

Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1850. Fredericton, NB: John Simpson, Printer to the Queen's Most Excellent Majesty, 1850.

13 Victoria – Chapter 9

An Act to consolidate the Laws relating to Buoys and Beacons. Passed 11th April 1850.

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That an Act made and passed in the tenth and eleventh years of the Reign of King George the Fourth, intituled *An Act to repeal an Act, intituled "An Act for the better security of the Navigation of certain Harbours in the County of Northumberland, and to make more effectual provision for the better security of the Harbours in the Counties of Northumberland, Kent and Gloucester;"* also an Act made and passed in the second year of the Reign of His late Majesty King William the Fourth, intituled *An Act to empower the Deputy Treasurer at Miramichi to recover from the Commissioners of Buoys and Beacons for the County of Northumberland the balance of monies now remaining in their hands;* also an Act made and passed in the third year of the same Reign, intituled *An Act in addition to and amendment of an Act, intituled "An Act for the better security of the Navigation of certain Harbours in the County of Northumberland, and to make more effectual provision for the better security of the Harbours in the Counties of Northumberland, Kent and Gloucester;"* also an Act made and passed in the fifth year of the same Reign, intituled *An Act to alter and amend an Act, intituled "An Act to repeal an Act, intituled An Act for the better security of the Navigation of certain Harbours in the County of Northumberland, and to make more effectual provision for the better security of the Harbours in the Counties of Northumberland, Kent and Gloucester, so far as the same relates to the Bay and Harbour of Restigouche, in the said County of Gloucester;"* also an Act made and passed in the same year of the same Reign, intituled *An Act relating to the Navigation of the Inner Bay of Passamaquoddy;* also an Act made and passed in the fourth year of the Reign of Her present Majesty, intituled *An Act relating to Buoys and Beacons in the Harbour of Shediac, in the County of Westmorland;* also an Act made and passed in the eleventh year of the same Reign, intituled *An Act to increase the Duty imposed on Shipping entering the Bay or Harbour of Miramichi, for the support of Buoys and Beacons;* also an Act made and passed in the twelfth year of the same Reign, intituled *An Act relating to Buoys and Beacons in the Harbour of Buctouche [Bouctouche], in the County of Kent;* be and the same are hereby repealed; Provided always, that all acts, matters and things heretofore done under and by virtue of any of the said Acts hereby repealed, shall be and remain good, valid and effectual, so far as the same are in accordance with the provisions of the said several Acts or any of them; and provided also, that all appointments heretofore made, and all bonds entered into under and by virtue of the said several Acts, or any of them, shall continue and remain valid and effectual until other appointments are made and other bonds entered into under and by virtue of the provisions of this Act.

II. And be it enacted, That the Lieutenant Governor or Administrator of the Government for the time being, shall be, and he is hereby authorized and empowered to appoint one or more, and not exceeding three, fit and proper persons to each Bay, Harbour, Port or River in the said several Counties where Beacons and Buoys are required, residents of the respective Ports to which he or they shall be appointed, as Commissioner or Commissioners of Buoys and Beacons, whose duty it

shall be to erect, build, rebuild, replace, and support in his or their several and respective Bays, Harbours, Rivers and Ports of the said Counties, such a number of Buoys and Beacons as he or they or the major part of the said Commissioners shall think necessary for the safety and convenience of the navigation of the same.

III. And be it enacted, That such Commissioner or Commissioners on his or their appointment, shall before he or they shall enter upon the duties of his or their respective office, enter into a Bond to Her Majesty, Her Heirs and Successors, with two sufficient sureties, to be approved of by the Deputy Treasurer of the Port or place to which such Commissioner or Commissioners shall be appointed as aforesaid, in the penal sum of three hundred pounds, conditioned for the faithful performance of such duties, and for his or their duly accounting for and faithfully applying all such moneys as he or they may receive by virtue of his or their office, and for the payment to the Deputy Treasurer of the District of such surplus moneys as may from time to time remain in the said Commissioner or Commissioners' hands.

IV. And be it enacted, That the said Commissioners at each Port shall be entitled to receive, and shall retain for their services, a sum not exceeding ten per centum on the amount expended by them in the performance of their duties; such sum to be fixed by the General Sessions in their respective Counties.

