extension of the said Market Wharf, which may be hereafter made, and from time to time to repeal, alter and amend such Orders and Regulations, and to substitute others in their place, as to the said Justices or the major part of them at such General Sessions may seem fit and reasonable, and to enforce such Orders and Regulations by pecuniary fines and penalties so as always that such fines and penalties shall not in any case exceed the sum of forty shillings, which shall be sued for and recovered on the oath of one or more credible Witness or Witnesses before any Justice of the Peace for the said County, and be levied by Warrant of Distress and Sale of any Goods and Merchandize that by conviction of such Justice may appear to be an incumbrance or nuisance on the said Wharf contrary to the said Regulations, or otherwise by Warrant of Distress and Sale of the Goods and Chattels of the offender, rendering the overplus (if any) after deducting the charges of prosecution and sale to the owner or owners of such goods, or the offender or offenders as the case may be; such fines and penalties to be paid one moiety to the Wharfinger of the said Wharf, to be appointed as hereinafter directed, and the remainder to the Overseers of the Poor of the said Parish of Saint Stephen for the use of the Poor of the said Parish.

II. And be it further enacted, That the said Justices of the Peace for the County of Charlotte, shall and may at the time of making the annual appointment of Town and Parish Officers, have power and authority to appoint a fit person to be a Wharfinger of the said Market Wharf, who shall be sworn to the faithful discharge of his duty, and shall be in every respect subject to the same rules

and regulations, penalties and forfeitures as any other Town or Parish Officers, are or shall be subject to by virtue of any Laws now in force or hereafter to be enacted for the appointment and regulation of Town and Parish Officers in the several Counties of this Province, and it shall be the duty of the said Wharfinger to carry into force and effect the Orders and Regulations of the said Justices so to be made as aforesaid, respecting the said Market Wharf, which hereafter may be made, and that the said Wharfinger shall receive and collect all Wharfage, Dockage and other dues and emoluments arising from the said Wharf, and pay over the same to the order of the Magistrates of Saint Stephen, after deducting such reasonable compensation as the Justices aforesaid at their General Sessions shall direct, to be applied towards the liquidation of any taxes required to be raised in the said Parish of Saint Stephen, or towards the extension and improvement of the said Wharf, and in his own name to collect, sue for and recover all fines and penalties incurred under the said Regulations, and also the Wharfage, Dockage, dues and emoluments arising from the said Public Market Wharf, and to account from time to time to the said Justices at their General Sessions, as they at such General Sessions shall from time to time order and direct.