

Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1860. Fredericton, NB: John Simpson, Printer to the Queen's Most Excellent Majesty, 1860.

23 Victoria – Chapter 64

**An Act to provide for the extension of the Breakwater and for the laying down Moorings in the Harbour of Saint John, and for the purpose of procuring a general Plan of the said Harbour.
Passed 9th April 1860.**

Section.

1. City Corporation authorized to borrow to amount of £6,000 Debentures, form, and authentication of:
2. To be negotiable.
3. Money to be paid to and disbursed by the Chamberlain.
4. City Corporation authorized to contract for work.

Section.

5. All rents from the wharf and moorings to be paid to and be accounted for by the Chamberlain.
- 6, 7. Application of moneys collected.
8. Annual assessment in aid, authorized.
9. Ballast, &c. vested in the City Corporation.
10. Application of assessments under Acts 15 V. c. 11, 17 V. c. 62, and 21 V. c. 5.

Be it enacted by the Lieutenant Governor, Legislative Council, and Assembly, as follows:—

1. It shall and may be lawful for the Mayor, Aldermen, and Commonalty of the City of Saint John, and they are hereby authorized, notwithstanding any thing contained in an Act of Assembly made and passed in the ninth year of the Reign of Her present Majesty Queen Victoria, intituled *An Act relating to the Public Debt of the Corporation of the City of Saint John*, or an Act made and passed in the seventeenth year of Her said Majesty's Reign, intituled *An Act relating to the Public Debt of the City of Saint John*, to borrow such a sum of money as may be considered advisable, for the purposes of this Act, not exceeding in the whole the sum of six thousand pounds—two thousand five hundred pounds of which to be applied to the Moorings in the Harbour of the said City of Saint John, and the balance of three thousand five hundred pounds to be expended in the extension of the Breakwater, and for the purpose of procuring a general Plan of the Harbour of the said City of Saint John—in loans of not less than one hundred pounds each, and to issue Debentures to the lender or lenders thereof, with or without Coupons for interest, in such form as may by them be deemed expedient; which Debentures shall be sealed with the Common Seal of the said Corporation, and signed by the Mayor and Common Clerk, and consecutively numbered according to the times at which they shall be issued; and a record of the same shall be entered by the Common Clerk in the Minutes of the Common Council.

2. The said Debentures shall be negotiable in the same manner as promissory notes, payable to bearer, and the respective holders thereof shall be entitled to receive interest upon the same semi-annually, at a rate not exceeding six per cent per annum, to be paid by the Chamberlain as hereinafter provided.

3. All moneys loaned to the said Corporation under this Act, shall be paid by the lenders thereof to the Chamberlain, and shall be paid by him to the Contractors or workmen who shall be employed, or to the person supplying materials, agreeably to the provisions of this Act, upon the orders of the Common Council.

4. The said Mayor, Aldermen, and Commonalty of the City of Saint John, may contract for the extension of the southerly projection of the Breakwater Wharf in the Harbour of the said City, to the sunken rock at the southwestern extremity of the Battery Point Reef, such contract not to exceed the sum of three thousand pounds; also for the laying down screw or other Moorings in the said Harbour, or may employ workmen and labourers, and purchase materials for the said Moorings; and also procure a suitable Plan of the Harbour of the said City of Saint John; provided however, that nothing in this Act shall be construed to interfere with private rights; and the fund hereinbefore provided for, shall be used and appropriated for the construction of the said Works, and for procuring the said Plan.

5. All rents, wharfage, and other issues, profits and emoluments whatsoever arising from the said Wharf or extension so to be made, and from the said Moorings, shall be receivable by and paid to the Chamberlain of the said City by the Lessees thereof, or by any Collector or other person appointed by the Common Council to collect or receive the same; and the said Chamberlain shall keep a separate account of all moneys so by him received; which Account shall be by him exhibited and shewn to the holder of any Debenture issued under the provisions of this Act, on reasonable demand for that purpose made.

6. The moneys so received by the said Chamberlain as last aforesaid shall, together with the moneys collected under and by virtue of the eighth Section of this Act, be from time to time applied, after discharging the yearly interest due upon the said sums mentioned in the said Debentures, in paying off the said Debentures in due order according to the number, beginning with number one; and the said Chamberlain, so often as he shall be desired by the Common Council, shall give one month's notice by advertisement in one or more of the public Newspapers of the said City, for calling in such end so many of the said Debentures as the Common Council may be prepared to pay off, specifying the number thereof, and the same shall be paid off accordingly; and from and after the expiration of the time appointed by the said notice, the interest on such Debentures shall cease to accrue.

7. After the amounts due upon the Debentures issued under this Act, and all interest due thereon, shall be fully paid and satisfied, all the net rents, issues and profits arising from the said Wharf and other works constructed under this Act, shall be applied in payment of the public debt of the said City.

8. The said Common Council are hereby authorized to make a rate or assessment on the said City on the east side of the Harbour, of a sum not exceeding four hundred pounds in the present year, and of a like sum in every succeeding year, besides the charges of assessing and collecting, for the purpose of discharging the principal and interest of the loans contracted by virtue of this Act, until the same shall be paid off.

9. All sand, stones and other ballast deposited upon the present Ballast Wharf or the Wharf so to be erected as aforesaid, or behind the same, shall be and become, and deemed and taken to be from the time of their being so deposited, the property of the Corporation of the said City; and no such stone, sand or other ballast shall be removed after being so deposited, without the permission of the Common Council first had and obtained, under such penalty as they may by any ordinance direct or impose.

10. All rates and assessments to be levied and collected under the provisions of the Act passed in the fifteenth year of the Reign of Her present Majesty Queen Victoria, intituled An Act to provide for the erecting and making certain Wharves and Improvements in the Harbour of Saint John, and of the Act passed in the seventeenth year of the same Reign, intituled *An Act in addition to an Act intituled 'An Act to provide for the erection and making of certain Wharves and Improvements in the Harbour of Saint John,'* and an Act made and passed in the twenty first year of the same Reign, intituled An Act to enable the Corporation of the City of Saint John to meet their liabilities incurred in erecting Wharves at or near Reed's Point, in the City of Saint John, shall be applied, after paying all interest due on all Debentures issued under the said several Acts, in payment of the said Debentures, beginning with number one of the first series, and so consecutively until the first, second and third series of Debentures, and all interest thereon, shall be fully paid and satisfied.