

Acts of the General Assembly of His Majesty's Province of New-Brunswick passed in the year 1843. Fredericton, NB: John Simpson, Printer to the King's Most Excellent Majesty, 1843.

6 Victoria – Chapter 9

An Act to authorize the Justices of the Peace in the several Counties to make Rules and Regulations for the Public Wharves and Landings in their respective Counties. Passed 11th April 1843.

Whereas it is expedient and necessary that Her Majesty's Justices of the Peace for the several and respective Counties in this Province should be authorized and empowered to make Rules and Regulations for the due ordering of Vessels, Boats, Scows, Rafts of Lumber lying at or coming to or removing from the Public Wharves or Landings in their respective Counties;

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That the Justices of the Peace for the several and respective Counties of this Province at their General Sessions, or at any Special Sessions to be for that purpose holden, be and they are hereby authorized and empowered to make such Orders and Regulations for the due ordering of Vessels, Boats, Scows and Rafts either of sawn, square or round Lumber lying at or coming to or removing from any of the Public Wharves or Landings, and for the lading or unlading of Goods, merchandize, Country Produce or Lumber on, at or near any of the said Wharves or Landings, and for the preventing nuisances, incumbrances and obstructions, for the depositing and leaving of Goods, Merchandize or Country Produce or otherwise howsoever, on, at or near the said Wharves and Landings, and generally for the safe keeping and well ordering of the said Wharves and Landings in all respects, 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 in their respective Counties, or the major part of them, at such General or Special 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 one case exceed the sum of five pounds, 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 where such offence may be committed, and to be levied by Warrant of Distress and Sale of the Goods and Chattels incumbering the said Wharf or Landing, that by conviction of such Justice may appear to be an incumbrance or nuisance on, at or near the said Wharves and Landings, contrary to the said Orders and 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 and Chattels, or to the offender or offenders as the case may be; such fines and penalties to be paid over to the Overseers of the Poor of the Parish wherein such public Wharf or Wharves, Landing or Landings may be situate, to be by them applied towards the support of the Poor of the said Parish.

II. And be it enacted, That the said Justices in their respective Counties shall and may at the time of making the annual appointments of Town and Parish Officers, have power and authority to appoint one or more fit person or persons to be Wharfinger or Wharfingers of the said Public Wharves and Landings, who shall be sworn to the faithful discharge of his or their said duty or

duties, 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 by virtue of any Law now in force or hereafter to be enacted, for the appointment and regulation of Town and Parish Officers in the several Counties in this Province, and it shall be the duty of such Wharfinger or Wharfingers to carry into force and effect the Orders and Regulations of the said Justices so to be made as aforesaid respecting the said Wharves and Landings.

III. And be it enacted, That no person shall be deemed an incompetent Witness in any case under or by virtue of this Act, by reason of such person being an Inhabitant of the said Parish where such Public Wharf or Wharves, Landing or Landings may be situate.

IV. Provided nevertheless And be it enacted, That the provisions of this Act shall in no wise be construed to extend to the City of Saint John.