

For every Decked Vessel of three hundred and eighty tons and under four hundred tons, ten shillings:

For every Decked Vessel of four hundred tons and under four hundred and fifty tons, eleven shillings and three pence:

For every Decked Vessel of four hundred and fifty tons and under five hundred tons, twelve shillings and six pence:

And the sum of one shilling and three pence for every additional fifty tons.

III. And be it further enacted, That any Ship or Vessel which shall be lying at any Wharf or Wharves in the City or Parish aforesaid, not for the purpose of loading or unloading, and which shall or may be in a condition to be removed, shall be removed from such Wharf or Wharves when such Wharf or Wharves may be required for the use of any other Vessel to load, unload or careen thereat; and on the refusal of the Master, Owner or person having charge of any such Ship or Vessel to remove the same after reasonable notice so to do, such Master, Owner or person having charge as aforesaid, shall forfeit and pay to the Owner or Owners, Lessee or Lessees of such Wharf or Wharves or to his or their Agents, the sum of two pounds for each and every day such Vessel may remain at such Wharf or Wharves over and above the rate of Dockage herein established, to be recovered on the Oath of one or more credible Witness or Witnesses, before any one of Her Majesty's Justices of the Peace for the County, or City and County of Saint John, and levied by Warrant of Distress and Sale of the Goods and Chattels of the Master, Owner or person in charge of such Ship or Vessel, or of the Boats, Apparel or Tackle of the said Ship or Vessel, rendering the overplus, if any, after deducting the costs and charges of prosecution and sale, to such Master, Owner or person having charge of the said Ship or Vessel.

Vessels in a condition to be removed may be removed when Wharf is required for another vessel.

Penalty for refusal to remove.

Recovery.

IV. And be it further enacted, That every Ship or Vessel which shall be made fast to any other Ship or Vessel lying at any of the said Wharves, or which (lying outside another Vessel) shall be made fast to such Wharf or Wharves, shall be deemed liable to pay one half the rate of Dockage herein established, and quarter Wharfage for the privilege of fastening at such Wharf without lying at or immediately adjoining the same.

Vessels lying outside of another vessel, and fastened thereto or to the Wharf, liable to pay Dockage and Wharfage.

V. And be it further enacted, That the rate of Dockage established by the second Section of this Act, shall and may be recoverable from the Master, Owner, Agent, person in charge, or Consignee of the Ship or Vessel liable to the same, or any one of them; provided always that the Agent or Consignee shall in no case be liable to pay the same after the departure of such Ship or Vessel, unless an account or written demand of the same be delivered to or left at the usual place of business of such Agent or Consignee, at least twelve hours before such departure; and provided also, that if such Agent or Consignee within six hours after service of the said account or written demand as aforesaid, shall cause notice to be given to the person or persons demanding such Dockage, or left at his last place of business, that no funds of the Master or Owner of such Ship or Vessel remain in the hands or under the controul of the said Agent or Consignee, such Agent or Consignee shall not be deemed or taken to be liable to pay such Dockage.

The Dockage Rates to be recoverable from the Master, Owner, Agent, Person in charge or Consignee of the ship.

Proviso.

VI. 'And whereas the tops or surfaces of Wharves in the said City and Parish are not kept by the owners in a proper state of repair, suitable for the landing and loading of Goods, by reason of there being no regulated compensation for the privilege of using the same;' Be it therefore enacted, That it shall and may be lawful for the owner or owners of any Wharf or Wharves properly planked or timbered on the surface and none other, or the lessee or lessees of any such Wharf or Wharves in the City or Parish aforesaid, or his or their Agents to ask, demand,

Top Wharfage may be demanded for the use of Wharves properly planked or timbered on the surface.