V. And be it enacted, That there be and are hereby granted to Her Majesty, Her Heirs and Successors, for defraying such expenses as may be incurred in erecting, building, rebuilding, replacing and supporting such Buoys and Beacons, that is to say:

On all vessels, coasters excepted, entering Passamaquoddy Bay, within Deer Island, one half penny per ton for every ton such vessels admeasure per register:

On all vessels entering the Bay or Harbour of Miramichi, in the County of Northumberland, the sum of one penny per ton for each and every ton such vessels admeasure per register:

On all vessels entering the Bays or Harbours of Richibucto or Buctouche [Bouctouche], in the County of Kent, the sum of one penny per ton for each and every ton such vessels may admeasure per register:

On all vessels entering the Bays or Harbours of Restigouche, the sum of one half penny per ton for each and every ton such vessels may admeasure per register:

On all vessels entering the Bays or Harbours of Bathurst, Carraquet [Caraquet] or Shippagan, in the County of Gloucester, the sum of one penny per ton for each and every ton such vessels may admeasure per register:

On all vessels entering the Bay or Harbour of Shediac, in the County of Westmorland, the sum of one penny per ton for each and every ton such vessels may admeasure per register;

The said Duties to be paid each and every time any vessel shall arrive at a Bay or Harbour of Passamaquoddy within Deer Island, Miramichi, Richibucto, Buctouche, Restigouche, Bathurst, Carraquet, Shippagan or Shediac, as above mentioned; provided always, no Duty shall be paid for coasters arriving within the Bay of Passamaquoddy; and that on arrival at any of the other mentioned Bays or Harbours, no coasting vessel under the register of sixty tons shall pay more than once in each year; and no coasting vessel between sixty and one hundred tons shall pay more than twice in each year; and that all vessels clearing from any Ports in this Province, Canada, Prince Edward Island, Nova Scotia and Newfoundland, and vessels on a fishing voyage, shall be considered coasters under this Act.

VI. And be it further enacted, That the Tonnage Duties herein imposed shall be collected by the Deputy Treasurer of the District of the Port where such vessel may arrive, or such person or persons as he may appoint for that purpose; and that the said Commissioners shall have full power and authority to call upon the Deputy Treasurer of their respective Districts, and the persons to be by him appointed as aforesaid, for such sum and sums of money as they shall from time to time respectively have collected; an account of which sum so to be collected by the said Deputy Treasurers, or the persons appointed by them, the said Deputy Treasurers shall respectively when called upon as aforesaid, render upon oath to the said Commissioners of the District, deducting from the amount collected ten per cent, which it shall be lawful for the Deputy Treasurers to retain for their trouble in collecting and paying the same.

VII. And be it enacted, That the Master of any ship or vessel who shall refuse or neglect to call upon the Deputy Province Treasurer of the District of the Port or place where such ship or vessel shall arrive, and pay to him or the person authorized by him to receive the same, such Tonnage Duties as are hereinbefore imposed, within twenty four hours after his arrival, shall forfeit and pay for such neglect the sum of five pounds, to be sued for by the said Deputy Treasurer of the District, or the person authorized by him to receive the same, and recovered before any one of Her Majesty's Justices of the Peace, and applied for the purpose of erecting, repairing and replacing the Buoys and Beacons.

VIII. And be it enacted, That the Deputy Treasurers shall keep separate Accounts of the Duties received by them under the authority of this Act, and render the same annually to the Treasurer of the Province, with proper vouchers, of the payment of the money to the Commissioners already appointed or who may be hereafter appointed by virtue of this Act.

IX. And be it enacted, That the said Commissioners shall on the twentieth day of December in each and every year render an Account duly attested, of the moneys from time to time received and expended by them in pursuance of this Act, to the Treasurer of the Province, to be by him transmitted, with his Account, to the Secretary's Office, and shall likewise render a copy of such Account to the first Court of General Sessions in their Counties respectively in each and every year; and the balance (if any) of the moneys so received by them, in the hands of the Commissioners of the Harbours respectively, shall be applied by the said Commissioners, or the major part of them, for the purpose of further improving the navigation of the said Bays and Harbours.

X. And be it enacted, That the said Commissioners shall annually, as soon after the opening of the navigation as practicable, cause the necessary Beacons and Buoys to be erected, replaced or put down in the most fit and proper places for the protection of the navigation of the Bays, Rivers and Harbours in the said Counties for which such Commissioners may be respectively appointed; and that the said Commissioners shall not in any case presume to remove or take up for the Winter any Beacons or Buoys so put down or placed as aforesaid, until the twentieth day of November in each and every year, or so soon after as the said Commissioners, or a majority of them, shall deem expedient.

XI. And be it enacted, That if any person or persons shall take away, destroy, deface or remove any of the said Beacons or Buoys, such offender or offenders shall, on due conviction thereof, by the oath of one or more credible witness or witnesses, before any one of Her Majesty's Justices of the Peace, forfeit and pay a sum not exceeding fifteen pounds nor less than five pounds, to be recovered and applied as aforesaid, and on failure of payment or want of goods and chattels whereon to levy, such offender or offenders shall be committed by such Justice or Justices to the common gaol of the County, there to remain for a space of time not exceeding three months.