

*Court of Sessions
Harbor Grace*



ANNO QUARTO

GULIELMI IV. REGIS.

(2ND SESSION.)

CAP. XVII.

An ACT to provide for the Management of a certain Public Wharf and Landing in the Town of Saint John's.

[12th June, 1834.]

WHEREAS a number of Persons being resident Inhabitants of the Town of Saint John's, have, by subscription, and at considerable expense, Erected and Built a Public Wharf, for the Landing and Shipping of Goods and Merchandize, in a certain Public Cove, in the Western Middle Ward of the said Town of St. John's, formerly called Beck's Cove; and whereas the said Subscribers did form certain Rules for the Regulation of the said Wharf, and a Rate of Wharfage to be paid on Goods and Articles Shipped or Landed at the said Wharf, which Regulations received the sanction and approval of His Excellency the Governor of this Island, as appears by the petition of the said Persons: And whereas the Subscribers and Petitioners have promised and agreed that the whole amount of the Rates or Wharfage Dues and Monies, which may be received from Persons Landing and Shipping Goods at the Wharf, or Drawing or Obtaining Water from the Tank, intended to be hereafter erected in the said Cove, shall be expended in keeping and maintaining the same in repair, and improving the Water-course of a certain Stream which flows into the said Cove; and the said Petitioners pray that legal regulations may be made concerning the same; and whereas it is deemed expedient, for the benefit of the Public at large, to make regulations respecting the said Wharf: *Be it therefore enacted*, by the Governor, Council and Assembly, of Newfoundland, in Parliament assembled, that the said Wharf so erected and built at the said Public Cove, in the Town of Saint John's, and such Water Tank or Reservoir as may be hereafter erected therein, shall from henceforth be vested and placed under the charge, management and controul of the Fire Wardens, and Captain of the Fire Company, of the Western Middle Ward of the said Town, and their Successors for the time being, who shall be duly appointed such Fire Wardens and Captain, and under and by virtue of an Act passed in the General Assembly of this Island, in the Third year of the Reign

Preamble.

Wharf and Reservoir adjoining, to be under controul of Fire Wardens.

3d. Wm. 4, cap. III.

Wharfinger to be appointed.

Rates of Wharfage.

Charge for Water from the Reservoir

Recovery of dues and rates.

Landing of certain articles on the wharf, prohibited.

Penalty.

of His present Majesty, entitled "An Act for the Establishment and Regulation of Fire Companies in the Town of Saint John's." And the said Fire Wardens and Captain shall be, and they are hereby, authorized to carry into effect the Provisions of this Act; and such Fire Wardens and Captain, and the Subscribers to the erection of the said Wharf, shall appoint a Wharfinger to the said Wharf, who shall be paid such reasonable sum, out of the dues which may be collected, as shall be agreed on by the said Fire Wardens and Captain, and the said Subscribers.

II.—*And be it further enacted*, that all and every Person and Persons who shall or may land on the said Wharf, or Ship therefrom, any Goods, Wares or Merchandize, shall pay to the said Fire Wardens and Captain, or the Wharfinger of the said Wharf, the following charges and rates, that is to say :

Coals, £ Hogshead, Two Pence,
 Bricks, £ Thousand, Four Pence,
 Stone or Shovel Ballast, £ Ton, Two Pence,
 Fire Wood, £ Hundred, Three Pence,
 Staves, £ Thousand, One Shilling, (Two Drum Staves to reckon for One Fish or Oil Cask Stave,)
 Lumber, £ Thousand Feet, Six Pence,
 Shingles, £ Thousand, One Penny,
 Barrel Hoops, £ Hundred Bundles, One Shilling,
 Hogshead Hoops, £ Hundred Bundles, Two Shillings,
 Puncheon Hoops, £ Hundred Bundles, Three Shillings,
 Puncheons, each, Four Pence,—if empty, One Penny, each,
 Hogsheads, each, Two Pence,—if empty, One Penny, each,
 Barrels, each, One Penny,—if empty, One Half-Penny, each,
 Hay, £ Ton, Two Shillings,
 Scantling, £ Ton, Four Pence.

And that all Provisions, Bale, Dry and other Goods not enumerated, shall be paid for at the rate of Six Pence per Ton. And all persons, obtaining Fresh Water at the Tank in the aforesaid Cove, shall pay at the rate of not more than Two Shillings per Ton for such Water. All which rates and dues shall be paid to, and received by, the said Wharfinger, for the time being, of the said Wharf; and shall be, by him, paid to the said Fire Wardens and Captain, for the time being, at such times as they shall order or require; and if any person or persons who may Land or Ship any Goods or Merchandize, or Materials of any description, at the said Wharf, or draw or obtain any Water at the aforesaid Tank or Reservoir, shall refuse, or delay, or omit to Pay any of such dues or rates as aforesaid, to which he or they may be liable, the same shall and may be sued for and recovered in the names of the aforesaid Fire Wardens and Captain for the time being, or any of them, in any Court of Record, or of Sessions, in the District, together with all such Costs as shall be taxed by such Court.

III.—*And be it further enacted*, that no Coals, Bricks, or Ballast shall be Landed upon the said Wharf, except on the solid part thereof, and the same shall be removed away immediately; and that no Manure, Dung, or putrid substance, shall be Landed on, or Shipped from, the said Wharf, on any pretence whatsoever; and any person or persons offending herein, shall be liable to a penalty not exceeding Twenty Shillings, to be recovered on the information or complaint of the said Fire Wardens and Captain, or any one of them, in a summary way, before any Court of Sessions, or of Record, in the District.

IV.—*And be it further enacted* that the proceeds of all such rates, dues, and charges of Wharfage, and of all such Fines and Penalties as

shall or may be imposed, levied, or collected, under the Provisions of this Act, shall be applied by the said Fire Wardens and Captain, towards the keeping and maintaining of the said Wharf and appurtenances in repair, and in cleansing and improving the Water-course hereinbefore mentioned, and in building and keeping in repair, a Tank or Reservoir for Fresh-water in the aforesaid Cove.

V.—*And be it further enacted*, that the Fire Wardens and Captain aforesaid, shall, at the expiration of every year, and upon the election and appointment of their successors in office, account for and pay over to their said successors, the surplus proceeds (if any be) of the said rates and dues so to be levied and collected as aforesaid, which shall be applied in manner hereinbefore directed.

Fire Wardens to
render accounts of
Wharfage, &c.

VI.—*And be it further enacted*, that all Fishermen and other persons whomsoever, shall at all times be at liberty to land Fresh Fish, for the immediate removal thereof, of any and every description, at the said Wharf in Beck's Cove, aforesaid, without payment of any rate or charge whatsoever.

Fresh Fish may be
landed on the wharf
without charge.