

Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1864. Fredericton, NB: G. E. Fenety, Printer to the Queen's Most Excellent Majesty, 1864.

27 Victoria – Chapter 18

An Act relating to the Harbour of the City of Saint John. Passed 11th April, 1864.

Section.

- 1 & 2. Wharves, how far they may extend into Harbour westerly and easterly. Boundaries of Harbour.
3. Wharves, how to be built.

Section.

4. Owners of land between Duke and St. James streets may build Wharves under certain conditions; proviso.
5. Part of Act 3 Vic. Repealed.

Whereas certain Commissioners appointed by His Excellency the Lieutenant Governor in Council, in conformity with a Resolution of the House of Assembly, have, in pursuance of such appointment, made a Report recommending, among other things, the establishment of a new Harbour line in the Harbour of the City of Saint John; and the Mayor, Aldermen and Commonalty of said City have, by petition to the Legislature, prayed for the same;—

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

1. From and after the passing of this Act, no wharf, pier or erection of any kind or description whatsoever, shall be built, erected, or extended westwardly into the Harbour of the City of Saint John on the eastern side thereof, beyond the outer or western edge of a line coloured red and styled the Harbour line, shewn on a plan prepared under the direction of such Commissioners, and filed in the office of the Common Clerk of the said City, and which line is described as follows:—
“Beginning at a point in said line shewn on said plan by the letter A near thereto, (coloured red) on a southern prolongation of the west line of Simonds' Street, in the Parish of Portland, at a distance of five hundred feet from the southern side of the Straight Shore Road, so called; thence easterly to a point B, distant thirty five feet due south from the most southerly point of the wharves of Messieurs Robert Rankin & Co; thence north-easterly to a point C sixty feet due south from the western end of the Saint Helena Wharf, so called; thence easterly until it strikes a southern prolongation of the eastern line of the Long Wharf, so called, at a point D, distant sixty five feet from the said wharf; thence northerly along the said southern prolongation to the said Long Wharf at E; thence beginning at a point G on a western prolongation of the south line of Union Street, distant four hundred and seventy feet from the western line of Smyth Street; thence in a south-easterly direction to a point H on the face of the Honorable John Robertson's Wharf, distant sixty five feet measured along the face of the said wharf from the north-westerly end of the same; thence in a direct line to the south-western corner of the South Market Wharf I; thence to a point K, distant thirty five feet due west from the south-western corner of Merritt's Wharf; thence to the south-western corner of the Custom House Wharf L; thence in a direct line to a point M on a western prolongation of the southern line of Bonsall's Wharf, so called, distant three hundred and ten feet from the western side of Prince William Street; thence southerly in a direct line to a point

N on the extreme western point of Reed's Point Wharf, there beginning at a point O on the southerly face of Reed's Point Wharf, distant one hundred and eighty feet along said southerly face from the western line of the property now in the occupation of Valentine Graves as a Lumber Yard; thence to a point P, distant six hundred feet from the western side of Charlotte Street, on a prolongation of the northern side line of the Breakwater; thence towards the ring-bolt in Sunken Rock to a point Q where the said line intersects a southerly prolongation of the eastern line Of Germain Street, at a distance of two hundred and ninety feet south from the southern extremity of the present Breakwater."

2. From and after the passing of this Act, no wharf, pier or other erection of any kind or description whatsoever, shall be built, erected or extended eastwardly into the Harbour of the City of Saint John on the western side thereof, beyond the outer or eastern edge of a line coloured red and styled the Harbour line, shewn on the aforesaid plan prepared under the direction of such Commissioners, and filed in the office of the Common Clerk of said City as aforesaid, add which line, on the western side of said Harbour, is described as follows:—Beginning at a point oh said line shewn on said plan by the letter S near thereto, (coloured red) on a north-easterly prolongation of the south-easterly side line of Rodney Slip, distant one thousand and six hundred and sixty feet from the north-eastern line of Union Street; thence in a southerly direction to a point T on an easterly prolongation of the southerly side line of Protection Street, distant one hundred and fifteen feet from the easterly face of the Breakwater there; thence to a point U one hundred feet due east from the most eastern abutment of the Beacon Light House.

3. All wharves to be erected within or on the eastern side of the said line on the eastern side of the Harbour, or within or on the western side of said line on the western side of said Harbour, shall be of squared timber and close built so as to prevent stone, rubbish or gravel from falling into the Harbour; and no ballast shall be allowed to be used in the building thereof but stone; and the tops of such wharves shall be covered with good sound pine or spruce timber or lumber at least six inches in thickness; and such wharves, to the extent of sixty feet from the fronts thereof respectively, shall be forever kept free and open for vessels to repair to and load and discharge thereat; and no houses, or stores, or buildings of any kind, shall at any time be erected on the said spaces so hereby reserved; and no lumber or goods of any description shall be permitted to remain on any such spaces longer than twenty four hours.

4. Whereas the property fronting on that part of the Harbour of the City of Saint John situate between Duke and Saint James Street would be greatly benefited, and the Harbour made more commodious for loading and discharging goods, if a Street in continuation of Saint John or Water Street were to be laid out thereon;—It shall not be lawful for the owners of such property to build or authorize to be built any wharf, pier or other erection on the beach or flats between the line of low water mark and the line for limiting the extension of wharves described herein, unless such owner or owners shall have first conveyed to the Mayor, Aldermen and Commonalty of the said City, a space of not less than fifty feet in width through his or their property, ground, or flats, for the sole and exclusive purpose of continuing Saint John or Water Street from Duke to Saint James Street as aforesaid; but this proviso shall not entitle any such owner to build out to said Harbour line by granting such space as hereinbefore mentioned.

5. That an Act passed in the third year of the Reign of Her present Majesty intituled *An Act to limit the extent and regulate the budding of Wharves on the eastern side of the Harbour of Saint John*, be and the same is hereby repealed, except so far as the same may in any way affect the legal or equitable rights of any party or parties, person or persons, under and by virtue of any indenture of lease, contract or agreement heretofore made with the Mayor, Aldermen and Commonalty of the City of Saint John, for which purpose the said Act, notwithstanding any thing herein contained, shall continue and be in full force and effect.