

*Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1849.* Fredericton, NB: John Simpson, Printer to the Queen's Most Excellent Majesty, 1849.

12 Victoria – Chapter 47

**An Act in amendment of an Act, intituled *An Act relating to Wrecked Property*. Passed 14th April 1849.**

Whereas it is necessary to make further provisions relating to wrecked, derelict or abandoned goods or property, which having been found upon the shores of the City and County of Saint John, or within five miles of the said shores, shall remain in the custody or possession of any part not being the owner of the same, or the agent of such owner;

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That in any case when shipwrecked, derelict or, abandoned goods or property, having been found on the shores of the City and County of Saint John, or in the waters within five miles of the same, shall be and remain in the possession of any person or persons within the City and County of Saint John, not being the owner or agent of the owners of such goods and property, and such person shall, upon demand, refuse to deliver such goods or property to the Commissioners of Shipwrecked Property for the said City and County, it shall and may be lawful for the said Commissioners to apply to any Justice of the Peace for the said City and County of Saint John; and on its appearing on oath to such Justice that such goods or property are in the possession of any such person, not being the owner or agent of the owners of such goods or property, such Justice shall issue a Warrant under his hand and seal to the Sheriff of the City and County of Saint John, commanding such Sheriff to seize, take and safely keep all such goods and property in such Warrant to be specified; which Warrant such Sheriff is hereby authorized and commanded to execute, and shall, with the assistance of two freeholders of the said City and County, make a just and true inventory of all such goods and property as he shall seize and take by virtue thereof, and return the same, signed by himself and the said two freeholders, to such Justice who issued such Warrant; and such goods or property shall remain in possession of the Sheriff.

II. And be it enacted, That such Justice shall thereupon summon not more than five nor less than three of the Port Wardens of the said City of Saint John, and two Freeholders of the said City, to meet at a time and place to be by him named, and shall give a notice of not less than six days to the person in whose custody such good shall be found; and in case such person shall not appear, or in case he shall appear and claim the said goods as not having been found abandoned, wrecking or derelict, or to hold the said goods or property for any lien or salvage, the said Justice shall, at such time and place, proceed to swear the said Port Wardens and Freeholders well and truly to try whether the said goods and property came into the possession of the said party, as being found abandoned, wrecked or derelict, and if they so came, to assess the amount which such party shall be entitled to for salvage, and costs and expenses attending the recovery, removal and safe keeping of the said goods; and such Justice shall, on such inquisition, have power to examine all the said Commissioners and parties on oath, and any witnesses to be by them produced, which oath such Justice is hereby authorized to administer; and the said Port Wardens and Freeholders,

or a majority of them then present, after hearing the said parties, and any witnesses then produced, shall find and certify whether the said goods or property came into the possession of the party against whom such Warrant issued, as found by him wrecked, derelict or abandoned, and if so, what amount they assess for such salvage, costs and expenses.

III. And be it enacted, That on payment by the said Commissioners to the said Sheriff of the amount so assessed, and all fees and expenses attending such inquisition, the said Sheriff shall deliver the said goods and property to the said Commissioners, to be by them held and disposed of according to the provisions of the said Act, in the same manner to all intents and purposes as if the said Commissioners had taken possession of the said goods and property under the second section of the said Act; and that the sum so paid by the said Commissioners to the said Sheriff, shall be paid to them with interest, together with all other sums to which they may be entitled, before they can be required to deliver over the said property under the fourth section of this Act.

IV. And be it enacted, That in case the said Port Wardens and Freeholders shall, as aforesaid, certify that the said goods and property did not come into the possession of the person against whom the said Warrant issued, as found by him wrecked, abandoned or derelict, the Sheriff shall restore the property to the said person or persons, and the said Commissioners shall be liable to pay to the said Sheriff all costs and fees due upon the proceedings done under this Act.